

# ProsperoScope

## Prospects, comments, solutions

20 June 2014



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## Introduction

On 4 June 2014 the President of the Russian Federation signed Federal Law No. 142-FZ “On amendments to Articles 6 and 30 of the Federal Law ‘On Russian citizenship’ and some other legislative acts” (hereinafter, “the Law”). Published on the same date, the Law will take effect 60 days thereafter.

The Law sets the responsibility for Russian citizens to disclose whether they hold any foreign citizenship, residence permit or any other document entitling its holder to permanent residence in a foreign country. Failure to do so may also result in administrative or criminal liability. In this issue of ProsperoScope we provide an overview of the provisions of this Law.

## Individuals responsible for disclosure

The Law establishes that any Russian citizen who holds a foreign passport, residence permit or any other document entitling him/her to permanent residence in a foreign country should disclose this information to the local Federal Migration Service authorities (“the FMS”).

Russian citizens may not be required to disclose this information if the certain provisions of international treaties or RF federal laws apply. However, the Law does not specify under which circumstances this may be the case.

Formally the responsibility to disclose information on foreign passports, residence permits and other documents entitling the individual to permanent residence in a foreign country does not apply to Russian citizens who permanently reside outside Russia. However, the Law does not provide a specific definition of a citizen who is considered to permanently reside outside Russia.

For Russian citizens who are under 18 or have a limited legal capacity, disclosure of the aforementioned information is the responsibility of their legal guardians.

## Disclosure period

The individuals responsible for disclosure must submit the information to the FMS within 60 days after being granted a document entitling them to foreign citizenship/residency. Individuals who held such documents before the Law came into effect are required to disclose this fact within 60 days of the effective date.

Holders of multiple citizenship documents must disclose each of them.

## Disclosure requirements

Disclosure of information on foreign passport, residence permit or other documents entitling their holder to permanent residence in a foreign country must be performed by submitting a notification form to the FMS. The procedure of disclosure has not yet been approved; below we highlighted the key requirements to completing/submitting the notification form prescribed in the Law..

The above mentioned notification form should be supported by a copy of the document in question and a copy of the individual’s Russian passport or any other identification document effective in the Russian Federation.

The following personal details should be disclosed in the notification form:

- Full name

- Date and place of birth
- Residence address
- Series and number of Russian passport or other Russian ID
- Number and date of issue of foreign passport, residence permit or other document entitling the holder to permanent residence in a foreign country
- Date and reason for granting foreign citizenship or permanent residence in a foreign country
- Information on extensions of the validity period of the document
- Information on applications (if any) submitted to the competent authorities to renounce foreign citizenship or permanent residence in a foreign country.

### **Sanctions for failure to disclose foreign citizenship/residency**

Russian legislation provides for the following administrative and criminal liability in the event of violation of the provisions of the Law:

- Article 330<sup>2</sup> of the RF Criminal Code: “The failure by a Russian citizen to disclose information about foreign citizenship (nationality) or the existence of a residence permit or any other document providing the holder with the right to permanent residence in a foreign country will result in a fine of up to RUB 200,000 or the obligation to perform community services for a period of up to 400 hours.”
- Article 19.8<sup>3</sup> of the RF Code of Administrative Offences: “The failure to comply with the procedure for filing the notification about foreign citizenship (nationality), a residence permit or any other document providing the holder with the right to permanent residence in a foreign country will result in a fine from RUB 500 to RUB 1,000.”

The administrative liability will apply to delayed, incomplete or misleading disclosures, whereas non-disclosure of information will lead to criminal liability.

### **Contacts**

We hope you will find this information useful and interesting. If you have any questions, please feel free to ask.

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