



## **Empowering the inviting party with a duty to take measures to ensure compliance by foreign citizens with the stated purpose of entry and terms of their stay in the Russian Federation (third reading of the bill passed)**

A bill introducing the amendment of clause 16 of the Federal Law FZ-115 "On the legal status of foreign citizens in the Russian Federation" passed the third reading at the State Duma of the Russian Federation on 03 July.

The bill is aimed at preventing permanent stay (residence) regime violation by foreign citizens in the Russian Federation. It anticipates that the inviting party should take measures to ensure the timely departure of an invited foreign citizen from the Russian Federation at the expiration of his/her stay, as well as to comply with the stated purpose of entry into the Russian Federation.

This initiative, if implemented, will create an additional financial and administrative burden on the inviting party, while it is not always able to promptly and in full take the measures specified in the bill.

The bill "On introducing amendments to clause 18.9 of the Code of Administrative Violations" also passed the third reading on 03 July. It establishes liability for the inviting party for not taking the aforementioned measures. The bill also determines the amount of the administrative penalty for failure to take appropriate measures in an amount from 45 to 50

thousand rubles for officials and from 400 to 500 thousand rubles for legal entities. Currently, the Administrative Code does not fix the liability for the inviting party for the untimely departure of a foreign citizen, and in case of a violation of the terms of stay, the fine should be imposed only on the citizen who committed the offense.

The bills do not specify the measures that the inviting party should take, and presume that the list and the implementation procedure of such measures should be defined by the Government of the Russian Federation.

The Migration Committee of the Association of European Businesses (AEB), with Deloitte being its active member, applied to the Government of the Russian Federation asking to amend the provisions of the bills, especially drawing attention to the weaknesses of their current version. In application, the Committee's members emphasize that the bills only affect foreign citizens arriving under visas, since the concept of the "inviting party" is established only in respect of this category of foreign citizens. It is also unclear how these bills relate to the beneficial regime of the stay for Highly Qualified Specialists (HQS), for which the current legislation fixes a special departure procedure outside the Russian Federation in case of early termination of the employment agreement.

Due to the fact that the bills refer to a considerably small amount of foreign nationals, it is not clear how the aim of preventing foreign citizens from violating the regime of stay in the Russian Federation can be achieved, and how these bills, if adopted, will be applied in practice.

Nevertheless, it is recommended that the companies acting as inviting parties for foreign nationals staying in the Russian Federation under visas, monitor and if possible, control the terms and purpose of their stay.

With regard to foreign citizens staying in Russia on the basis of long-term work visas, companies that employ such foreign employees, in case of early termination of the employment agreement, are advised to consider the possibility of applying for the cancellation of work visas. Thus, the company can issue a foreign citizen a "transit" visa to leave the Russian Federation, thereby significantly minimizing the risk that a foreign citizen will be able to violate the terms of stay in the Russian Federation on the basis of a work visa after the termination of the agreement.

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Deloitte's immigrations team will keep you posted on how the bills progress through the legislative process and advise on the necessary actions.



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