

Overview of amendments to Russian migration law of 2018: new regulations for host and inviting parties

(as of 3rd September 2018)



Evgeny Kuzmenko

Significant amendments affecting the legal status and obligations of “host” and “inviting” parties of foreign nationals were introduced to the Russian migration law in June-July 2018.

In this overview we summarize the most important aspects of the amendments, taking into account the current practice of Russian migration authorities.

To remind, a “host party” means a company or individual based in Russia, to whom a foreign national arrives. Such company or individual is responsible for migration registration of the arriving foreign national.

An “inviting party” means a company or individual who applied for a “letter of invitation”, serving as a basis to grant a Russian entry visa to a foreign national.

1. Changes for the host party: new registration rules

a. Changes to the definition of the “host party”¹

The most significant change which raised a lot of concerns from employers of foreign nationals was excluding employers from the list of possible “host parties” of foreign nationals.

The new edition of the Federal Law “On Migration Registration of Foreign Nationals and Stateless Persons in the Russian Federation” No.109-FZ (“**Law 109-FZ**”) provides that a host party includes only a person who actually provides premises for residence of a foreign national. This rule is different from the previous version of the Law 109-FZ, which allowed registration of a foreign national at the address of his/her employer.

Therefore, under the amended rules registration of foreign nationals is possible **only at the address where they actually reside** in Russia.

This does not mean, however, that an employer cannot act as a host party at all. If an employer meets the definition of the “host party” under the amended Law 109-FZ (i.e., provides premises for residence of its expatriate employee), it may act as a host party for the respective employee. However, the registration itself should still be completed at the address of expatriate’s actual residence, rather than at the employer’s address.

For example, an employer may act as the “host party” for its expatriate employees, if they reside in:

- Premises in legal ownership of the employer.

¹ Introduced by the Federal Law No. 163-FZ dated 27 June 2018, entered into force from 8 July 2018.

- Premises provided to temporary possession and use of the employer, for example – due to leasing an apartment from a third party.

The possibility of migration registration of foreign nationals at the address of a leased apartment was confirmed by official clarifications of regional departments of the Ministry of Internal Affairs ("MIA"). In such clarifications representatives of the MIA mentioned that such lease agreement should provide for an option to grant the leased apartment to other parties.²

In other cases, when an employer does not directly provide premises for residence of its expatriate employees, migration registration of such foreign nationals should be completed by the person provided the premises. For example, if an expatriate leases an apartment from a third party under a direct lease contract, the legal owner of the apartment should complete the registration.

b. Granting the right to deregister a foreign national to the host party³

Updated version of the Law 109-FZ now includes provisions allowing a host party to deregister a foreign national due to his departure from the current place of stay.

Such option was not available earlier. A foreign national could be deregistered from the current place of stay due to:

- Registration at the new place of stay
- Exiting Russia

Thus, a host party was not eligible to deregister a foreign national at its own initiative, even if he/she actually departed from the host party.

The current version of the Law 109-FZ directly provides for such option now.

The form of related notification and procedure of its submission to migration authorities should be approved by the MIA. MIA has not issued related regulations as of the moment of drafting this overview.

2. Changes for the inviting party: liability for actions of the invited foreign national⁴

An inviting party shall take the measures securing:

- Compliance of the declared purpose of visit to Russia with the actual activity of a foreign national in Russia.
- Timely departure from Russia upon expiration of the allowed period of stay in Russia.

For non-compliance with this new rule, an inviting party may be subject to administrative fines in the following amounts:

- For individuals – up to RUB 4,000
- For company's officials – up to RUB 50,000

² We are aware of such official clarifications provided by the Department of MIA in Sakhalin region. However, we understand that MIA's departments in other regions may follow the same position too.

³ Introduced by the Federal Law No. 257-FZ dated 29 July 2018, entered into force from 10 August 2018.

⁴ Introduced by Federal Laws No. 215-FZ and 216-FZ dated 19 July 2018, entering into force from 16 January 2019.

- For companies – up to RUB 500,000

The exact list of measures to be taken by an inviting party to meet its obligations shall be established by the Russian Government. The Russian Government has not issued related regulations as of the moment of drafting this overview.

These new rules affecting inviting parties will become effective from 16 January 2019.



We hope you find information provided in this overview useful.

Sakhalin  Partners