

By the Judgment of 16th February, 2016 No. 4-II/2016 the Constitutional Court gave appraisal of constitutionality of the provisions of Section 2 of Article 18.1 of the Administrative Offences Code of the Russian Federation, Article 11 of the Law of the Russian Federation “On State Frontier of the Russian Federation” and Article 24 of the Federal Law “On Procedure for Exit from the Russian Federation and Entry into the Russian Federation”

The contested provisions were the subject-matter of consideration to the extent to which on their ground the question is solved of exit from the Russian Federation of a foreign citizen having entered the Russian Federation on a visa, whose term of operation has expired by the day of exit, having obtained permit for temporary residence in the Russian Federation and having not drawn up a new visa, and of making this foreign citizen administratively answerable for violation of the rules of crossing the State frontier of the Russian Federation.

The Constitutional Court has recognized the contested provisions as not contradicting the Constitution of the Russian Federation as establishing with constitutionally significant objects the regime of crossing the State frontier of the Russian Federation, within the framework of which, when a foreign citizen leaves the Russian Federation, a checkup is carried out of whether he has lawful grounds to enter the Russian Federation and stay in the Russian Federation, and envisaging administrative responsibility for its violation.

At the same time, the indicated provisions have been recognized as not conforming to the Constitution of the Russian Federation as allowing to make administratively answerable for violation of the rules of crossing the State frontier of the Russian Federation a foreign citizen possessing operating permit for temporary residence in the Russian Federation – in the event if, leaving the Russian Federation, he presented this permit and a visa, on which he was entering the Russian Federation and whose term of operation has expired, which would confirm lawfulness of his entry into the Russian Federation and stay in the Russian Federation, – solely on the formal ground of absence of a visa with non-expired

term of operation on him, as well as refuse to let him across the State frontier of the Russian Federation for exit in connection with this.

This Judgment does not affect regulation of the order of subsequent entry of persons having permit for temporary residence in the Russian Federation on its territory after their exit beyond the boundaries of the Russian Federation during the operation of the indicated permit and does not call in question the legislative requirement to have operating visa for their entry into the Russian Federation.