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Russian Constitutional Court Considers Easing Migrant Registration Punishment

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The Russian Constitutional Court is considering easing punishment for migrant registration violations in the Moscow and the Leningrad regions, the state-run Rossiiskaya Gazeta newspaper reported Wednesday, citing the court's online statement.

The decision was made after a Moldovan national Mikhail Tsurkan filed a complaint with the Constitutional Court, claiming that the deportation of migrants who failed to complete the necessary paperwork in time was a violation of the Russian Constitution.

Tsurkan appealed to the regional branch of the Federal Migration Service agencies for Russian citizenship. By that time he already had a residency permit on his hands.

However, it became clear he "had not completed his obligation to register confirmation of his Russian residence," an infraction punishable by a 5,000 ruble ($64) fine, deportation and a ban on entering Russia for the next five years. Such severe punishment is only used in Moscow, St. Petersburg and neighboring regions, Rossiiskaya Gazeta reported.

Having studied Tsurkan's circumstances, the Constitutional Court agreed that although

foreign nationals are legally obliged to confirm their residency yearly, the nature of punishment should correspond to the nature of the offense, the identity of the offender and the extent of their guilt. All should be considered to ensure fair consequences.

“Jurisdictional discretion of the judge is limited only to determining the size of the fine, not allowing him to avoid a deportation sentence, which under certain circumstances can lead to excessive restriction of the rights and freedom of foreign nationals,” the court stated.

Following the decision of Russia’s Constitutional Court, existing legislation must be amended to grant judges the power to use their discretion in regards the deportation of foreigners — allowing them to take personal circumstances into account, the report said.

The case of Tsurkan is set to be reviewed.

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