

By the Judgment of 17th February, 2016 No. 5-II/2016 the Constitutional Court gave appraisal of constitutionality of the provisions of Item 6 of Article 8 of the Federal Law “On Legal Status of Foreign Citizens in the Russian Federation”, Sections 1 and 3 of Article 18.8 of the Administrative Offences Code of the Russian Federation and Sub-Item 2 of Section 1 of Article 27 of the Federal Law “On Procedure for Exit from the Russian Federation and Entry into the Russian Federation”

The subject-matter of consideration were the provisions of Item 6 of Article 8 of the Federal Law “On Legal Status of Foreign Citizens in the Russian Federation” and Section 3 of Article 18.8 of the Administrative Offences Code of the Russian Federation to the extent to which on their ground the question is solved of prescribing administrative eviction beyond the boundaries of the Russian Federation to foreign citizens having residence permit and registered at the place of residence in cities of federal significance Moscow and St.-Petersburg, in Moscow and Leningrad regions, for single non-fulfilment by them of the requirement to yearly notify territorial bodies of the Federal Migration Service about confirmation of their residence in the Russian Federation.

The Constitutional Court has recognized the provision of Section 3 of Article 18.8 of the Administrative Offences Code of the Russian Federation, envisaging the indicated type of administrative punishment for non-fulfilment of the requirement of Item 6 of Article 8 of the Federal Law “On Legal Status of Foreign Citizens in the Russian Federation”, as not conforming to the Constitution of the Russian Federation to the extent to which it does not admit the possibility of refusal to prescribe administrative punishment in this respect in the event of a single violation by a foreign citizen of this requirement, if court, taking into account the duration of residence of the foreign citizen in the Russian Federation, his family status, attitude to payment of Russian taxes, presence of income and housing on the territory of the Russian Federation, type of activity and profession, law-abiding behavior, application for admission to Russian citizenship and other circumstances, comes to the conclusion that administrative eviction beyond the

boundaries of the Russian Federation, entailing 5-year restriction of the right to enter the Russian Federation, is an excessive restriction of the right to respect of private life and out of proportion to the aims of the administrative punishment.

Until appropriate legislative amendments are made, courts, when applying Section 3 of Article 18.8 of the Administrative Offences Code of the Russian Federation in the event of a single non-fulfilment by a foreign citizen of the rules of notification about confirmation of residence in the Russian Federation, must be guided by legal positions expressed in this Judgment.