

(Translated from Russian)

Permanent Mission of the Russian Federation to the United Nations Office and other international organizations at Geneva

No. 1799

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to letter AL/RUS/4/2018, has the honour to transmit herewith its reply to the inquiry from the Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the human rights of migrants concerning the situation of Mr. Bakhrom Khamroev.

The Permanent Mission of the Russian Federation takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 17 May 2018

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Information from the Russian Federation in response to the inquiry from the special procedures of the Human Rights Council concerning the situation of Mr. B.M. Khamroev

Reference: AL RUS 4/2018

The Russian Federation has studied the inquiry from the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, and the Special Rapporteur on the human rights of migrants, Mr. Felipe González Morales, concerning the situation of Mr. Bakhrom Marodmamadovich Khamroev, leader of the organization Ėrdam (Help), and wishes to provide the following information.

On 11, 16 and 19 January 2018, the internal affairs office for Bibirevo district, a unit of the Central Department of the Ministry of Internal Affairs of the Russian Federation for Moscow, received notification from Mr. Khamroev, [REDACTED] that three foreign citizens [REDACTED]

[REDACTED] had been registered as migrants at the address [REDACTED]

In the course of exercising their authority to ensure that foreign citizens, officials, legal persons, and other bodies and organizations comply with the rules on migration statistics set out in article 12 of the Federal Act on Migration Statistics on Foreign Citizens and Stateless Persons in the Russian Federation (No. 109-FZ of 18 July 2006), officials of the Bibirevo internal affairs office established that, in violation of the requirements of article 7 (3) of the Act, the aforementioned foreign citizens, who were registered as migrants at the above address, were not actually living in the apartment in question; they had been registered there by the owner with no intention of providing them with a dwelling at that address.

Procedural checks were carried out in respect of this finding, as a result of which the investigation department launched criminal proceedings against Mr. Khamroev on 14 February 2018 based on evidence of offences under article 322.3 (Fictitious registration of a foreign citizen or stateless person by current address in a dwelling in the Russian Federation) of the Criminal Code of the Russian Federation.

The Butyrskaya inter-district prosecutor's office for Moscow found the decision to bring criminal proceedings to be lawful and justified. At present, investigations in the criminal case are continuing.

In these circumstances, the events mentioned by the Special Rapporteurs must be analysed with due consideration for the fact that keeping migration statistics on foreign citizens and stateless persons in the Russian Federation is one of the ways in which the State regulates the migration process and is intended to protect and uphold the guarantees laid down in the Constitution of the Russian Federation that every person lawfully present on the territory of the Russian Federation should be able to exercise freedom of movement, free choice of place of residence within the borders of the Russian Federation and other individual rights and freedoms. To put it another way, foreign citizens are able to choose where to live in Russia and to choose to move to another region, on the understanding that they will register based on their actual place of residence and the migration statistics authorities will be notified accordingly.

Matters that arise in keeping statistics on the movement of foreign citizens or stateless persons in connection with their entry into the Russian Federation, transit through the territory of the Russian Federation, movement within the territory of the Russian Federation in the course of choosing or changing their place of residence within the borders of the Russian Federation, or exit from the Russian Federation are governed by the Federal Act on Migration Statistics on Foreign Citizens and Stateless Persons in the Russian Federation (No. 109-FZ of 18 July 2006).

This Act stipulates that keeping migration statistics on foreign citizens and stateless persons is a State activity involving the collection and compilation of information that the

Act requires on foreign citizens and stateless persons and the movement thereof within the territorial limits of the Russian Federation.

Migration statistics are based on the following basic principles:

- (1) Freedom of movement for foreign citizens and free choice of place of residence within the borders of the Russian Federation
- (2) State protection of the right of foreign citizens to freedom of movement and free choice of place of residence within the borders of the Russian Federation on the basis of legality and respect for the rules of international law
- (3) Consideration for the interests of individuals, society and the State
- (4) Ensuring the national security of the Russian Federation and defending the country's other national interests
- (5) Ensuring transparency in activities necessary for keeping migration statistics
- (6) Harmonizing rules on migration statistics.

Under Federal Act No. 109-FZ, migration statistics are kept in order to:

- Create the necessary conditions for citizens of the Russian Federation and foreign citizens to exercise their rights and freedoms and meet their obligations
- Formulate and implement State migration policy
- Obtain full, reliable, relevant and timely information on the movement of foreign citizens, which is needed for State monitoring of migration statistics
- Facilitate town and country planning in the Russian Federation
- Safeguard the foundations of the constitutional order, justice, and the health, rights and legitimate interests of citizens of the Russian Federation and foreign citizens staying in the Russian Federation
- Carry out other socioeconomic and sociopolitical activities

Issues relating to the legal status of foreign citizens, including migrants, and persons granted refugee status are governed by the Federal Act on the Legal Situation of Foreign Citizens in the Russian Federation (No. 115-FZ of 25 July 2002), the Federal Act on Procedures for Exiting and Entering the Russian Federation (No. 114-FZ of 15 August 1996) and the Federal Act on Refugees (No. 4528-I of 19 February 1993).