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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Requirements and procedures to obtain a temporary residence permit, a permanent residence permit, and citizenship through marriage [RUS103793.E]

7 November 2011

RUS103793.E

Russia: Requirements and procedures to obtain a temporary residence permit, a permanent residence permit, and citizenship through marriage

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Temporary Residence Permit

A foreigner married to a Russian citizen residing in the Russian Federation may apply for and be granted a temporary or permanent residence permit (Legislationonline.org n.d.). Sources indicate that temporary residence permits are subject to a quota established by the Government of the Russian Federation (ibid.; US n.d.; NDLA 20 Nov. 2009). However, according to Federal Law No. 115-FZ on the Legal Position of Foreign Citizens in the Russian Federation, "a permit for temporary residence may be issued to a foreign citizen without an account for the quota ... if he is married to a citizen of the Russian Federation whose place of residence is in the Russian Federation" (Russia 2002b, Art. 6).

Temporary residence permits are issued by an office under the authority of the Ministry of the Interior (also translated as Ministry of Internal Affairs) (US n.d.). An application for a temporary residence permit is filed personally by a foreign citizen (ibid.). The application process can take up to six months (RT 1 Jan. 2010; NDLA 20 Nov. 2009). The application should include

an application form;
 four photos;
 passport;
 police certificate;
 applicant's income papers;
 HIV certificate; and
 documentation that confirms that the foreign citizen is not a drug addict and does not have any infectious diseases. (US n.d.)

If the applicant is not subject to the quota for temporary residence permits, he or she must also provide

marriage certificate and spouse's passport (if the spouse is a Russian citizen);
 birth certificate or passport of a USSR citizen (for former Soviet/Russian citizens); [and]
 document confirming that the foreign citizen has an established place [of] residence, or [the] consent of Russian citizens registered in Russia at their place of residence to provide a place of residence for the foreign citizen.
 (ibid.)

Temporary residence permit holders face restrictions such as "mandatory fingerprint registration, restrictions on changes of residence within Russia, and annual registration with the internal affairs agencies" (ibid.). All foreign residents holding a temporary residence permit are required to obtain a work permit to work "in the territory of the Russian administrative unit where the temporary residence permit was issued" (ibid.). A stamp with the words "Temporary Residence Permit" in the permit holder's passport indicates that he or she has a temporary residence permit (ibid.).

According to Aligna Consulting Group (ACG), which provides legal support in Russia (ACG n.d.), the procedure for obtaining a temporary residence permit is "far from simple" (ibid. 10 Dec. 2008). Applicants may find that, despite the general requirements indicated on "official websites of Russian government offices ...", the procedure and demands at the local office is entirely different" (ibid. 10 Dec. 2008).

Permanent Residence Permit

According to Federal Law No. 115-FZ of 2002 on the Legal Position of Foreign Citizens, a foreign citizen can obtain a permanent residence permit after residing in the Russian Federation "for at least one year" on a temporary residence permit (Russia 2002b, Art. 8). The application for a permanent residence permit should be filed six months prior to the expiration of the temporary residence permit (US n.d.). In addition to the documents required for a temporary residence permit, applicants must submit a document confirming their temporary residence permit and, for their children under 18 years of age, the child's birth certificate and passport or any other identity document (Russia n.d.). For children between the ages of 14 and 18, applicants must include their child's notarized consent to reside in Russia (ibid.). Within six months, the Federal Migration Service will decide whether to grant the applicant a permanent residence permit (RT 1 Jan. 2010; NDLA 20 Nov. 2009). This permit is issued for five years with an unlimited number of extensions (US n.d.). It allows the holder to choose a place of residence and to work anywhere in Russia without a special permit (ibid.).

Citizenship Through Marriage

The requirement and procedure for acquiring citizenship of the Russian Federation is regulated by Federal Law No. 62-FZ of 2002 on Citizenship of the Russian Federation (NDLA n.d.). Foreign citizens who have been residing in the Russian Federation and have been married to a Russian citizen for at least three years are "entitled to apply for admittance to Russian citizenship in a simplified manner without observing the condition concerning the time of residence established by Item 'a' of Part One of Article 13 of [the] Federal Law" (Russia 2002a, Art.14). The general procedure described in Article 13 stipulates that foreign citizens who are 18 years and older and applying for Russian Federation citizenship must have been living in the federation for five years on a residence permit (ibid., Art.13).

The Norman DL Associates (NDLA) law firm, which is based in Moscow, states that "all questions connected with acquisition of citizenship of the Russian Federation in the simplified manner are considered by the bodies of the Ministry of the Interior" (n.d.).

In addition to the specifying the length of time applicants must have resided in the federation, the Federal Law on Russian Federation Citizenship indicates that foreign citizens and stateless persons 18 years of age and over are entitled to apply for naturalisation on the following conditions (Russia 2002a, Art. 13):

[U]ndertake to observe the Constitution of the Russian Federation and the legislation of the Russian Federation;
 [H]ave a legal source of means of subsistence;
 [H]ave filed applications with the competent body of the foreign state whereby they waived their other citizenship. No waiver of foreign citizenship is required if this is envisaged by an international treaty of the Russian Federation or the present Federal Law or if the waiver of another citizenship is impossible due to reasons beyond the person's control; [and]
 [A]re in command of the Russian language (ibid.)

Information on the specific documents required to obtain Russian citizenship through marriage could not be found among the sources consulted by the Research Directorate. According to the NDLA, a different set of documents are required when applying for citizenship of the Russian Federation through the simplified process (NDLA n.d.). For example, a marriage certificate, confirming the marriage to the Russian citizen, should be submitted (ibid.; ACG 10 Dec. 2008).

According to Russian legislation, the state has the right to refuse to grant citizenship if, for example, an individual applying for citizenship "supports violent change to the foundations of the constitutional system in the

Russian Federation, has outstanding convictions, has used counterfeit documents or knowingly declared false information" (NDLA n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact officials of the Federal Migration Service, the Ministry of the Interior and Ministry of Foreign Affairs, as well as representatives at law firms were unsuccessful.

Internet sites, including: Amnesty International, Argumenty i Fakty, European Country of Origin Information Network, Factiva, Human Rights Watch, International Crisis Group, Moscow Helsinki Group, The Moscow Times; Rossiyskaya Gazeta; Russia - Consulate General of the Russian Federation in Toronto, Embassy of the Russian Federation in Ottawa, Ministry of Foreign Affairs, Ministry of the Interior; United Nations Refworld.