

Macleod Dixon

CHANGES IN RUSSIAN VISA REGIME



Important changes in the Russian visa regime have been introduced this October by the RF Government Resolution No. 635 dated October 4, 2007 which amended the "Regulation on the Form of Visa, Procedure and Terms of its Drawing Up, Issuance, Extension and Restoration in Case of Loss and Annulment" (approved by the RF Government Resolution No. 335 dated June 9, 2003). By such amendments the Russian Government has significantly limited the aggregate term of stay of foreign citizens in Russia under a business visa and established restrictions in relation to countries where Russian visas can be issued.

Term of Stay in Russia under a Business Visa

Pursuant to the above mentioned amendments the aggregate term of stay in Russia under a multi-entry visa can not exceed 90 days within each 180-days period of time. As a result, foreign citizens entering Russia under business visas will not be able to stay in Russia for more than 180 days within a year. The term of validity of business visas remains unchanged: a multi-entry visa can be issued for a term of either up to 3 months or up to 12 months. Former legislation did not restrict the aggregate term of stay in Russia within the term of validity of a business visa (the only limit existed in relation to the term of the consecutive stay, which was up to 180 days). Implementation of new restrictions is obviously aimed at eliminating the situations when the foreign nationals stay and work in Russia without obtaining work permits or when the holders of work permits still enter Russia under business visas

and not under work visas due to simplicity of obtaining business visas.

It should be noted that the wording of Resolution No. 635 is rather ambiguous, and in fact it can be interpreted in such a way, that the above mentioned 90-days stay restriction applies not only to business visas, but to other types of multi-entry visas as well, e.g. work visas. However, according to verbal clarifications given by officials of the Federal Migration Service, this restriction does not apply to study visas and work visas.

If changes do not affect work visas, it appears that foreign businessmen staying in Russia for longer periods, as well as foreign nationals rendering services under civil law contracts in Russia, will now look for options for obtaining work permits (and, consequently, work visas) more closely. Another option which some of them might also consider in order to deal with the tightened visa rules, might be to obtain a permit for residency in Russia (temporary and further permanent).

It is not clear yet how these changes will affect those multi-entry business visas which were obtained prior to the RF Government Resolution No. 635, as the Resolution does not address this issue. Pursuant to preliminary comments from officers of the Federal Migration Service, existing visas should not be affected.

Place of Issuance of a Visa

The RF Government has also introduced a new rule for obtaining a Russian visa by foreign citizens outside their home countries: from now on a foreign citizen staying outside the country of his/her citizenship can be issued a visa

only in the country where he/she "has a permit for a consecutive stay for more than 90 days".

This change eliminates the previously existing possibility for foreign nationals staying in Russia to obtain a visa in the fastest way by going to a nearby country like Ukraine.

Resolution also provides for a number of exceptions from the above rule: a Russian visa can be issued regardless of the restriction upon the decision of the head of the diplomatic mission or a consular establishment of Russia for the purposes of participation in international and domestic official, economic, socio-political, scientific, cultural, sport and religious events, for urgent medical treatment or due to a serious illness or death of a close relative residing in the Russian Federation.

Conclusion

All in all, these changes will affect anyone who has been traveling to Russia using a business visa and wishing to stay for more than a period of 90 days. Moreover, it should also be considered that current business visa holders should clarify their position and start making plans for their future travel to the Russian Federation now.

This article is prepared by Macleod Dixon ELP to provide information on recent legal developments and topical issues in Russian legislation. Due to the general nature of the article, it should not be relied upon as a legal advice. Macleod Dixon ELP would be pleased to provide additional details or advice upon request. For further information please do not hesitate to contact Maria Kadlets or Olga Pryamostanova.

Macleod Dixon E.L.P.

Paveletskaya pl., 2/3, 2nd floor,
Moscow 115054, Russian Federation
Phone: + 7 (495) 931-9905
Fax: + 7 (495) 931-9914
Maria.Kadlets@macleoddixon.com
Olga.Pryamostanova@macleoddixon.com
www.macleoddixon.com