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

THIRD SECTION

DECISION

Application no. 38389/14
Elfida Orudzhevna NASIBOVA
against Russia

The European Court of Human Rights (Third Section), sitting on 2 February 2016 as a Committee composed of:

George Nicolaou, *President,*
Branko Lubarda,
Pere Pastor Vilanova, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 6 May 2014,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Elfida Orudzhevna Nasibova, is a Georgian national, who was born in 1975 and lives in Sukhiye Avrali, Samara region. She was represented before the Court by Mr A.I.O. Akhmedov, a lawyer practising in Samara.

The Russian Government (hereinafter "the Government") are represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant arrived in Russia in 2011. On 26 September 2011 she received a three-year residence permit. The applicant's husband and four minor children are Russian nationals and live in Russia.

On 6 September 2013 the Samara Regional Department of the Federal Migration Service (hereinafter "the FMS department") (*Управление Федеральной миграционной службы России по Самарской области*)

revoked the applicant's residence permit on the ground that she posed a threat to national security.

On 15 October 2013 the Samarskiy District Court in Samara upheld the revocation. The court found that it had not interfered with the applicant's family life, as it did not prevent the applicant from entering Russia or from applying for a new residence permit.

On 17 January 2014 the Samara Regional Court upheld the decision of the first instance court on appeal stating that the revocation had been ordered in accordance with the procedure prescribed by law and reasoned by the information submitted by the local FSB department. The revocation did not interfere with the applicant's family life as in a year after it she was entitled to apply for a new residence permit.

On 26 March 2014 a judge of the Samara Regional Court refused to refer the applicant's cassation appeal for examination by the Presidium of the Samara Regional Court.

The applicant complains under Article 8 of the Convention that the revocation of her residence permit violated her right to respect for her family life. In the absence of a residence permit she is obliged to leave Russia where her four children lawfully reside and has to obtain a visa each time she wants to see them. She argues that she does not present any security risk and the authorities' findings to the contrary were unsubstantiated. Her procedural rights were violated because the decision to revoke her residence permit was taken on the basis of classified materials.

On 5 November 2014 the applicant's complaints were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit her own observations on the admissibility and merits by 11 March 2015. No reply was received to the Registry's letter.

On 18 August 2015 the Court received the applicant's lawyer's just satisfaction claim asking for reimbursement of costs and expenses incurred in connection with the proceedings before the Court. No observations on the admissibility and merits of the application were enclosed.

By letter dated 24 September 2015, sent by registered post, the applicant's representative was notified that the period allowed for submission of the observations had expired on 11 March 2015 and that no extension of time had been requested. He was invited to provide by 22 October 2015 explanations for the belated submission of the just satisfaction claim and submit observations on the admissibility and merits of the application. The applicant's representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant's representative received this letter on 14 October 2015. However, no response has been received.

THE LAW

The Court recalls Article 37 of the Convention which, in the relevant part, reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application;
>
> ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 3 March 2016.

Marialena Tsirli
Deputy Registrar

George Nicolaou
President