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

THIRD SECTION

DECISION

Application no. 21754/19
Viktor Viktorovich KNYSHOV
against Russia

The European Court of Human Rights (Third Section), sitting on 10 May 2022 as a Committee composed of:

Darian Pavli, *President,*
Andreas Zünd,
Mikhail Lobov, *judges,*
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 21754/19) against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 8 April 2019 by a Russian national, Mr Viktor Viktorovich Knyshov, who was born in 1986 and lives in Samorodovka ("the applicant") who was represented by Ms Z.A. Biryukova, a lawyer practising in Saratov;

the decision to give notice of the complaint concerning Article 8 of the Convention to the Russian Government ("the Government"), represented by Mr M. Vinogradov, Representative of the Russian Federation to the European Court of Human Rights, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant, who was a stateless person, lived in Russia since the age of six, having moved there in 1992 with his late parents and brother, all of whom were Russian nationals. In 2008 he was convicted of aggravated robbery and murder and sentenced to twelve years of high security prison. In May 2015 the Russian Ministry of Justice declared his presence in Russia

undesirable until February 2027, when his criminal record would be expunged (the exclusion order).

2. In April 2018 the applicant was released early and in May 2018 he unsuccessfully appealed against the exclusion order to domestic courts stating that he had a partner, a Russian national, with whom he had had a son while serving his sentence, as well as that he was a stateless person and did not pose any threat to the society, as proved by his early release from prison. The domestic courts upheld the exclusion order without assessing either the applicant's allegations of its adverse effect on his family life or his stateless status.

3. On 7 April 2021 the Saratov Region Police Department examined the applicant's stateless situation and granted him Russian nationality.

4. The applicant complained under Article 8 of the Convention that when issuing and upholding the exclusion order the domestic authorities had failed to take into account its negative impact on his family life and his stateless status. He further stated that the Russian nationality subsequently granted to him could be revoked at any moment and he could be expelled as the exclusion order against him was not annulled.

THE COURT'S ASSESSMENT

5. The Government submitted that the application was inadmissible as the applicant had been granted Russian nationality and therefore, he could not be expelled. They also alleged that he had failed to duly appeal against the exclusion order.

6. Without entering the issue of exhaustion of domestic remedies, the Court finds the application inadmissible for the following reason.

7. The Court observers that firstly, between April 2018 and April 2021, the authorities took no steps to enforce the exclusion order against the applicant (for a similar situation, see *Agadzhanyan v. Russia* [CTE], no. 25625/14, 19 May 2020). Secondly, in April 2021, his situation was re-examined by the authorities, and he was granted Russian nationality, which made the exclusion order against him unenforceable.

8. In view of the above, and assuming that the applicant has not lost his victim status, the Court concludes that the applicant's complaint under Article 8 of the Convention is manifestly ill-founded. It must therefore be dismissed under Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 2 June 2022.

Olga Chernishova Deputy Registrar	Darian Pavli President