

RUSSIAN FEDERATION
FEDERAL LAW
ON INTRODUCTION OF CHANGES
INTO THE FEDERAL LAW "ON THE CITIZENSHIP OF THE RUSSIAN FEDERATION"

Adopted
by State Duma
On October 26, 2012

Approved
by the Federation Council
October 31, 2012

Article 1

Introduce the following changes into Federal Law No. 62-FZ of May 31, 2002 "On Citizenship of the Russian Federation" (Compendium of Legislation of the Russian Federation, 2002, No. 22, p. 2031, 2003, No. 46, art. 4447, 2004, No. 45, art. 4377, 2006, No. 2, p. 170; No. 31, art. 3420, 2007, No. 49, p. 6057; No. 50, art. 6241, 2008, No. 40, p. 4498, 2009, No. 1, p. 9; No. 26, p. 3125) as follows:

1) in Article 15:

- a) the words "Foreign nationals" shall be changed with words "1. Foreign nationals";
- b) part two shall be supplemented by the following content:

"2. Foreign citizens and stateless persons residing in the territory of the Russian Federation, who previously had Russian Federation citizenship and who withdrew from the Russian Federation citizenship in accordance with established order, can have their Russian Federation citizenship restored under general procedure in accordance with parts two – four of Article 13 of this Federal Law and under simplified procedure under Article 14 of this Federal Law, if they belong to the categories of persons mentioned in parts two – four of Article 13 and in Article 14 of this Federal Law.";

2) Article 16 shall be amended as follows:

"Article 16. Grounds for rejection of applications for acquisition of the Russian Federation citizenship and reinstatement of the Russian Federation citizenship

1. Applications for admission to the Russian Federation citizenship or reinstatement in the Russian Federation citizenship shall be rejected if filed by persons who:

a) advocate violent change of the foundations of the constitutional system of the Russian Federation or act otherwise to jeopardize the security of the Russian Federation

b) participate or participated in international, inter-ethnic, inter-territorial or other armed conflicts, or in commitment of acts in the course of such conflicts that are directed against the Russian peacekeeping forces that prevent fulfillment of its peacekeeping duties, or directed against the Armed Forces of the Russian Federation, or in commitment of terrorist acts, extremist activities or in preparation of such acts, and engagement in such activities outside the Russian Federation against the citizens of the Russian Federation, mission of the Russian Federation in foreign states and international organizations, missions of the constituent entities of the Russian Federation and their employees;

c) participate or participated in commitment of or in preparation to commitment of unlawful acts having at least one sign of extremist activity, for commitment of which the law of the Russian Federation provides for criminal, administrative or civil responsibility, or other acts that jeopardize the security of the Russian Federation or the citizens of the Russian Federation;

d) during five years preceding the day of filing an application for the Russian Federation citizenship or reinstatement in the Russian Federation citizenship were subjected to administrative expulsion from the Russian Federation in accordance with the federal law;

- e) used false documents or reported false information when filing the application;
- f) are serving in the armed forces, security service or law enforcement agencies of a foreign State, unless otherwise specified by an international treaty of the Russian Federation;
- g) are not cleared of conviction record for intentional crimes committed within or outside the territory of the Russian Federation, recognized as such under the federal law;
- h) subject to penal prosecution by competent agencies of the Russian Federation or those of foreign States for the crimes recognized as such under the federal law (pending the pronouncement of a sentence or judgment on the case);
- i) have been convicted and are serving a sentence of deprivation of liberty for actions prosecuted under federal law (until the expiry of the term of punishment).

2. Applications for admission to the Russian Federation citizenship shall be rejected on the grounds indicated in items "a", "b" and "c" of Part one of the this article.;

3) in the fifth part of Article 29 the words "indicated in items b) to g) of Article 16" shall be substituted with "indicated in items g) to i) of Article 16 ";

4) the item "f" of Article 30 after the words "Article 14, c" supplement with the words "part two of Article 15,";

5) supplement Section VIII.1 as follows:

"Chapter VIII.1. REGULATION OF LEGAL STATUS OF CERTAIN CATEGORIES OF PERSONS STAYING IN THE RUSSIAN FEDERATION

Article 41.1. The subject of regulation and the scope of this chapter

1. This chapter defines the conditions and procedure for granting the of Russian Federation citizenship to certain categories of persons staying in the territory of the Russian Federation. The mentioned persons include:

a) capable persons who were USSR citizens as of September 5, 1991, who came to live in the Russian Federation before November 1, 2002, who have not acquired the Russian Federation citizenship in accordance with established procedure, if they do not have foreign citizenship and a valid document confirming the right of residence in a foreign country;

b) capable children of the persons mentioned in item "a" of this part, who have attained the age of eighteen years, if they do not have foreign citizenship and a valid document confirming the right of residence in a foreign country;

c) children of the persons mentioned in item "a" of this part above who have not attained the age of eighteen years (hereinafter - minors), if they do not have foreign citizenship and a valid document confirming the right of residence in a foreign country;

d) major incapacitated persons who are under the care of the persons referred to in item "a" of this part, if they do not have foreign citizenship and a valid document confirming the right of residence in a foreign country;

e) persons who had the former USSR citizenship, who received the Russian Federation passport before July 1, 2002, in whose respect the competent authority in charge of citizenship of the Russian Federation has not subsequently determined availability of Russian citizenship, having citizenship of a foreign country subject to unavailability of a valid document confirming the right of residence in a foreign country.

2. The persons referred to in the first part of this Article may resolve their legal status by expression of will to be granted the Russian Federation citizenship under this Federal Law or a residence permit under Federal Law No. 115-FZ of 25 July 2002 "On the Legal status of Foreign Citizens in the Russian Federation."

3. This chapter also sets out the conditions and the procedure for recognizing as the Russian Federation citizens those persons residing in the Russian Federation who had the citizenship of the former USSR, who received passports of the Russian Federation before July 1, 2002 and who failed to acquire the Russian Federation citizenship in accordance with the established procedure, if they do not have the citizenship of a foreign state or a valid document confirming the right of residence in a foreign country, and their minors.

4. The persons referred to in the third part of this Article not willing to be recognized as the Russian Federation citizens shall have the right to apply for a residence permit in accordance with Federal Law No. 115-FZ of 25 July 2002 "On the Legal Status of Foreign Citizens in the Russian Federation" .

5. The persons referred to in this Article may not be held administratively liable for violation of the rules of entry to the Russian Federation, stay (residence) in the Russian Federation, illegal labour activity in the Russian Federation, or violation of immigration rules, if such violations have been identified in connection with these persons' filing an application to be recognized as the Russian Federation citizens, to be granted the Russian Federation citizenship or a residence permit.

Article 41.2. Conditions and procedure for recognition as the Russian Federation the citizens

1. The persons referred to in the third part of Article 41.1 of this Federal Law shall be recognized as the Russian Federation citizens, if they filed an application to be recognized as the citizens of the Russian Federation, excluding the cases specified in part four of this Article, and if there is no reason to deny an application under items "a", "b" and "c" of the first part of Article 16 of this Federal Law.

2. The persons referred to in the first part of this Article shall be recognized as the citizens of the Russian Federation on the basis of the decision of the territorial agency of the federal executive body authorized to exercise control and supervision in the field of migration (hereinafter - the territorial authority).

3. Minors of the persons mentioned in the third part of Article 41.1 of this Federal Law shall be recognized as the citizens of the Russian Federation, if they have not acquired the Russian Federation citizenship in accordance with the established procedure. At that, recognition of minors in the age of fourteen to eighteen years old as the Russian Federation citizens is subject to their consent.

4. A person shall not be recognized as the Russian Federation citizen if:

a) a passport of the Russian Federation citizen has been issued to a person on the basis of false facts or inaccurate personal data submitted by the applicant;

b) a passport of the Russian Federation citizen has been issued to a person on a lost (stolen) blank of the Russian Federation passport, which was known to the person who filed the application for recognition as the Russian Federation citizen;

c) a person has been previously extradited by the Russian Federation as a foreign citizen or a stateless person at the request of a foreign state for criminal prosecution or execution of sentence;

d) after the initial issuance of a passport of the Russian Federation citizen the person has acquired the citizenship of the Russian Federation in accordance with this Federal Law;

d) after the initial issuance of a passport of the Russian Federation citizen the person was allowed to renounce the citizenship of the Russian Federation on the basis of free will in accordance with the law;

e) after the initial issuance of a passport of the Russian Federation citizen the person has acquired the citizenship of a foreign state or a valid document confirming the right for residence in a foreign country, except if in accordance with the federal law or an international treaty of the Russian Federation the person may have the citizenship of a foreign state (dual citizenship).

Article 41.3. Conditions for granting the citizenship of the Russian Federation

1. The persons referred to in the first part of Article 41.1 of this Federal Law shall be granted the Russian Federation citizenship without regard to their compliance with the conditions stipulated in items "a", "c" and "e" of the first part of Article 13 of this Federal Law, without presentation of a permit for temporary stay and residence in the absence of the grounds for rejecting the application indicated in Article 16 of this Federal Law.

2. Admission to the citizenship of the Russian Federation of minors between the age of fourteen and eighteen years is subject to their consent.

Article 41.4. Application for recognition as the Russian Federation citizen and for granting the Russian Federation citizenship

1. Applications for recognition as the Russian Federation citizen and for granting the Russian Federation citizenship for the persons referred to in Article 41.1 of this Federal Law shall be submitted by the applicant in person, in writing, on a blank of prescribed form to the territorial authority at the place of residence or at the place of stay of the applicant (subject to the availability of registration at the place of residence or stay) or at the place of actual residence of the applicant having no registration at the place of residence or stay.

2. Recognition of minors as the Russian Federation citizens and their admission to the Russian Federation citizenship shall be done on the basis of their parents' application which includes the information about the minors.

3. Upon receipt of an application for recognition as the Russian Federation citizen or for granting the Russian Federation citizenship a certificate shall be issued to the applicant on a blank of a set form along with the list of documents received from him. The format of the certificate shall be approved by the federal executive body authorized to exercise the functions of control and supervision in the field of migration.

4. An applicant having no valid identity document, including as a result of withdrawal of the passport of the Russian Federation citizen, on the day of consideration of the application for recognition as the Russian Federation citizen or for granting the Russian Federation citizenship, shall be issued an identification document for the term of consideration of his/her application for recognition as the Russian Federation citizen, bearing the applicant's personal data and photo. Upon issuance of the passport of the Russian Federation citizen to the applicant, this document shall be taken from the applicant. The format of such document, which is a registered high-security form, and its expiration date shall be approved by the federal executive body authorized to exercise the functions of control and supervision in the field of migration.

5. During the period of consideration of the application for recognition as the Russian Federation citizen or for granting the Russian Federation citizenship, received from the applicant having no valid identity document, verification of his/her identity shall be carried out in accordance with Federal Law No. 115-FZ of 25 July 2002 "On the Legal Status of Foreign Citizens in the Russian Federation."

6. The form of the application for recognition as the Russian Federation citizen and the list of attached documents are determined by the regulations of the procedure for consideration of issues of citizenship of the Russian Federation, approved by the President of the Russian Federation.

7. The application form for admission to the Russian Federation citizenship and the list of documents attached thereto are determined in accordance with Article 33 of this Federal Law.

Article 41.5. The term of consideration and decision taking on the applications for recognition as the Russian Federation citizen of and for granting the Russian Federation citizenship

1. Consideration of the application for recognition as the Russian Federation citizen and decision taking on such application in accordance with this Federal Law shall be carried out by the territorial authority within the term not exceeding two months from the date of submission of the application and all duly executed documents.

2. Consideration of the application for admission to the citizenship of the Russian Federation and decision taking on such application shall be carried out within the term not exceeding six months from the date of submission of such application and all duly executed documents.

3. In case of necessity to identify the applicant's identity, the term specified in the first and the second parts of this Article shall be extended for the period necessary to establish the identity of the applicant, but not more than three months.

Article 41.6. The powers of the territorial authorities related to the execution of the present Federal Law

In order to execute this chapter, the territorial authorities shall:

a) consider the applications for recognition as the Russian Federation citizens and for granting the Russian Federation citizenship and take decisions on such applications;

b) execute the taken decisions and issue relevant documents;

c) register the persons who filed applications for recognition as the Russian Federation citizens

or for granting the Russian Federation citizenship;

d) collect, **record**, verify and evaluate the evidence supporting the availability or absence of the grounds and conditions for recognition as the Russian Federation citizens, taking the decision on granting the Russian Federation citizenship and record the mentioned actions in the relevant documents set forth by this Federal Law;

e) establish the fact of the applicant's arrival in the Russian Federation before November 1, 2002, and the fact of his/her residence in the Russian Federation up to the date of filing the application for admission to the citizenship of the Russian Federation, shall take an informed decision on reference or non-reference of the applicants to the category of persons referred to in paragraph "a" of Article 41.1 hereof;

f) carry out mandatory state fingerprint registration and photography, keep information files generated in the course of fingerprint registration in the cases stipulated by the federal laws;

g) carry out personal identification in accordance with part five of Article 41.4 of this Federal Law;

h) exercise other powers stipulated by this Federal Law, other federal laws and other regulatory legal acts of the Russian Federation.

Article 41.7. Taking decisions on applications for recognition as the Russian Federation citizen and on granting the Russian Federation citizenship. Date of acquisition of the Russian Federation citizenship

1. The decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship shall be taken by the territorial authority and shall be done in writing specifying the reasons for such decision.

2. Citizenship of the Russian Federation is acquired:

a) in accordance with Article 41.2 of this Federal Law – from the date of the initial issuance of a passport of the Russian Federation citizen;

b) in accordance with the first paragraph of Article 41.3 of this Federal Law – from the date of the decision on granting the Russian Federation citizenship.

Article 41.8. Cancellation of the decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship

1. The decision on the recognition as the Russian Federation citizen or on granting the Russian Federation citizenship shall be canceled if it is determined that the decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship was adopted on the basis of forged documents or false or inaccurate information.

2. Cancellation of the decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship shall be done by the head of the federal executive body authorized to exercise the functions of control and supervision in the field of migration, or his deputy.

3. The decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship in the event of its cancellation shall be void from the date of such decision taking.

4. The decision to cancellation of the decision on recognition as the Russian Federation citizen or on granting the Russian Federation citizenship may be appealed in court.

Article 41.9. Admission of re-submitted applications on recognizing as the Russian Federation citizen or on granting the Russian Federation citizenship

1. Persons who come within the purview of this chapter and whose applications for recognition as the Russian Federation citizens or granting the Russian Federation citizenship have been rejected may re-submit their applications after the termination of the circumstances specified in item "d", "e", "f", "g", "h", "i" of the first part of Article 16 of this Federal Law, but not earlier than one year after the adoption of the previous decision.

2. Until the termination of the circumstances preventing the recognition as the Russian

Federation citizen or granting the Russian Federation citizenship, the persons indicated in the first part of this Article may temporarily stay in the territory of the Russian Federation on the basis of the permit of the territorial authority. The permit shall be in the form of an entry in the migration card issued to such persons by the territorial authority."

Article 2

1. Unless otherwise stipulated in the federal law, recognition of the citizenship of the Russian Federation in accordance with Article 41.2 of Federal Law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal Law) does not entail the revision of the rights and responsibilities, as well as the obligations of the persons mentioned in the third part of Article 41.1 of Federal Law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal Law) as the Russian Federation citizens in relation to the Russian Federation, constituent entities of the Russian Federation, municipalities, physical and legal persons, as well as the obligations of the Russian Federation, constituent entities of the Russian Federation, municipalities, physical and legal persons in relation to these citizens as citizens of the Russian Federation, if such rights and responsibilities, as well as the obligations, emerged in the period starting with the announcement of the conclusion by a duly authorized body in charge of the issues of Citizenship of the Russian Federation about the unavailability of the Russian Federation citizenship with this person, and until the decision on recognition of this person as the Russian Federation citizen. In addition, the claims arising from the recognition of a person as a citizen of the Russian Federation under Article 41.2 of the Federal Law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal Law) are not subject to satisfaction, if the rights and responsibilities resulting from such recognition emerged or could emerge during the period starting with the announcement of the conclusion by a duly authorized body in charge of the issues of Citizenship of the Russian Federation about the unavailability of the Russian Federation citizenship with this person and until the decision on recognition of this person as the Russian Federation citizen.

2. The persons coming within the purview of Chapter VIII.1 of Federal Law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal Law), who did not file an application on recognition as the Russian Federation citizens or on granting the Russian Federation citizenship within the period of validity of Chapter VIII.1 of the mentioned Federal Law, must leave the Russian Federation not later than three months from the date of expiry of the period of validity of Chapter VIII.1. of the mentioned Federal Law. In case of failure to comply with this requirement these persons are subject to deportation.

3. The persons whose applications for recognition as the Russian Federation citizens or granting the Russian Federation citizenship were rejected on the grounds stipulated in items "a", "b" and "c" of the fourth part of Article 41.2, items "a", "b" and "c" of Article 16 of Federal law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal law), must leave the Russian Federation within three months from the date of receipt of the decision on refusal to recognize as the Russian Federation citizens or to grant the Russian Federation citizenship. In case of failure to comply with this requirement these persons are subject to deportation.

Article 3

1. This Federal Law shall enter into force on the date of its official publication.

2. The provisions of Chapter VIII.1 of Federal Law No. 62-FZ of May 31, 2002 "On the Citizenship of the Russian Federation" (as amended by this Federal Law) shall apply till 1 January 2017.

President
Of the Russian Federation
V.PUTIN

Moscow, Kremlin
November 12, 2012
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