



New Restrictions on Multi-Entry Visas for Business Travel to Russia

ABC Sakhalin reports that, beginning in September 1999, an increasing number of applications for multi-entry business entry-exit visas are being refused by the Ministry of Foreign Affairs (MFA), and instead only single- or at most double-entry visas are issued. Moreover, these entry visas must be surrendered upon registering in Russia, and separate application made for visas to leave. This presents a new bureaucratic maze for frequent business travelers, and on organizations who, for reasons of company policy, must travel to Moscow via Seoul on foreign carriers. At ABC and American citizen request, US Consul General Vladivostok Lisbeth Rickerman discussed this issue with Sakhalin Oblast Governor Igor Farkhutdinov and MFA representative on Sakhalin Sergey Kastornov on 23 September, and subsequently in more detail with Kastornov on 24 September.

In followup to these meetings, Kastornov gave the ABC an article, soon to be published in Russian in the local newspaper "Gubernskiye Vedemosti," which explains some aspects of the new visa procedures. Subsequently, ABC helped organize meetings of the Sakhalin International Business Association (SIBA) on 4 and 8 October, 1999, at which representatives of MFA and OVIR explained the new procedures. The following summary and analysis is based on that material.

MFA has developed a **new computerized system** of processing invitations for foreigners (Russian acronym "AS-OPIG"), which is **gradually being introduced throughout the Russian Federation**. In the Russian Far East, Vladivostok and (since 15 April 1999) Sakhalin have switched over to this new system.

The term and type of visa are determined automatically, based on the purpose of the proposed travel as stated in the letter of invitation, and entered into the computer system. Once entered, there is no element of human decision-making. (Corrections can be made later, for a modest fee of \$3.) Although Kastornov stated that term/type is granted strictly in accordance with Russian Federal Law (see appendix), in fact this part of the law is only two paragraphs long and vaguely-worded. As so often happens in Russia, the most important details are in the instructions and executive orders for implementing the law – *internal documents not available to the public*. These instructions were drafted by Consular Services Section of MFA in Moscow, and programmed into the AS OPIG system.

The purpose is made very clear by Kastornov: "This new procedure **does not permit** the processing of an invitation for a foreign citizen to receive a **multi-entry visa** to enter the Russian Federation with the purpose of **carrying out professional activities**." Anyone deemed to be carrying out professional duties as defined by the instructions



New Restrictions on Multi-Entry Visas for Business Travel to Russia

(technical service, delivery, maintenance and repair of equipment or technology, hired labor under contract, etc.) is eligible *only for a three-month single- or double-entry visa*. Family members of such individuals may also be granted visas for this same term/type.

These are entry-only visas which are surrendered upon registration with the City OVIR office (visa and foreigner registration office of the Ministry of Internal Affairs), which by law must be done within three (working) days of arrival in Russia. The passport is stamped to indicate that the traveller has registered in that city. **Separate application must then be made for an exit-entry visa at Regional OVIR before one is allowed to leave Russia.** According to the OVIR representative, the traveler must present a copy of the title page of his national passport, and a letter requesting the exit-entry visa, *from the organization that invited you*, stating full name, date of birth, passport and visa numbers, location of registration, and a request to issue an the exit-entry visa. Also required: two (2) 3x4cm matte black-and-white photographs (in general, it's a good idea to have a supply of 20-30 photographs on hand at all times). OVIR can issue such a visa usually within three working days, and in *exceptional circumstances only*, within one hour (assuming there is electricity for the computer). There are no provisions for rush processing. The cost is about \$3, which must be wire-transferred to the OVIR account at Sberbank. They do not take cash.

There is no date associated with the exit-entry visa (except for the expiration after three months), so in principle one could apply immediately upon arrival in Russia and have it ready if unplanned travel becomes necessary.

If the traveler needs to stay longer than three months, **the visa can be extended without leaving Russia by the MFA office or by Regional OVIR.** At MFA the cost is \$250 for an extension of up to ten days, and \$50 per ten-day period thereafter. At OVIR the cost is about 67 cents at current exchange rates. Although MFA, at the 4 October meeting, suggested coming in on a double-entry and having OVIR extend it, four days later MFA had already issued new instructions *prohibiting* OVIR from doing that. Now it appears OVIR can process single-entry extension and *only upon submission of a valid Work Permit by the applicant* (in addition to the other documents required, as listed above). Incidentally, OVIR reports that "it is surely no secret to anyone" that they forward all applications to the FSB (former KGB) for background checks and approval.



New Restrictions on Multi-Entry Visas for Business Travel to Russia

The Work Permit is issued by the local branch of the Federal Migration Service, upon presentation of the following documents:

- Letter of request;
- Copy of the applicant's national passport and visa
- Filled-out application form (available at the FMS office)
- Copy of the applicant's contract with the company (often the order of the company's chief executive appointing the applicant to his post is sufficient);
- Copy of the company charter and certificate of registration
- Bank statement confirming that payment (about \$25) has been made to FMS Sakhalin branch and to FMS Federal headquarters in Moscow.

Certain individuals are exempted from the work permit requirement, such as academic guest lecturers, or specialists who come for only a short period to install or perform emergency repair on equipment. The logic is that such individuals will probably not need more than a three-month single-entry visa anyway. However, if that same specialist will regularly perform scheduled *maintenance* on the equipment, it's a good bet that a work permit is also required.

Incidentally, once in Russia, the traveler can apply for other types of visas directly from OVIR, including multi-entry if the traveler is eligible. This requires all the above documents plus six 3x4cm matte black-and-white photographs, and costs roughly \$7.

Kastornov emphasizes that MFA *will continue to grant multi-entry visas* to those applicants coming *for business or commercial purposes*. As defined by MFA, this includes travel for a specific **negotiation with governmental or commercial agencies, meetings, consultations, conferences, discussions on conclusion of long-term contracts, extension of commercial agreements**, etc. Top managers and company executives also seem to fall into this category. However, Kastornov warns potential applicants that the explanation "it might come in handy later" is not sufficient reason for even this class of business traveler to receive a multi-entry. "Experience in dealing with applications shows that the inviting organization is not always certain that they actually need a longer stay in Russia, and are often unable to prove that the foreign citizen's business in fact will require more than one visit to the Russian Federation."

A second warning is also disturbing: "No matter how long the term for which a multi-entry visa is granted, the foreign citizen's stay at any one time in the territory of Russian Federation **should not exceed three months.**"



New Restrictions on Multi-Entry Visas for Business Travel to Russia

Kastornov explains that this follows from the Soviet-era rules which continue to regulate the work of OVIR (see appendix). Because of court decisions striking down some of these rules as unconstitutional, and numerous amendments to “patch up” the rough spots¹, the rules have long needed updating. Draft bills are now circulating in the State Duma in Moscow to do this. Unfortunately for business travelers, we are told to expect more consistency, but less liberality from these new rules, if passed.

Multi-entry visas cannot as a rule be extended. The traveler must leave Russia and re-apply.

At the meetings with MFA and OVIR, organized by ABC, foreign businessmen raised a number of practical objections to these new procedures. Most important to the oil companies was the issue of worker safety: how does one get an exit visa at 3am on Sunday if an operator on the platform is hurt and has to be emergency medivac’ed to Japan? And what about the medic who must accompany? There was no satisfactory answer to this. While no one doubts that MFA and OVIR will respond in a humanitarian fashion to an emergency situation, the new procedures create additional bureaucratic hurdles that could be life-threatening when time is of the essence. And what if the medical treatment is routine but painful, such as a root canal? What about sudden business opportunities, urgently-called meetings, deaths in the family, and other things that could require an expat to leave the country unexpectedly early? To say nothing of weekend R&R in Hokkaido. Clearly, one should apply with Regional OVIR for an exit-entry as early as possible, but this poses issues for a worker who spends all his time on the Molikpaq. The sheer volume and complexity of paperwork will be a bureaucratic nightmare for the oil companies, who frequently send large groups to Moscow via Hakodate or Seoul. It will likely be daunting for smaller companies, and completely forbidding for inexperienced new-to-market foreign businessmen. Unfortunately for them, MFA and FSB are discouraging visa support by more experienced third-parties. ABC Sakhalin has already been warned that FMS will no longer approve multi-entry visa applications submitted on behalf of other organizations or individuals, who are recommended to register for consular services with MFA and process their own visa paperwork. The logic is that Soviet-era rules require a “handler,” an organization that takes all responsibility for the foreigner and his activities so that the FSB can monitor them effectively, and the other agencies need a legal entity to fine or take to court if some obscure rule is violated. The

¹ Such as RF Government Executive Order No 790 of 14 Oct 92 which grants foreigners freedom of movement anywhere in Russia with registration at OVIR only once, upon entry into Russia, except of course to closed security areas. Practice shows that OVIRs, by force of habit, continue to pretty much follow the old procedures of registering every time a foreigner moves from one place to another.



New Restrictions on Multi-Entry Visas for Business Travel to Russia

impression is that we are moving backwards towards the Soviet-style procedures, not forwards towards more liberal business-friendly travel regimes.

Returning to the topic of the new MFA visa instructions, Kastornov and the Governor appreciate that they impose proportionately *greater* inconvenience on Sakhalin than elsewhere because of the number of foreigners coming here in connection with the oil and gas projects and the nature of their work. Kastornov recommended that the Governor, as a member of the Federation Council, submit an amendment to the Federal Law governing entry and exit of foreigners. However, it would seem equally effective, and easier, for someone to pressure the Consular Section of MFA to change their instructions. CG Rickerman has taken these suggestions under advisement.

ABC Sakhalin will continue to advise as new developments arise, and continues to offer a letter-of-invitation and other visa-related service for foreign citizens – however, for now without any guarantee that the traveler will receive the term/type of visa requested.

Appendix 1: List of Contacts

- Yelena V. KONDRATYEVA, Ministry of Foreign Affairs
- Irina P. POLYAKOVSKAYA, deputy director Regional OVIR
- Lyudmila G. KRASNOVA, deputy director Regional OVIR, in charge of Exit/Entry Visa Issues, tel. 723334
- Regional OVIR, Dept of Visa Regimes, tel. 789515
- Regional OVIR, 24-hour duty phone, tel. 722490
- Yuriy M. ORLOV, head of Sakhalin Branch, Federal Migration Service

Appendix 2: List of Governing Laws and Regulations

Visa Issuance (MFA)

- Appropriate intergovernmental multilateral or bilateral agreement (depending on citizenship)
- Russian Federal Law No 114-F3 of 15 Aug 96, “On the Procedure of Exit From the Russian Federation and Entry into the Russian Federation”
- Executive Order of the RF Government No 1142 of 1 Oct 98, “On Implementing Some Norms of the Federal Law ‘On the Procedure of Exit from the Russian Federation and Entry into the Russian Federation,’” which authorizes implementation of the following regulations:
- Ibid., “Executive Order On the Registration of Organizations with the Russian Federation Ministry of Foreign Affairs for Purposes of Providing Organizations With Consular Services.”
- Ibid., “Executive Order on Processing Invitations to the Russian Federation for Foreign Citizens and Individuals Without Citizenship.”
- Executive Order of the RF Government No 495 of 15 May 1995, “On Introduction of a New Procedure for Processing Invitations For Foreign Citizens to the Territory of the Russian Federation.”



New Restrictions on Multi-Entry Visas for Business Travel to Russia

- Executive Order of the RF Government No 89 of 24 Jan 98, "On Further Development of a Computerized System of Issuing, Processing and Controlling Computer-Readable Passports and Visas, and Computerized System Of Processing Invitations for Foreign Citizens."

Registration of Foreigners (OVIR)

- "Rules for Residence of Foreign Citizens in the USSR," approved by the USSR Council of Ministers on 26 Apr 91.

Work Permits (FMS)

- Decree of the RF President No 2146 of 16 Dec .93 "Recruiting and Hiring of Foreign Labor in the Russian Federation"
- Decree of the RF President No 847 of 29 Apr 94 "Additional Measures on Improving of Hiring Procedures for Foreign Labor in the Russian Federation,"
- Decree of the Governor of Sakhalin Region No 138 of 30 Mar 98 "On Temporary Regulations for the Recruiting and Hiring of Foreign Labor for Work on the Territory of Sakhalin Oblast, and the Territorial Waters and Continental Shelf Adjacent to the Administrative Boundaries of Sakhalin Oblast"