

Clarifications on the application of certain provisions in connection with the adoption of amendments to Federal Act No. 274-FZ dated July 1, 2021

1. The procedure for mandatory state fingerprint registration and photographing is carried out once (paragraph 3, clause 13, article 5 of the Federal Act No. 115-FZ) during the period of long-term stay. Does this mean that a medical examination, prior to passing the procedures of mandatory state fingerprint registration and photography, also required once?

Clarification: currently on the federal portal of draft statutory acts there is a draft amendment to the order of the Ministry of Health on adoption of the Medical examination Order for foreign citizens, which indicates the 12 months validity of the certificate.

2. In accordance with the order of the Russian Ministry of Health dated November 19, 2021 No. 1079N, the validity of the medical examination certificate is three months from the date of issue. Does this mean that the period of validity of registration and visa is limited to this period?

Clarification: the term of visa (temporary stay) is initially not bound to the possible validity of the medical examination certificate. In case of failure to perform the medical examination, the term of visa can be reduced by the Russian Ministry of Interior. Migration registration is not bound to the validity period of the medical examination certificate.¹

3. Due to the fact that the changes have affected Article 5 of the act on legal status of foreign citizens in the Russian Federation, which regulates the temporary stay of foreign citizens, is it necessary to undergo a medical examination, fingerprinting registration and photography for foreign citizens who have the status of temporary residents? Foreign citizens undergo mandatory medical examinations and fingerprinting upon obtaining of a permanent residence permit and temporary residence permit.

Clarification: no, foreign citizens who have permanent residence permit and temporary residence permit do not go through all these procedures

4. Does the obligation to undergo a medical examination apply to foreigners continuously staying in the Russian Federation for a year or more?

Clarification: not applicable. As the Ministry of Interior of the Russian Federation explains, “for such foreign citizens, the need for mandatory procedures arises upon subsequent entry into the Russian Federation in a general manner.”²

5. Does medical examination cancel a new entry into the territory of the Russian Federation for less than 90 days?

Clarification: there is no such requirement in the legislation.

6. A foreign citizen must undergo fingerprinting registration within 90 days from the date of entry into the Russian Federation. If a foreign citizen stays in the Russian Federation for less than 90 days, then leaves and re-enters the Russian Federation again, will the days of his stay in Russia be summed up and will fingerprinting be required after a total stay of 90 days?

¹ Clause 23 of Article 5 Federal Act No. 115-FZ dated July 25, 2002 (as amended on July 2, 2021) "On Legal Status of Foreign Citizens in the Russian Federation"

² Clarifications of the Ministry of Interior on the procedure for undergoing mandatory state fingerprinting registration, photography and the rules for passing a medical examination by foreign citizens dated 22.12.2021

Does the requirement to undergo a medical examination apply to those foreign citizens who entered Russia with study purpose, passed a medical examination and leave during the year for short vacation / holidays, etc.?

Clarification: stay in the Russian Federation in accordance with Federal Act No. 274 implies a continuous stay on the territory of the Russian Federation from the date of entry. In the case of arrivals and departures not exceeding 30 and 90 days, respectively, this obligation does not apply to such a citizen.

7. In what order should foreign citizens undergo medical examination, fingerprinting registration and photography?

Clarification: first you need to pass a medical examination, and after receiving medical certificate to undergo fingerprinting registration and photography.

8. What is the procedure for collecting, storing and using data of medical examination, fingerprinting and photography? Medical certificates and fingerprint registration will be automatically loaded into a unified database? Does a foreigner (not necessarily a student) receive information about the mandatory fingerprinting registration (border checkpoints, only on official websites)?

Clarification: this information is in the Order of the Ministry of Interior of Russia dated December 27, 2021 N 1139 "On approval of the procedure for conducting mandatory state fingerprinting registration and photographing foreign citizens and stateless persons who arrived in the Russian Federation for purposes not related to work, for a period exceeding ninety calendar days, or for the purpose of carrying out work"

9. Does the inviting party have to provide certificates of medical examination when extending the period of stay?

Clarification: there is no such requirement by law.

10. When and how is the document on mandatory state fingerprint registration issued?

Clarification: this information is in the Order of the Ministry of Interior of Russia dated December 27, 2021 N 1139 "On approval of the procedure for conducting mandatory state fingerprinting registration and photographing foreign citizens and stateless persons who arrived in the Russian Federation for purposes not related to work, for a period exceeding ninety calendar days, or for the purpose of carrying out work"

11. Does the employer bear responsibility for the timely completion of a medical examination, fingerprinting registration and photography by the employee who is a foreign citizen?

Does the employer or the head of the educational institution have to control the timing of completion of medical examinations by foreign workers and students?

Clarification: the law does not indicate the fact that the inviting party is responsible for the failure of a foreign citizen to undergo a medical examination, fingerprinting and photography.

12. What are the actions of the employer if a foreign citizen has not passed in time medical examination, fingerprinting registration and photography?

Clarification: the obligation of the employer to dismiss from work a foreign employee without relevant documents is not yet prescribed by law. Absence of these documents is not a barrier to employment. The compliance of all the above procedures is the responsibility of the foreign citizen

himself. Violation of this obligation can cause reduction in the period of the foreign citizen temporary stay of in Russia. However, if a foreign citizen has not passed a medical examination, then his work permit is canceled in accordance with paragraph 12 of Article 13. After that, the working of a foreign citizen is illegal and consequently the employer becomes responsible for attraction a foreign citizen who does not have the relevant permits to work.

1). Failure to perform an obligation to undergo mandatory procedures within the established time limits entails a reduction in the period of foreign citizens' and stateless persons' temporary stay in the Russian Federation.

2). Based on the results of a medical examination, the period of temporary stay in the Russian Federation of foreign citizens can be reduced, and, in cases provided by the legislation of the Russian Federation, in relation to such citizens a decision on the undesirability of their stay (residence) in the Russian Federation or a decision on non-permission to enter the Russian Federation can be made, if,:

- the fact of their use of narcotic drugs or psychotropic substances without a doctor's prescription or new potentially dangerous psychoactive substances has shown the existence;

- or it is proved that these foreign citizens suffer from a disease caused by the human immunodeficiency virus (HIV infection) (with the exception of foreign citizens and stateless persons suffering from a disease caused by the human immunodeficiency virus (HIV infection), if these foreign citizens or stateless persons have family members (spouse, children (including adopted children), parents (including adoptive parents) who are Russian Federation citizens or foreign citizens or stateless persons permanently residing on the territory of the Russian Federation, and at the same time there are no their violations of the legislation of the Russian Federation on preventing the spread of HIV infection);

- or suffer from one of the infectious diseases that pose a danger to others.

13. Who and in which way informs a foreign citizen about the reduction of the period of stay and the undesirability of his stay in the Russian Federation in case of not passing procedures established by law and what are the actions of the inviting organization in this case?

Clarification: this is the responsibility of the Russian Ministry of Interior. The inviting party in this case is obliged to ensure the departure of a foreign citizen from the territory of the Russian Federation.

14. What are the deadlines when federal executive body in the field of internal affairs has to publish the procedure for conducting mandatory state fingerprinting registration and photographing of foreign citizens?

What are the deadlines when federal executive body in the field of internal affairs has to publish the procedure for submitting to the federal executive body territorial unit of the federal executive body in the field of internal affairs or to a subordinate enterprise or authorized organization of medical documents confirming the completion of a medical examination?

Clarification: the current Order of the Ministry of Interior of Russia dated December 27, 2021 N 1139 "On approval of the procedure for conducting mandatory state fingerprinting registration and photographing foreign citizens and stateless persons who arrived in the Russian Federation for purposes not related to work, for a period exceeding ninety calendar days, or for the purpose of carrying out work"

15. Will there be opportunity for fingerprinting registration and photographing in the district departments of the Main Directorate of the Ministry of Interior at the place of residence of foreign citizens?

Clarification: fingerprinting and photography can take place in the territorial offices of the Ministry of Interior of Russia. Medical examination must be carried out only in specially authorized clinics that have the appropriate license (the issue of establishing territorial points is within the competence of these clinics).

16. Is it possible for a foreign student, having a document confirming the medical examination compliance, to refuse to undergo a medical examination when settling into a university dormitory? Or is there a need for re-examination?

Clarification: a student health certificate is not a substitute for a medical examination.

17. Is it mandatory to pass a PCR test when having a medical examination if a foreign student is vaccinated with Russian-made vaccines?

Clarification: a medical examination for COVID-19 is included in the medical examination. The validity period of PCR tests is the same for everyone - both Russian and foreign citizens.

18. Are the results of a medical examination received by a foreign student in one city valid when moving to another city in Russia to continue his studies in new academic year?

Clarification: if the medical examination is performed by an authorized clinic in one region, then there is no reason to consider these results invalid in another region.

19. What types of analyzes of "infectious diseases" are included in the list approved by the federal executive body authorized by the Government of the Russian Federation?

Clarification: HIV, tuberculosis, leprosy (Hansen's disease), syphilis, COVID-19.

20. **Clarifications of the Ministry of Interior of Russia** on the procedure for conducting mandatory state fingerprint registration, photographing and the rules for compliance of the medical examination by foreign citizens

https://xn--b1aew.xn--p1ai/mvd/structure1/Glavnie_upravlenija/guvm/news/item/27614459/

21. **Clarifications of the Ministry of Health of Russia** "The Ministry of Health of Russia clarified the procedure for medical examinations for foreigners"

http://www.consultant.ru/document/cons_doc_LAW_407852/#utm_campaign=fd&utm_source=consultant&utm_medium=email&utm_content=body