

## The procedure for registration of a foreign citizen at the place of stay in a medical organization providing medical care in inpatient conditions, in which he is in connection with receiving the services of this organization

According to paragraph 2 of Part 1 of Article 21 of Federal Law No. 109-FZ of July 18, 2006 "On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation" (hereinafter – Federal Law No. 109-FZ), a foreign citizen is subject to registration at the place of stay at the address of a medical organization providing medical care in the Russian Federation the stationary conditions in which he is in connection with receiving the services of this organization. The administration of a medical organization, by virtue of part 9 of Article 22 of Federal Law No. 109-FZ, is obliged to record information about incoming foreign citizens upon arrival and departure of these foreign citizens for subsequent notification in accordance with the established procedure to the relevant migration registration authority on the arrival and departure of these foreign citizens.

The medical organization is independently responsible for recording information about incoming foreign citizens and notifying the migration registration authority about it and performs these duties regardless of whether the requirements of Federal Law No. 109-FZ are met by the foreign citizen himself and his host party.

In accordance with paragraph 1 of Part 3, Part 3.1 of Article 20 of Federal Law No. 109-FZ, the deadline for submitting a notification of the arrival of a foreign citizen at the place of stay, as a general rule, is seven working days from the date of arrival at the place of stay.

However, in the case of admission of a foreign citizen to a medical organization, a special rule is established: notification of the arrival of a foreign citizen at the place of stay must be submitted to the migration registration authority within one working day following the day of arrival of a foreign citizen at the place of stay. Similarly, a medical organization must submit a notification of the departure of a foreign citizen, that is: a medical organization must submit a notification no later than twelve hours of the working day following the day of departure of a foreign citizen (Parts 3 and 4 of Article 23 of Federal Law No. 109-FZ).

If a foreign citizen arrived (entered) at the place of stay on a non-working day (including on one of the days during several non-working days), notification of arrival at the place of stay must be submitted to the migration registration authority within one day, which is a working day and immediately following a non-working day (several non-working days).

The form of notification of the arrival of a foreign citizen at the place of stay and the general procedure for submitting it to the migration registration authority were approved by Order of the Ministry of Internal Affairs of the Russian Federation No. 856 dated December 10, 2020 (ed. dated November 16, 2022).

Medical organizations may notify the migration registration authority of the arrival of a foreign citizen also using the means of communication included in the telecommunication network according to the rules approved by Decree of the Government of the Russian Federation No. 310 dated May 10, 2010 (Part 10 of Article 22 of Federal Law No. 109-FZ)\*. These Rules provide for the conclusion of an agreement between the administration of a medical organization and the territorial body of the Ministry of Internal Affairs on the information exchange of information and the submission of the above-mentioned notification in accordance with the procedure established by such an agreement.

In order to fulfill the duties provided for by Federal Law No. 109-FZ, a medical organization has the right to require foreign citizens to present an identity card (ruling of the Constitutional Court of the Russian Federation dated October 29, 2020 No. 2413-O)\*\*.

### **Responsibility for non-fulfillment of obligations imposed by the legislation of the Russian Federation in the field of migration registration.**

Non-fulfillment by the receiving party (the medical organization in which the foreign citizen is staying (enrolled) in connection with the provision of medical care (medical services) to him) obligations related to the implementation of migration registration, if these actions do not contain signs of a criminally punishable act, on the basis of part 4 of Article 18.9 of the Code of Administrative Offences of the Russian Federation dated December 30, 2001 No. 195-FZ (as amended. dated August 08, 2024) (with amendments and additions, introduction. effective from September 08, 2024) (hereinafter referred to as the Administrative Code of the Russian Federation) entails the imposition of an administrative fine:

- for citizens in the amount of two thousand to four thousand rubles;
- for officials - from forty thousand to fifty thousand rubles;
- for legal entities - from four hundred thousand to five hundred thousand rubles.

According to Article 2.4 of the Administrative Code of the Russian Federation, an official is subject to administrative responsibility if he commits an administrative offense in connection with non-performance or improper performance of his official duties.

The head and other employees of a medical organization who have committed administrative offenses in connection with the performance of

organizational and administrative or administrative functions bear administrative responsibility as officials.

Thus, an employee of a medical organization can be brought to administrative responsibility as an official only if it is established that the unfulfilled actions on migration registration of foreign citizens are included in his official duties.

In relation to the head, judicial practice proceeds from the fact that, by virtue of his position, he is responsible for the performance of public legal duties by the organization.

By virtue of Part 3 of Article 2.1 of the Administrative Code of the Russian Federation, the imposition of administrative punishment on a legal entity does not exempt the guilty individual from administrative responsibility for this offense, as well as bringing an individual to administrative or criminal responsibility does not exempt a legal entity from administrative responsibility for this offense.

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\* Part 10 of Article 22 of Federal Law No. 109-FZ: "10. When a foreign citizen is staying in a hotel or in another organization providing hotel services, in a sanatorium, a rest home, a boarding house, a children's health camp, a tourist base, a campsite, a medical organization providing medical care in stationary conditions, or a social service organization providing social services in stationary form, including to persons without a fixed place of residence, or in an institution that executes criminal or administrative punishment, notification of the migration registration authority by the administration of the relevant organization or institution of the arrival of this foreign citizen to the specified place of stay may also be carried out using the means of communication included in the telecommunication network in accordance with the procedure and conditions established by the Government of the Russian Federation."

\*\*Excerpt from the Ruling of the Constitutional Court of the Russian Federation dated October 29, 2020 No. 2413-O: "Within the meaning of the provisions of the Federal Law On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation, a foreign citizen is subject to registration at the place of stay in accordance with the procedure established by law or an international treaty of the Russian Federation (Part 1 of Article 20 of Federal Law No. 109-FZ). For registration at the place of stay, a foreign citizen, upon arrival at the place of stay, presents to the receiving party a document certifying his identity and recognized by the Russian Federation in this capacity (Part 1 and paragraph "a" of part 2 of Article 22 of Federal Law No. 109-FZ). This legal regulation also applies to cases of stay of foreign citizens at the address of a medical organization providing medical care in inpatient conditions (paragraph 2 of part 1 of Article 21 of Federal Law No. 109-FZ). In this case, notification of the arrival of a foreign citizen at the place of stay must be submitted by a medical organization to the migration registration authority within one working day following the day of arrival of a foreign citizen at the place of stay (paragraph 1 of Part 3 and Part 3.1 of Article 20 of Federal Law No. 109-FZ). The above legal regulation establishes a special mechanism for the implementation of migration registration of foreign citizens staying in medical organizations, and imposes on foreign citizens the obligation to provide the receiving party with the documents necessary for migration registration, which implies that the medical organization has the right to require foreign citizens to present an identity card as part of their fulfillment of this obligation."

Administration.