

Izotova E. N.

PECULIARITIES OF FOREIGN CITIZENS' ENTRY INTO THE RUSSIAN FEDERATION

Izotova Elena

Nikolaevna,

*Chief expert of the Ministry of
Justice of the Russian Federa-
tion,*

*GSP-1 (official municipal post
#1), Moscow, 14 Zhitnaya street,
zip code 119991*

The author of the article has analyzed the possibility of obtaining Russian visa, which is the basic document for the entry and stay in the territory of the Russian Federation. The list of objectives of the receipt and registration of the visa is given in the article. Highlighted the reasons of refusing foreign citizens to get the visa to stay in the Russian Federation. Systematized visa types and reasons for receiving them.

In the article is identified the need for the development of social institutes to extend the presence of Russia in the global humanitarian, informational, and cultural space.

Keywords: visa, migration, foreign national, Russian Federation consulate, Ministry of Foreign Affairs of Russia, Federal Migration Service of Russia.

As in many countries there is a visa regime for entry of foreign citizens in the Russian Federation, which is a kind of "barrier" to overcome the customs border. But there are also a number of countries, which due to established international treaties, intergovernmental agreements and other norms of international law possess "facilitated" conditions of entry to Russia. So citizens of Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Uzbekistan, Ukraine and some other countries may stay in the territory of the Russian Federation 90 days without a visa, and some of them even without an international passport - under the ordinary civilian passport

(Ukraine, Uzbekistan, Tajikistan, etc.). A complete list of countries possessing such “privileges” can always be made clear at the Embassy and the Consulate of your country.

Citizens arriving to Russia on the basis of such treaties or agreements must depart from it within 90 days, but under the Federal law “On the Legal Status of Foreign Citizens in the Russian Federation” No. 115-FL dated July 25, 2002 they are entitled to enter back for the next 90 days as soon as possible (in the same day they can leave Russia and enter back). Meanwhile, they can extend their stay for more than a specified period, if getting a job, having issued at this an appropriate permission and employment contract, or will be engaged in individual entrepreneurship, after having received a permission and registration for this type of activity. In addition, there are other possibilities of visa-free entry, not just for one person, but also for its family – a request from an employer of highly skilled specialist, at this is possible the extension of stay in the country for the duration of the specialist’s work permit.

However, most foreign nationals are required to obtain a Russian visa, which is a basic document to enter and stay in the territory of the Russian Federation. Accordingly, the time of possible stay of a foreigner in Russia is determined by a visa.

Most often used an ordinary tourist visa for one month and ordinary private one for three months (see paragraphs 18, 27 of the Resolution of the Government of the Russian Federation No. 335 from 27 June 09, 2003 [3]). Not so often foreign nationals use an ordinary business, humanitarian or educational visa for one year, as there are far more difficulties to obtain it. All other types of visas, such as for example, a visa to enter the Russian Federation for the purpose of obtaining asylum, are extremely rare to get after a long process of verifying and identifying grounds for obtaining the visa.

Intending to come to Russia, a foreigner must know that he cannot simply come with a passport and having paid a visa fee, to obtain an appropriate visa he is required to submit an invitation from a Russian citizen or organization that will be the host party, but if a tourist visa is needed, here is required the participation of a travel company, which in this situation would be act as a host party.

As noted above, an ordinary tourist visa is the most common type of document confirming the possibility of entry into the territory of the Russian Federation. Its obtaining requires the participation of a travel organization, which, together with the foreign citizen must enter into a contract for the provision of tourism services, and then confirm reception of the foreigner by an organization involved in tour operator activities. This type of visas can be single entry or double

entry (see paragraph 30 of the Decree of the Government of the RF No. 335 from June 09, 2003 [3]).

Not less seldom used an ordinary private visa obtained by an invitation from a Russian citizen or organization, as well as a foreign national who is a resident of Russia and has a residence permit. In addition, in 2010 appeared the opportunity of crossing the border without an invitation by one of the family members, who are foreign nationals, of a person, who has Russian citizenship, there is only a need of the person's statement and the decision of the head of a Russian overseas agency.

Also many foreigners use the latter type of visa when entering Russia for emergency treatment or if their loved one has died.

Such visas are more convenient and accessible for foreign nationals wishing to enter the territory of the Russian Federation.

Other kinds of visas require invitations or petition of an inviting party, such as working visas are issued only after an appropriate invitation from a prospective employer, if a person is going to study in Russia it is required an invitation from educational institution ready to take this student.

In addition to working visas there is a business visa, which allows for a certain period specified in an invitation to stay on the territory of Russia. It can be both single-entry and multiple-entry, but the total period of stay in the country must not exceed 90 days in each half-year. For registration of business visa a foreigner having received the business invitation for foreigners should contact the Russian consulate. Time terms of registration of such visa depend on the purpose of trip, visa type, as well as the completeness of the information presented by a foreign citizen in its invitation for foreigners.

Humanitarian visa is issued in the case of a foreign national's visit to Russia for humanitarian or charitable mission, religious pilgrimage, scientific and creative activity. Such visa may also get people engaged in strengthening, building and renewal of cultural, religious or sports contacts between states. Invitation for a foreigner, received in Consulate of the Russian Federation at the place of residence of a foreign national, is also required when registration a humanitarian visa. But there are also exceptions. So, a humanitarian visa to Russia can be issued on the basis of a written statement of a foreign citizen, backed by personal authorization of the head of a diplomatic institution of the Russian Federation to issue an entry visa to Russia.

One of the few visas, which do not require an invitation, is a transit visa valid for 10 days. It is issued to a foreign citizen for transit through the territory of the Russian Federation or for the purposes of the evacuation of a foreign citizen who has arrived to Russia in order not requiring a visa (cruise ship passengers, citizens

of countries with which Russia has agreements on visa-free entry, and passengers who commit visa-free transit up to 24 hours).

But if a person can get visas only through receiving an invitation, then while registering it is necessary to indicate the purpose of entry, it can be both tourism and medical treatment or training. List of purposes is pretty extensive [5] and, accordingly, the choice will not be difficult. But this goal must be true; otherwise it may lead to bringing of a foreign citizen to administrative responsibility in the form of imposing a fine of two thousand to five thousand RUR or a more severe penalty – deportation from the Russian Federation [1].

As a host party Russian citizens and organizations face great difficulties when registering visa invitations for obtaining by foreign citizens entry visas to Russia. Thus, long queues at receptions of the passport and visa services, waiting, errors in applications, absence of assistance in filling out applications from employees of passport and visa departments, collecting a considerable number of documents required for issuing sometimes drags on for many months, what is an obvious obstacle to entry into the territory of the Russian Federation. But their problems do not end at this stage, they have to comply with the obligation to provide a foreign national material, medical and housing guarantees (see part 5, article 16 of the Federal Law “On the Legal Status of Foreign Citizens in the Russian Federation” [2]). If the host party is an individual, it must also submit a certificate of income that would guarantee meeting its commitment [4].

Providing such guarantees does not mean that a person should be fully supported at the expense of inviting party if it can afford it itself.

If a foreigner has committed actions, which led to an administrative violation, it would be the host party to answer for consequences, for example, to compensate the cost of deport of the citizen out of the country.

Many countries are seeking to simplify visa regime between them in order to create more favorable conditions of travels for their citizens, the development of economic, cultural, scientific and humanitarian relations between countries.

September 09, 2012 agreement of the Russian Federation and the United States to simplify visa formalities for citizens entered into force [6]. Under the agreement, the Russian Federation will issue business, private, humanitarian and tourist visas by direct invitation of a host country.

Agreement provides for the possibility of registration of two visa types – valid for up to 36 months from the date of issue and the maximum period of continuous stay of 6 months, as well as short-term visas for official travel for up to 12 months with maximum stay of 3 months from the date of each entry.

A significant step in the simplification of procedures for obtaining a long-term visa is liberation from the need to provide other documents, except statement. However, visa authorities retain the power to request additional information about the purpose of the trip and the availability of sufficient funds for stay on the territory of a foreign state.

Agreement stipulates that a decision on a visa is usually taken within 15 days, there is also the possibility to reduce this period to three days (in cases of emergency), or extension at the need of additional consideration of the statement.

Meanwhile, the agreement allows the citizens of both countries to apply for these visas through consular and diplomatic authorities of these states located in the territory of third countries.

But not only the United States have gone towards visa facilitation with Russia but also some EU countries, such as Germany.

Many large German associations demand their government to abolish the visa regime with Russia. This practice has already been introduced in Germany in relations with Mexico, Venezuela, Nicaragua and Honduras. There are no such agreements with Russia, Ukraine and Moldova and no formal confirmation that such would ever be concluded.

In particular, the German association of tourism requires the abolition of the visa regime with Russia motivating this with the small influx of tourists to their country, and therefore not getting the profits that would have been possible under the visa-free regime. But not only this fact was the “momentum” to such a proposal, but also the fact that the country is losing huge opportunities for export and business. At this, the Ministry of Foreign Affairs and the Ministry of Economics of West Germany have long advocated the introduction of a visa-free regime, but in contrast to them go politicians, which oversee the internal political sphere in the country [8]. Do not forget that applying for visa doesn't always lead to its obtaining. There are quite a lot of grounds for refusal to issue this type of document.

Failure to confirm the availability of funds for stay in the territory of the Russian Federation is one of the reasons to refuse the issuance of a visa. Refusal takes place, if while applying for a Russian visa the foreign national is unable to confirm the availability of funds for the stay and departure from the Russian Federation or represent guaranties of such funds in accordance with the procedure established by the Government of the Russian Federation.

Submitting false information about yourself or about the purpose of your stay also leads to inability to stay on the territory of Russia.

Also, violation of crossing rules, customs regulations, sanitary norms at the border crossing point of the Russian Federation preclude getting visa until rectifying the violation.

Sometimes visa rejection is connected with the ensuring security of the country.

For example, if a person at the time of a previous stay in Russia has been convicted under the legislation of the Russian Federation for a serious or especially serious crime, or at the time of a previous stay has been deported from Russia by force, then it implies the refusal of a visa within a certain period of time.

Equally closely reasoned reason is failure to submit documents required for getting visa to Russia in accordance with the legislation of the Russian Federation and the failure to submit the certificate about absence of HIV infection.

Meanwhile, refusal of a Russian visa by business invitation – is a very rare case, due to the fact that they are directly made out in the FMS of Russia and the Russian Foreign Ministry. Getting business invitations almost 100% guarantee to avoid refusal of visa to Russia. Denial of a tourist visa is most often due to incorrect filling of documents, but that, too, happens rather rarely.

However, in his annual address to the Federal Assembly of the Russian Federation President Vladimir Putin on 12 of December, 2012 stated that “Russia needs an influx of new forces. That much is clear. It needs smart, educated, hard-working people who do not just want to make some money here and leave, but want to move to Russia, settle down here and consider this country their homeland. Rather, the opposite. The process of obtaining citizenship for our compatriots, for those who are culturally and spiritually close to Russia, is difficult and outrageously bureaucratic. At the same time it is very simple to import unskilled labor, including illegally.

I ask you to develop a simplified procedure for granting Russian citizenship to our compatriots, the bearers of the Russian language and Russian culture, the direct descendants of those who were born in the Russian Empire and the Soviet Union. For those who want to take up permanent residence in our country and, therefore, to give up their current citizenship.

At the same time I consider it reasonable and necessary to toughen penalties against illegal immigration and violations of registration rules. The relevant amendments have already been submitted to the State Duma. I ask the deputies to pass these laws.

I would like to make another proposal. We still allow citizens of CIS states to enter the Russian Federation using their national passports. Enough time has

passed and all CIS states have become firmly established. It is almost impossible to ensure effective immigration control when foreign citizens can enter the country using their national passports. I believe that beginning from no later than 2015 entry into Russia should only be possible for bearers of international passports.

I ask the relevant agencies to work on this matter together with our colleagues in the Commonwealth. We do not want to create problems for anyone. If necessary, we can provide them with assistance and support, including financial and technical. It is a simple matter of issuing documents. We must adopt the practice of many of our neighbours and strategic partners around the world. We can provide technical and financial assistance, if needed, – and even simply give money.

At the same time, the current regulations will remain in force for citizens of the Customs Union and Common Economic Space, who will enjoy the simplified rules for crossing the border and stay within the territory of the Customs Union and the Common Economic Space.

The role of public institutions is extremely important in immigration policy matters. In this regard, I consider it correct to broaden the powers of national and cultural autonomies, to provide them with federal grants for the implementation of programmes for the legal, social and cultural adaptation of immigrants. This experience has shown to be effective in many countries” [7].

In the light of the foregoing, it must be assumed that an ordinary tourist visa is more comfortable and less obliging both for the foreigner and the country where he intends to remain a certain period of time.

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reissuing in the case of loss, as well as visa cancellation" [Postanovlenie Pravitel'stva Rossiiskoi Federatsii ot 9 iyunya 2003 g. № 335 «Ob utverzhdenii Polozheniya ob ustanovlenii formy vizes, poryadka uslovii ee oformleniya i vydachi, prodleniya sroka ee deistviya, vosstanovleniya ee v sluchae utraty, a takzhe poryadka annullirovaniya vizes»]. *SZ RF – Collection of Laws of the RF*, 2003, no. 24, art. 2329.

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