

**PECULIAR DETAILS OF FOREIGN CITIZENS STAYING ON THE  
TERRITORY OF THE RUSSIAN FEDERATION**  
**ĀRVALSTU PILSONU UZTURĒŠANĀS ĪPATNĪBAS KRIEVIJAS  
FEDERĀCIJAS TERITORIJĀ**

**Alexandra Borimecicova**

Pskov State University, alexandra.99br@gmail.com, Pskov, Russia

*Scientific supervisor: Elena Zykina Candidate of Law Sciences, Associate Professor*

**Abstract.** *The article considers the peculiarities of foreign citizens stay on the Russian Federation territory. The rights and freedoms of foreigners guaranteed by the Constitution of the Russian Federation and other laws are reviewed and examined. The article provides a comparative legal analysis of the status and rights of both the Russian Federation citizen and a foreign citizen residing in the territory of this state. Common and distinctive features of these two categories are specified. The matters of employment of foreign citizens and restrictions on the rights to participate in labor relations, which is due to the fact that non-citizens have the right to work only if they have a work permit, are also considered. In its turn, the component of migration policy is revealed, that is, the problem of expulsion and deportation of a foreign citizen from the Russian Federation is touched upon. Administrative expulsion and deportation of foreign citizens from the Russian Federation is a form of state activity that regulates relations with foreign citizens and is aimed to protect the State border.*

**Keywords:** *foreign citizens, rights, obligations, labor relations, responsibility.*

### **Introduction**

The Russian Federation is one of the leading countries with a large number of foreign citizens. In this article, we will consider the basic rights and restrictions for foreign citizens, their employment opportunities, guarantees and limitations in labor relations, as well as the reasons of their expulsion and deportation for improper implementation of the law.

Foreign citizens - individuals who are not citizens of the Russian Federation and have a proof of a foreign state citizenship (nationality) possession (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 2*).

Taking into consideration the basic rights and responsibilities of foreign citizens it should be noted that their status is regulated by the Federal law "On the legal status of foreign citizens in the Russian Federation" № 115-FZ dated 25.07.2002, which defines the legal status of foreign citizens in the Russian Federation, as well as regulates relations between foreign citizens, on the one hand, and state authorities, local authorities, officials of these bodies, on the other hand, arising in connection with the stay (residence) of foreign citizens in the Russian Federation and their employment, business and other activities on the territory of the Russian Federation (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 1*).

According to art. 3 of this Federal law, the legal status of foreign citizens in the Russian Federation is based on the Constitution of the Russian Federation and consists of the above mentioned Federal law and other federal laws. In addition, the legal status of foreign citizens in the Russian Federation is determined by international treaties of the Russian Federation (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 3*).

Besides, referring to art. 4 of the law, it can be noted that foreign citizens living in the Russian Federation have the rights and responsibilities on an equal basis with citizens of the Russian Federation, except for the cases provided by the Federal law (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 4*).

The aim of article is explore considers the peculiarities of foreign citizens stay on the Russian Federation territory.

## Main body

At present, the number of foreign citizens in the Russian Federation is constantly increasing. That is why it is necessary to define their rights and restrictions, the right to employment as well as to consider compliance with the rules and the consequences for their improper compliance.

Foreign citizens staying in the Russian Federation get all the Constitutional rights that every person and a citizen of this state possesses.

They include:

- 1) right to life and freedom;
- 2) right to health;
- 3) right to inviolability (personal, private life, housing))
- 4) freedom of confession;
- 5) right to education;
- 6) right to appeal to the court and other state bodies for the protection of their rights.

This incomplete list includes many other rights possessed by citizens of the Russian Federation, unless otherwise follows from the Constitution of the Russian Federation and other normative legal acts.

However, it should be noted that the "equality" of the rights of a foreign citizen and a citizen of the Russian Federation is not always appropriate and does not fully comply with the Constitution of 1993. Citizens of a foreign state, unlike citizens of the Russian Federation, do not have the duty of military service in the Armed Forces of the Russian Federation; do not have the right to vote, i.e. cannot elect and be elected to the Federal Assembly and other elected state authorities, as well as take part in national vote and referendums (*The Constitution of the Russian Federation, 1993, p. 2, art. 32*) are not eligible to rule the state affairs (*The Constitution of the Russian Federation, 1993, p. 1, art. 32*).

Regardless of their social background, availability of material goods, education, religious views, gender and other factors - foreign citizens in the Russian Federation are equal under the law and are obliged to observe the legal rules prescribed by law without prejudice to the freedoms and interests of the Russian people and the state.

Concerning the stay of foreign citizens on the territory of the Russian Federation, the following classification should be taken into consideration:

- people temporarily staying on the territory of the Russian Federation – foreign citizens who stay on the territory of the Russian Federation on the different legal basis;
- persons coming via the territory of the Russian Federation by transit;
- permanent residents of the Russian Federation - foreign citizens who have an authorized residence permit issued by the state internal affairs authorities (*Makareiko, 2014, pp. 37-38*).

Currently, the matter of foreign citizens stay in the Russian Federation is becoming increasingly important. And especially in this area the problem of attracting foreign nationals to work is highlighted (*Snezhkova, 2014, pp. 363-367*).

Referring to art. 3 of the Labor code: "Everyone has equal opportunities to exercise their labor rights. No one may be restricted in labor rights and freedoms or gain any advantages depending on gender, race, colour, nationality, language, background, property, family, social and official status, age, place of residence, religion, beliefs, membership or non-membership in public associations or any social groups, or other circumstances not related to the business qualities of the employee" (*Labor code of the Russian Federation, 2001, art. 3*).

Meanwhile in p. 1, art. 13 of the Federal law № 115-FZ dated 25.07.2002 (edition of 27.12.2018) "On the legal status of foreign citizens in the Russian Federation" the following provisions are fixed - "foreign citizens have free rights to dispose their abilities to work and to

choose a kind of activity and a profession, as well as the right to freely use the abilities and property for business and other economic activity which is not prohibited by the law taking into account the restrictions provided by the Federal law" (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 13*). However, at present there is a restriction of foreign citizen's rights to participate in labor relations, that is due to the fact of non-citizens having the right to work only in case they have a permission for work.

According to art. 13 of the Federal law "On the legal status of foreign citizens" this procedure does not apply to foreign citizens:

- 1) permanently or temporarily residing in the Russian Federation;
- 2) being participants of the State program on assistance to voluntary resettlement to the Russian Federation of the compatriots living abroad and members of their families moving together with them to the Russian Federation;
- 3) being employees of diplomatic missions, of consular offices of foreign states in the Russian Federation, employees of international organizations, as well as private household workers of these persons;
- 4) being employees of foreign legal entities (manufacturers or suppliers) performing installation (supervision) works, service and warranty service, as well as post-warranty repair of technical equipment supplied to the Russian Federation;
- 5) being the journalists accredited in the Russian Federation;
- 6) studying in the Russian Federation in professional educational organizations and educational institutions of higher education and performing work (providing services) during the holidays;
- 7) studying in the Russian Federation in the professional educational organizations and the educational institutions of the higher education and in free time of the tutorial process working in these educational organizations, in economic societies or in the economic partnerships created by the budgetary or autonomous educational organizations of the higher education in which they study;
- 8) invited to the Russian Federation as scientific or pedagogical specialists, in case of their invitation to engage in research or teaching activities:
  - invited to the Russian Federation for business or humanitarian purposes, or for the purpose of employment and involved in addition to teaching activities for state-accredited educational programs of higher education in scientific organizations and educational institutions of higher education, with the exception of ecclesiastical educational organizations,
  - arrived in the Russian Federation for no more than thirty days for touring activities,
  - invited to the Russian Federation as medical, pedagogical or scientific specialists in case of their invitation to be engaged into relevant activities on the territory of the international medical cluster;
- 9) accredited employees of the representative offices of foreign legal entities accredited in accordance with the established procedure in the territory of the Russian Federation, on the basis of the reciprocity principle in accordance with international treaties of the Russian Federation;
- 10) recognized as refugees on the territory of the Russian Federation - until the loss of refugee status or deprivation of refugee status;
- 11) having received temporary shelter in the territory of the Russian Federation - until the temporary shelter loss or deprivation (*On the legal status of foreign citizens in the Russian Federation, 2002, art. 13*).

Accordingly labor relations with foreign citizens are formed in the same order as with citizens of the Russian Federation. Along with the citizens of the Russian Federation, foreign

citizens have an obligation in labor relations, have the right to rest on a common basis with the citizens of the Russian Federation and fulfill their rights.

The next important aspect of my work is the matter of foreign citizen's responsibility for improper compliance with the established rules, that is, their expulsion and deportation from the Russian Federation.

Expulsion is one of the ways for prevention and preventive maintenance of migration offences. However, wrongdoings do not always relate to migration law. Such a procedure is carried out, for example, if the foreigner has disturbed the public peace, or has committed any other actions that fall under administrative punishment. There are reasons why foreign citizens may be expelled from the Russian Federation, namely:

1. In case the action committed contradicts the state security in the country.
2. In case of repeated violations of migration legislation.
3. In case of disturbance of public peace.
4. In case of non-compliance with the rules of crossing the state border.
5. In case of actions threatening to health, life and interests of citizens.

In general, in order such a punishment as expulsion to be imposed, a certain condition of the legislation of the Russian Federation must be violated (*Lugovykh, 2018, pp. 154-160*).

The next method for prevention and preventive maintenance of migration offences is deportation. Persons staying in the Russian Federation without legal grounds as well as having left imprisonment places, and by other grounds - are subjects to deportation.

The process of deportation and expulsion is very similar and these two notions are often confused. However, it is necessary to take into account the most important difference: deportation is made on the basis of the decision of the migration service head or his deputy, expulsion is made on the basis of a court decision. Besides deportation does not require a protocol, while during the expulsion procedure it is a matter of necessity.

### **Conclusions and suggestions**

Having examined all the scientific materials and legal acts on this topic, we can draw a conclusion that foreign citizens on the territory of the Russian Federation are granted numerous rights of a personal and property nature. Besides the legislation provides them with guarantees to realize their rights, including the right to protection in court.

The existing restrictions and prohibitions in the legislation do not entail in any case discrimination and infringement of the individual rights, as the creation of these restrictions is out of necessity to protect state interests and citizens of the Russian Federation, and that is absolutely rational and reasonable.

Quite often appear the problems of fulfillment and execution of the foreign citizens rights. However, these embarrassments often arise due to ignorance, misunderstanding and non-fulfillment of the prescribed obligations by foreign citizens themselves. In my opinion, in order to eliminate such problems, it is necessary to carry out certain measures and explain the benefits of legal being on the territory of Russia to foreign citizens.

It is my belief that foreign citizens possess all the rights and opportunities provided by the Federal law № 115-FZ dated 25.07.2002 (edition of 27.12.2018) "On the legal status of foreign citizens in the Russian Federation". In general they are provided with an opportunity for decent living and employment on the territory of the Russian Federation.

### **Bibliography**

1. *The Constitution Of The Russian Federation (1993, December 12)*. Law of the Russian Federation. Retrieved April 9, 2019 from [http://www.consultant.ru/document/cons\\_doc\\_law\\_28399](http://www.consultant.ru/document/cons_doc_law_28399)
2. *Labor Code Of The Russian Federation (2001, December 30)*. Law of the Russian Federation, No 197-FL. Retrieved April 9, 2019 from [http://www.consultant.ru/document/cons\\_doc\\_law\\_34683/](http://www.consultant.ru/document/cons_doc_law_34683/)

3. *On The Legal Status Of Foreign Citizens In The Russian Federation* (2002, July 25). Law of the Russian Federation, No 115-FL. Retrieved April 7, 2019 from [http://www.consultant.ru/document/cons\\_doc\\_law\\_37868/](http://www.consultant.ru/document/cons_doc_law_37868/)
4. Lugovykh, T.A. (2018, Nov.). Administrative expulsion: theory and practice of application. *Young scientist*, 45, pp.154-160.
5. Makareiko, N.V. (2014). *Administrative law : lectures*. (8th ed.) Moscow: Urait Publishing house. 212 p.
6. Snezhkova, D.F. (2014, Nov.) Features and problems of employment of foreign citizens. *Young scientist*, 19, pp. 363-367.

### **Kopsavilkums**

Raksts ir veltīts jautājumiem par ārvalstu pilsoņu uzturēšanos Krievijas Federācijas teritorijā, kā arī uzsvērts, ka viņu skaits Krievijas Federācijā pieaug. Ir noteikti normatīvie akti, kas regulē ārvalstu pilsoņu tiesības, brīvības un pienākumus. Rakstā sniegta pilnīga un skaidra ārvalstu pilsoņa un viņu juridiskā statusa definīcija Krievijas Federācijas teritorijā.

Savukārt zinātniskā rakstā tika veikta analīze, kurā norādīts, ka saskaņā ar Krievijas Federācijas konstitūciju ārvalstu pilsoņiem ir Krievijas Federācijas pilsoņa tiesības un brīvības, tomēr šis jautājums ir ļoti diskutabls, un tāpēc ir noteikti vairāki ierobežojumi. Nākamais aktuālais jautājums, kas apskatīts rakstā, ir ārvalstu pilsoņu iekļaušanās darba tirgū. Tiek izskatīta darbā iekārtošanās kārtība, darba atļauju saņemšana un to ārvalstu pilsoņu saraksts, uz kuriem neattiecas šie ierobežojumi. Tiek skarts arī jautājums par ārvalstu pilsoņu deportāciju ārpus Krievijas Federācijas un tiek veikts šo divu pasākumu salīdzinājums. Tiek ierosināts veikt noteiktus pasākumus, lai ārvalstu pilsoņiem izskaidrotu un brīdinātu viņus par likumīgas uzturēšanās priekšrocībām Krievijas Federācijā, lai īstenotu savas tiesības un pienākumus. Sagatavojot rakstu, tika izdarīti secinājumi un apzinātas iespējas ārvalstu pilsoņu pienācīgas dzīves nodrošināšanai.