

By the Judgement of 29 May 2018 No. 21-II/2018 the Constitutional Court appraised constitutionality of Item 3 of Article 8 of the Federal Law “On Legal Status of Foreign Nationals in the Russian Federation”.

The contested provision was the subject-matter of consideration insofar as on its basis court decides on the possibility to restore the term of submission to a territorial body of a federal body of executive authority in the field of migration of an application on prolongation of the term of effect of a residence permit and documents attached to it, missed by a foreign national.

The Constitutional Court has recognised the contested norm as not contradicting the Constitution of the Russian Federation, since it does not exclude for a court, considering the case on appeal against the refusal of the said body to admit for consideration an application of a foreign national on prolongation of the term of effect of a residence permit and documents attached to it in connection with miss of the term of submission of such an application established by law, the possibility, not confining itself to ascertaining formal accordance of this refusal to law and subordinate legal regulation concretising it, to restore the missed term, if during court examination it is established that stable link has been formed between the Russian Federation and this foreign national, determined by his long residence in the Russian Federation on lawful grounds, considerably exceeding one term of effect of the residence permit, and by virtue of objective circumstances use of ordinary mechanism of legalising of stay of this foreign national in the territory of the Russian Federation envisaged by normative regulation creates serious risks for realisation of his rights and freedoms guaranteed by the Constitution of the Russian Federation.