

Administrative Liability for Violations of Russian Migration Law

By [Daria Ivanova](#)

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Daria Ivanova

Lawyer

LEVINE Bridge

As is well known, ignorance of one's legal responsibilities, be it either foreign employees or the organization that employs them, does not absolve them from their legal responsibility and often leads to serious consequences.

This article will address some of those issues and the measures of administrative liability for the most common offenses committed by foreigners and the organizations that employ them.

It is well known that administrative liability is the imposition of penalties such as fines, suspension of company activity and/or the expulsion of foreign citizens from the territory of the Russian Federation imposed by judges and officials of state authorities for failure to comply or for failing to properly comply with the established laws, rules and administrative norms.

It must be understood that the administrative liability is imposed on the employer for each foreign employee. This means that the maximum fine that can be levied may be very high.

Some of the most frequent violations that are committed occur when hiring foreign employees. An employer must be issued corporate employment permission for hiring foreign employees. In addition a foreign employee before beginning his or her employment in Russia must first obtain the proper work permit. Failure to do so is punishable by a fine to the employer of 250,000 to 800,000 rubles. In the most severe situations, penalties can be applied resulting in the administrative suspension of company activity for a period of up to 90 days.

In respect to the hiring and dismissal of foreign employees, employers must follow the required procedures for notifying a number of public authorities. For example, the employer must file a notice for the hiring of a foreign citizen or a termination

of employment (civil) agreement to the tax authority within 10 calendar days. The hiring and dismissal of foreign citizens who are in Russia via a visa-free regime, the employer is required to notify the appropriate employment agencies and the Federal Migration Service within three working days. However, as has been established by precedent, penalties are imposed not for failure to meet the specified time frame of notification, but for failure to notify state agencies.

Speaking about the early termination of the employment agreement, the company is required to submit the information to the Federal Migration Service.

Thus, upon when repeated violations, such citizens may in the future be denied a Russian visa and or work permit in order to work continue work in Russia. When it comes to highly-qualified specialists who violate Russian law, their behavior can cast a shadow on the activities of their employers, whereby the Federal Migration Service may deny them further work permits for other qualified professionals for a period of up to three years.

It must be remembered that foreign citizens upon entry into the Russian Federation have the right to choose their host and, consequently, their migration registration according to this address. The place of residence can be the address of the host company and serve as the address of residence for the purpose of registration. If, within seven working days of the foreigner giving the necessary information to hosting party, the hosting party is then obliged to fulfill the statutory action for registration according to the relevant place of residence. Failure to fulfill this obligation, as well as the excess of the seven-day time limit established for this procedure, results in the imposing of administrative fines for owners of premises in the amount of 2,000 to 4,000 rubles, 40,000 to 50,000 for officials, and 400,000 to 500,000 rubles for legal entities.

In turn, a foreign citizen violating the rules of entry, period of stay or rules of employment is subject to penalties of a fine of 2,000 to 5,000 rubles, and for gross violations there may be a petition filed with the court on an application of punishment in the form of deportation of a foreigner from the Russian Federation.

To summarize, we draw the reader's attention to the fact that the executive bodies of the state authority responsible for migration every year plan and conduct audits of companies that recruit and employ foreigners. They also carry out impromptu spot checks of companies, to ensure compliance and to identify any administrative violations by a foreign citizen or the host party.

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