



Proposed procedural changes for foreigners' immigration registration in Russia: Clarifications from the Ministry of Internal Affairs and potential problems and solutions

Previously, Deloitte's immigration law specialists reported on a number of proposed changes in the procedure of immigration registration obtainment for foreign nationals in the Russian Federation. Specifically, these proposed changes have been outlined in a bill to amend Federal Law No. FZ-109 of 18 July 2006 **"On immigration registration for foreign citizens and stateless persons in the Russian Federation."**

As noted in our previous alert, if enacted this bill would amend the legal definitions of a foreigner's "place of stay" in Russia and of his/her "host / inviting party." However, the wording of these proposed new definitions in the initial version of the bill was ambiguous, thus allowing for various interpretations. As well, it provided no clarity on whether Russian companies would be able to continue registering foreign nationals at their legal addresses. Moreover, it was unclear whether these changes would affect all foreign citizens hosted by a company (such as employees, their accompanying family members, etc.), or whether foreign employees would still be allowed to register at employer's legal address.

Since then, we have received a number of clarifications from the Main Migration Department at the Russian Ministry of Internal Affairs (known by the Russian abbreviation "MVD"), and specifically from officials in the Migration Registration Department.

According to verbal comments by officials of the MVD Main Migration Department, the initial draft text of the bill has now been revised and the final version is currently undergoing approval by senior officials. It is expected that the responsible authorities will enact this new piece of legislation during the first quarter of 2018.

According to officials in the MVD Migration Registration Department, the bill would allow employers to continue the current practice of registering foreign employees at the company's legal address. However, please bear in mind that this procedure would not apply to a foreign employee's dependents or holders of business visas. The proposed amendments to the registration process are primarily intended to establish a procedure under which a foreign national would be registered at their actual residential address, and specifically to record the exact address of their apartment or house. In this case, the owner of such a residential property where a foreigner resides would be designated as the official host party with responsibility for ensuring that the foreigner is duly registered with the immigration authorities.

Important:

- Under the current version of the bill, foreign nationals who are owners of residential properties would be entitled to use their property's address to obtain immigration registration only for their relatives.
- It is still unclear, however, whether the owners of a house or apartment would be able to delegate a third party via a notarized power of attorney to represent them and act on their behalf as regards obtaining immigration registration, including signing and submitting the required applications.

Although the precise timeframe for the final enactment of this bill into law and the date it would come into force are still unclear, we recommend proactively preparing for the proposed changes well in advance. Specifically, we recommend that the companies employing foreigners:

- Inform the owners of residential properties that rent houses or apartments to foreign national employees and their families of the potential changes in the immigration registration procedure. Moreover, you should determine whether such landlords are prepared to assist in registering their foreign tenants as well as if they plan to stay in Russia for a major part of the year.
- Check if any such accommodations for foreign employees have been leased from landlords who are themselves foreign nationals.
- Consider other options for accommodating your foreign employees and their families, specifically prioritizing renting such expatriate housing from real estate companies that directly own the residential properties

that they lease out. Such landlords are generally known to have proven, tailored processes for obtaining immigration registration for foreign citizen tenants.

Deloitte's immigration law specialists will keep you posted with further updates on this bill to amend Federal Law No. FZ-109 as it progresses through the legislative process, as well as inform you on other relevant developments in Russian federal law.



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