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

THIRD SECTION

DECISION

Application no. 13385/16
Sos Sogomonovich SHAPOVALOV
against Russia

The European Court of Human Rights (Third Section), sitting on 26 September 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 28 February 2016,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Sos Sogomonovich Shapovalov (in the documents submitted also referred to as Mr Sos Daniyelyan), is an Armenian national, who was born in 1973 and lives in Vanadzor.

2. The applicant arrived in Russia in 2008. He had no family left in Armenia. At some point in 2008 he started living with Ms E.Sh., a Russian citizen, in the Belovskiy District in Kursk Region. On 9 March 2011 and then on 7 June 2012 the applicant was fined for failing to comply with immigration regulations.

3. On 28 January 2015 the Belovskiy District Court ordered the applicant's administrative removal from Russia for a violation of Article 18.8 of the Code of Administrative Offences for residing in Russia without proper authorisation. In addition, the court fined him 2,000 Russian roubles. The court did not examine the applicant's submission that he had a family life in Russia, stating that his marriage to Ms E.Sh. had not been officially registered and therefore could not be taken into account.

4. On 3 June 2015 the applicant and Ms E.Sh. officially registered their marriage in Vanadzor, Armenia. The applicant took his wife's surname and became Mr Shapovalov.

5. On 29 October 2015 the Kursk Regional Court upheld the administrative removal on appeal. It stated, in particular, that the applicant had concluded the marriage with Ms E.Sh. only after the issuance of the decision to remove him and that therefore it did not prove that he had a family life in Russia.

6. On 24 December 2015 the Supreme Court of the Russian Federation dismissed a further appeal by the applicant against his removal. It stated, in particular, that there had been no evidence of the applicant having a family life at the time of the decision on his administrative removal.

7. From the documents submitted to the Court it appears that on an unspecified date in 2015 the applicant was deported from Russia to Armenia. He stated that the removal prevents him from re-entering Russia for five years due to a re-entry ban.

8. The applicant's complaint under Article 8 of the Convention concerning a violation of his right to respect for family life owning to the alleged failure to examine his family life in Russia when deciding on his removal from the country was communicated to the Russian Government on 30 August 2016. On 18 January 2017 the Government submitted their observations on the admissibility and merits; on 25 January 2017 they were forwarded to the applicant and he was invited to submit his observations. No reply was received to the Registry's letter.

9. By letter dated 7 July 2017 sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 29 March 2017 and that no extension of time had been requested. The applicant'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. On 1 August 2017 the letter returned to the Registry as the applicant no longer resided at the address provided by him for the correspondence with the Court.

THE LAW

10. 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."

11. The Court considers that, in these circumstances, given that the applicant failed to provide the Court with an update on his address for the correspondence, he may be regarded as no longer wishing to pursue his 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.

12. 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 19 October 2017.

Fatoş Aracı
Deputy Registrar

Luis López Guerra
President