

Dear colleagues,

We would like to inform you that **on July 6, 2018**, a meeting was held between the AEB leadership and the General Migration Directorate of the Ministry of Internal Affairs of the Russian Federation regarding the application of new rules for registering foreign citizens in the Russian Federation, which was approved by Federal Law No. 163-FZ of June 27, 2018 and entered into force on July 8, 2018.

As we informed earlier in the previous AEB alerts, this Law changes the procedure for registering foreign citizens at the address of their actual residence, where the landlord is the hosting party, in most cases the individual who is obliged to register foreign citizens and is responsible for timely migration registration.

The meeting was attended by Frank Schauff, AEB CEO; Lyudmila Shiryaeva, Chairperson of the AEB Migration Committee, EY; Alexey Filipenkov, Deputy Chairman of the AEB Migration Committee, Visa-Delight, Ksenia Solovieva, AEB Migration Committee coordinator. The Ministry of Internal Affairs of Russia was represented by: Alexander Aksenov, Deputy Head of the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation; Kirill Adzinov, Head of the Department for Organization of Permissions and Visa Issues of the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation; Konobeevsky Yuri, head of the department for the organization of migration registration, the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation; Dutov Pavel, Deputy Head of the Department for External Labor Migration of the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation; Igor Dudnik, Deputy Head of the Department for Migration, the General Migration Directorate of the Ministry of Internal Affairs for Moscow; Andrey Kostorey, Deputy Head of the General Migration Directorate of the Ministry of Internal Affairs of Russia for the Moscow region and other representatives of the territorial divisions of the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation.

We would like to bring to your attention our understanding of the explanations by the Ministry of Internal Affairs of Russian Federation on the main issues of AEB member companies regarding the application of new rules for migration registration.

Please take into consideration that this information is PRELIMINARY and we cannot take any legal responsibility for it. It also requires written confirmation from the General Migration Directorate of the Ministry of Internal Affairs of Russian Federation. In the territorial divisions of MVD of Russia, the requirements to the documents for migration registration can be different from the information provided below.

Federal law 163-FZ of June 27, 2018 does not have retroactive effect - if a foreign citizen (employee) was registered at the address of the organization (employer) before the above-mentioned law came into force on July 8, 2018, then this registration will be in effect either until expiration of the migration registration period, or until the termination of migration registration associated with the departure of a foreign citizen from the territory of the Russian Federation.

The deadlines for migration registering certain categories of foreign citizens remain the same (for highly qualified specialists - 90 days, for foreign employees with work permit and working visa -7 days, foreign employees from the Eurasian economic union - 30 days, etc.). The

deadlines for the registration in the cities of the World Cup FIFA-2018 before July 25, 2018 are 3 calendar days.

Due to the fact that the law came into force during the FIFA 2018 World Cup, migration registration for foreign citizens entering the following cities: Moscow, St. Petersburg, Kazan, Nizhny Novgorod, Rostov-on-Don, Samara, Sochi, Volgograd, Ekaterinburg, Kaliningrad and Saransk, before the end of the World cup (until July 25, 2018), must be carried out within 3 days from the date of arrival of the foreign citizen (Presidential Decree No. 202 of May 9, 2017). All categories of foreign citizens, including highly qualified specialists, are subject to migration registration. Consequently, according to the new procedure prescribed in 163 - FZ, the foreign citizen must be registered at the place of actual residence within 3 days from the date of arrival.

1. Starting from July 8, 2018, from the date of entry into force of the federal law No. 163 of June 27, 2018, a foreign citizen may be registered by:

- **The Landlord** (the individual-owner of residential premises), who will be the host for this foreign citizen.

In this case, the owner of the residential premises should submit the following documents to the territorial bodies of the Ministry of the Internal affairs of Russia Federation or the Multifunctional centres, which are territorially related to the address of the given residential premises:

- 1) notification of the arrival of a foreign citizen, signed by the landlord;
- 2) a copy of all pages of the passport of the foreign citizen;
- 3) a copy of the migration card of the foreign citizen;
- 4) a copy of the visa of the foreign citizen;
- 5) a lease agreement between the landlord and the foreigner, stating that the foreign citizen and accompanying family members reside in that apartment;
- 6) a copy of the certificate of ownership, or a copy of the passport with a residence permit.

- **A legal entity (the company- employer)**, in the event that the legal entity has concluded a lease agreement with the landlord (an individual) on the residence of a foreign citizen (employee) and accompanying family members in this residential building (apartment).

In this case, the employer (personally or through his designated representative) should submit the following documents to the territorial bodies of the Ministry of the Internal affairs of Russia Federation or the Multifunctional centres, which are territorially related to the address of the given residential premises:

- 1) notification of the arrival of a foreign citizen and members of his family, signed by the CEO (or authorized person);
- 2) a copy of all pages of the passport of the foreign citizen;
- 3) a copy of the migration card of the foreign citizen;
- 4) a copy of the visa of the foreign citizen;
- 5) the lease agreement between the employer and the landlord on the residence of a foreign citizen and accompanying family members in this residential building (apartment);

- 6) a copy of the certificate of ownership;
- 7) passport of the representative of the company acting on the basis of a power of attorney from the company's CEO.

- Third party - an individual.

In the event that this individual acts as the host party on the basis of a sublease agreement with the landlord.

Accordingly, such an individual must provide the following documents to the territorial bodies of the Ministry of Internal Affairs of Russian Federation or the Multifunctional centres, related territorially to the address of the given residential premises:

- 1) notification of the arrival of a foreign citizen and members of his family, signed by the third party;
- 2) a copy of all pages of the passport of the foreign citizen;
- 3) a copy of the migration card of the foreign citizen;
- 4) a copy of the visa of the foreign citizen;
- 5) a sublease agreement between the landlord and this individual, as well as the lease agreement with a foreign citizen on the residence of a foreign citizen and accompanying family members in this residential building (apartment);
- 6) a copy of the certificate of ownership;
- 7) passport of an individual acting on the basis of a sublease agreement with the apartment owner.

2. **Migration registration in apartments**, owned by an individual is not allowed. Migration registration in apartments is allowed only in cases where these apartments rightfully belong to or are leased or held in trust by the legal person-employer and are adapted for habitation.
3. **A foreign citizen temporarily staying in Russia, as well as one with a temporary residence permit**, who owns residential premises in Russia, has the right to submit an application for his registration in this residential building. At the same time, the foreign citizens in question cannot act as hosts and register other foreign citizens (including members of their families) in these residential premises. However, in this case, the following option is possible: a foreign citizen (temporarily staying in Russia or one with a temporary residence permit), owning residential premises, may, under a contract, transfer the premises in question for free use to a citizen of the Russian Federation. And the specified citizen of the Russian Federation, in turn, can register any foreign citizens (including family members of the owner of the apartment) at the address of the given premises.

A foreign citizen who is a highly qualified specialist, owning residential premises in the Russian Federation, has the right to independently register himself as well as his family members at the address of the residential premises indicated.

A foreign citizen with a residence permit, who owns residential premises in the Russian Federation has the right to independently register himself at the address of the indicated residential premises, and also to act as the host (to register at the address of the indicated dwelling) to any foreign citizens.

When considering the application for the registration of a foreign citizen at the address of the residential premises, the standards for the area of the dwelling are not taken into account and cannot be grounds for the denial of migration registration.

Responsibility for non-execution or for late execution of new rules of migration registration is born by the owner of the residential premises. The employer and the foreign citizen cannot be liable and subject to fines, as well as other administrative sanctions for violations of the rules of migration registration.

At the same time, it is possible that if, after renewal of the visa, the extension of the work permit, etc., the absence of a migratory registration for a foreign citizen or the violation of the deadline for registration will be revealed, all the necessary legal actions will be taken only after the specified foreign citizen has paid the appropriate fines.

In case the landlord (the owner of residential premises) refuses to register the foreign citizen, you may write a complaint to the Ministry of Internal Affairs of the Russian Federation if necessary, such a citizen (landlord) will be held accountable.

Currently, in accordance with the Code of Administrative offences of the Russian Federation, the fines and penalties include:

- 1) Article 18.8. - for foreign citizens - a fine in the amount of 2 000 to 7,000 roubles, with or without administrative expulsion from the Russian Federation;
- 2) Article 18.9 - for the hosting party (an official of the company) a fine in the amount of 40 000 to 50,000 roubles; for the company - a fine of 400,000 to 500 000 roubles.
- 3) Article 19.27 - in case of providing false information or falsified documents by a foreign citizen or stateless person when carrying out migration registration, entails the imposition of an administrative fine in the amount of 2 000 to 5000 roubles with or without administrative expulsion from the Russian Federation; for an official of the company - from 35 000 to 50 000 roubles and for the company from 350 000 to 800 000 roubles.
- 4) Art. 322.2 and art. 322.3 of the Criminal Code of the Russian Federation. Fictitious registration of a citizen of the Russian Federation at the place of residence or residence in a residential area in the Russian Federation and a fictitious registration of a foreign citizen or stateless person at the place of residence in a residential area in the Russian Federation is punishable by a fine in the amount of one hundred thousand to five hundred thousand rubles or the amount of wages or other income of the convicted person for a period of up to three years, or forced labor for a period of up to three years, with the deprivation of the right to hold certain positions or engage in defined by activity for a period of up to three years or without it, or by imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

It should be also taken into consideration that a foreign citizen who has committed two or more administrative offences might be expelled from the Russian Federation.

Agreements reached at the end of the meeting:

- The Ministry of Internal Affairs of the Russian Federation will provide a "hot line" for appeals from AEB member companies;

- To monitor the situation, the next meeting will be held after two months between the leadership of the Ministry of Internal Affairs of the Russian Federation and the AEB to discuss law enforcement practice;
- The AEB Committee on Migration Affairs has been asked to prepare proposals for migration legislation providing for migration registration once when moving into the rented apartment for the duration of the lease (for foreign citizens entering the Russian Federation on the basis of a visa - visa term, and visa-free foreign citizens - term of the employment contract or patent). The Ministry of Internal Affairs of the Russian Federation is also ready to consider amendments to the law providing for registration at the employer's address, in the event of a legal relationship with a foreign citizen;
- The Ministry of Internal Affairs of the Russian Federation has proposed to send to the AEB official explanations on the application of the new rules of migration control in accordance with 163 - FZ, about which we will notify you as soon as possible.

In case of problems with the migration registration of foreign employees, we ask you to inform the coordinator of the AEB Committee on Migration Affairs - Ksenia Solovieva, ksenya.solovieva@aebrus.ru , tel. 8 495 234 27 64, ext. 127

Kind regards,
Frank Schauff
CEO