EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 41830/15
Dashgyn Takhir Ogly ALIYEV
against Russia

The European Court of Human Rights (Third Section), sitting on 17 May 2022 as a Committee composed of:

María Elósegui, *President,*
Andreas Zünd,
Frédéric Krenc, *judges,*
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 41830/15) against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 19 August 2015 by an Azerbaijani national, Mr Dashgyn Takhir Ogly Aliyev, who was born in 1985 and lives in Zapolye ("the applicant") who was represented by Mr V.B. Rykov, a lawyer practising in Roshchino;

the decision to give notice of the application to the Russian Government ("the Government"), initially represented by Mr G. Matyushkin, former Representative of the Russian Federation to the European Court of Human Rights, and later by his successor in this office, Mr M. Vinogradov;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. In June 2013 the applicant arrived in Russia and started cohabiting with a Russian national, Ms P. On 26 September 2013 he received three-year residence permit, which implied an obligation to provide the authorities between 26 September and 26 November 2014 with documents reflecting the source of his income in Russia and a copy of his tax declaration.

2. The applicant failed to comply with the above obligation. On 26 December 2014 a migration officer compiled an administrative offence record, which was forwarded to the Kingisepp Town Court in the Leningrad Region. On the same day the latter convicted the applicant of an offence under Article 18.8 § 3 of the Code of Administrative Offences ("the CAO"), on account of his failure to comply with the immigration regulations. He was sentenced to a fine and expulsion from Russia via the compulsory removal procedure entailing five-year re-entry ban and detention in a special centre pending the removal.

3. The applicant appealed against the judgment to the Leningrad Regional Court, which on 31 December 2014 partially changed the Town Court's decision and ordered that the removal be carried out via the controlled departure procedure which did not require detention pending removal. On 13 July 2015 the Supreme Court of Russia rejected the applicant's application for review of the final judgment.

4. Referring to Articles 6 and 8 of the Convention the applicant complained that the decision to expel him from Russia violated his right to respect for family life and that the ensuing expulsion proceedings fell short of the Convention requirements.

THE COURT'S ASSESSMENT

5. Considering that the applicant lodged his complaints on 19 August 2015 that is in more than six-months since the final domestic decision of 31 December 2014, he failed to comply with the six-month time-limit (see *Smadikov v. Russia* (dec.), no. 10810/15, §§ 44-51, 31 January 2017).

6. Accordingly, the Court finds that the application must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 July 2022.

Olga Chernishova Deputy Registrar	María Elósegui President