



[Russia - Constitutional Court, Ruling No. 183-O](#)

The Supreme Court of the Republic of Karelia requested to review the constitutionality of Article 22(2) of the Federal Law On Russian Citizenship ('Citizenship Law'), which established that the fact that a person had been confirmed by a court to have committed or prepared to commit one of the offences in the established list of offences related to terrorist activities, was equivalent to the fact that such person had knowingly given false information about their intention to comply with the Constitution of the Russian Federation when applying for the Russian nationality, which constitutes a ground to revoke their nationality.

The applicant argued that the provision of Article 22(2) of the Citizenship Law might be unconstitutional to the extent it allows a person to be stripped of their citizenship where such person had been convicted under “terrorism” charges before this provision entered into legal force. The Constitutional Court of the Russian Federation confirmed the constitutionality of this provision by ruling that it does not introduce new rules but only clarifies the already existing ones, and that it does not establish any liability measures. Consequently, Article 22(2) of the Citizenship Law is not subject to the prohibition of retroactive effect of the provisions establishing or aggravating liability set out by the Constitution of the Russian Federation.

Case name (in original language) : Определение Конституционного Суда РФ от 11 февраля 2021 года № 183-О

Case status: Decided

Case number: 183-O

Citation: Constitutional Court of the Russian Federation, Ruling No. 183-O dated 11 February 2021

Date of decision: 02/11/2021

State: Russian Federation

Court / UN Treaty Body: Constitutional Court of the Russian Federation

Language(s) the decision is available in: Russian

Applicant's country of residence: Russian Federation

Key aspects: Deprivation of nationality

Relevant Legislative Provisions:

- Article 22 of Federal Law No. 62-FZ On Russian Citizenship dated 31 May 2002 (as amended)
- Article 6 and Article 54 of the Constitution of the Russian Federation (as amended)

Facts

In 2004, a stateless person (N.) obtained Russian nationality upon application under a simplified procedure provided for by the Citizenship Law. However, in 2020 the Chief Department of the Ministry of Internal Affairs in Moscow revoked the decision to grant N. Russian nationality in accordance with Articles 22 and 23 of the Citizenship Law, based on the fact that, in 2017, N. had been sentenced to 3 years in prison for preparing to take part in the activities of a terrorist organisation.

N. appealed this decision. The Supreme Court of the Republic of Karelia approved N.'s petition to appeal to the Constitutional Court of the Russian Federation to review the constitutionality of Article 22(2) of the Citizenship Law. N. challenges the applicability of this provision to his case because the provision had been introduced in law after he had been granted Russian nationality.

Legal arguments by the applicant

The applicant claimed that Article 22(2) of the Citizenship Law does not comply with Articles 6, 23, 24, 38, 45, 46, 54 and 55 of the Constitution of the Russian Federation, to the extent that it allows a person to be deprived of their nationality for committing a terrorism-related crime when the crime was committed before the current version of Article 22(2) of the Citizenship Law entered into force. In the applicant's view, this contradicts the constitutional principle of non-retroactivity of provisions which establish or aggravate liability.

Decision & Reasoning

The Constitutional Court rejected the application and upheld the constitutionality of Article 22(2) of the Citizenship Law. The court's reasoning was that the previous wording of Article 22 of the Citizenship Law allowed for the annulment of the decision to grant Russian nationality when a court declared that a person knowingly submitted false information when applying for nationality. When a person receives

Russian nationality they irrevocably undertake to be loyal to Russia and to perform their civic duty under the Constitution of the Russian Federation, Russian legislation, and in good faith. The fact of committing a terrorism-related offence is equated with submitting knowingly false information about the person undertaking to perform this duty. Thus, the current wording of Article 22(2) of the Law on Citizenship "is only a procedural development of the provision that was previously in force".

The decision to revoke the granting of Russian nationality to a person who committed a terrorism-related offence is not a measure of liability but is, by its nature, a constitutional restorative measure [see notes below under 'Links to other relevant materials']. Hence, the prohibition of retroactive application of a law that establishes or aggravates liability does not apply to such revocation.

If the current wording of Article 22(2) of the Citizenship Law applied only to people who acquired Russian nationality after the date when it came into force, that would create unacceptable inequality between such people and those who acquired Russian nationality before and undertook the same obligations to be loyal to Russia and to perform their civic duty in good faith under the Constitution and Russian legislation.

Decision documents

[Определение Конституционного Суда РФ от 11.02.2021 N 183-О.pdf](#)

Outcome

The Constitutional Court of the Russian Federation rejected the application and upheld the constitutionality of Article 22(2) of the Citizenship Law.

Links to other relevant materials related to the case (blogs, analysis, articles, reports, etc.)

Note: It is worth noting that the Constitutional Court has not used the notion of a “constitutional restorative measure” earlier in its decisions, and there is no explanation as to what the constitutional restorative measure is and how it is different from the measures of liability.

Links to other relevant materials:

- ADC Memorial, [A Questionable Ruling from the Constitutional Court: It is Lawful to Strip a Person of Their Sole Citizenship](#), 23 March 2021

- ENS Blog by Olga Abramenko, Expert at ADC Memorial, [Russia's Constitutional Court delivers questionable ruling on nationality stripping](#), 15 Apr 2021