



STATELESSNESS

Case Law Database

[Russia - Supreme Court of Russian Federation, judgment №3-АД15-5](#)

The applicant is a stateless person, who has been fined and ordered to leave Russia due to lack of appropriate immigration documents. He was discovered in Russia again in 2014, fined, and an expulsion order was issued against him. The Court found that the applicant's statelessness does not exempt him from having to comply with immigration regulations.

Case name (in original language) : №3-АД15-5

Case status: Decided

Case number: №3-АД15-5

Citation: http://vsrf.ru/stor_pdf.php?id=1344426

Date of decision: 12/05/2015

State: Russian Federation

Court / UN Treaty Body: Supreme Court

Language(s) the decision is available in: Russian

Applicant's country of birth: Unknown

Applicant's country of residence: Russian Federation

Key aspects: Deportation and removal, Protection

Facts

The applicant is a stateless person, who was fined for being in Russia without having appropriate immigration documents in 2010, and ordered to leave Russia. He was discovered again in 2014 on the territory of Russia, fined, and ordered to be expelled. He appealed against the administrative fine and the expulsion order.

Legal arguments by the applicant

The applicant argued that measures taken against him are unlawful and unjustified.

Decision & Reasoning

The Court reasoned as follows:

“Part 1.1 of Article 18.8 of the Administrative Offences Code of Russian Federation [...] establishes administrative consequences if foreign nationals or stateless persons violate the regime of stay (residence) in Russian Federation, which can take the form of lack of documents that confirm their right to stay (reside) in Russian Federation, or in case of loss of such documents the violation can consist of failure to report the loss to the relevant authority, or of failure to leave Russian Federation after expiry of a certain length of stay.”

“Federal Law of 25 July 2002 № 115-Φ3 in its provisions establishes that the term “foreign national” includes the concept of a “stateless person”, which according to Article 2 of that law is an individual who is not a national of Russian Federation and who does not have proof of nationality (subjecthood) of a foreign state.”

“The fact that [the applicant] is a stateless person does not exempt him from the administrative consequences, as the addressees of administrative offences regulation [...] are foreign national and stateless persons.”

Decision documents

[SupremeCourt_12May2015.pdf](#)

Outcome

The Court ruled against the applicant, confirming the lawfulness of a fine and the expulsion order against him.