



### [ECtHR - Knyshov v. Russia](#)

The applicant, a formerly stateless person who lived in Russia, challenged an exclusion order issued by the Russian Ministry of Justice in 2015 on the basis of his presence in Russia being undesirable due to unspent criminal convictions. The applicant was granted Russian nationality in 2021, but claimed that the existing exclusion order made against him breached his rights under Article 8 ECHR because the effect of the exclusion order could still result in his expulsion from Russia. The ECtHR found the complaint inadmissible as it held that the exclusion order became unenforceable once the applicant obtained Russian nationality, making his complaint under Article 8 of the Convention unfounded.

**Case status:** Decided

**Case number:** 21754/19

**Citation:** European Court of Human Rights, Knyshov v. Russia (application no. 21754/19), 10 May 2022

**Date of decision:** 10/05/2022

**Court / UN Treaty Body:** European Court of Human Rights (ECtHR)

**Language(s) the decision is available in:** English

**Applicant's country of residence:** Russian Federation

**Legal instruments:** European Convention on Human Rights (ECHR)

**Key aspects:** Acquisition of nationality, Deportation and removal, Respect for private and family life

**Relevant Legislative Provisions:**

Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

Article 35 §§ 3 (a) and 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

**Facts**

The applicant, who was stateless, had lived in Russia since 1992, when at the age of six he moved to Russia with his late parents and brother who were all Russian nationals. In 2008, he was convicted of serious crimes (aggravated robbery and murder) and sentenced to 12 years in prison. An exclusion order was issued against him in 2015, deeming his presence undesirable until 2027, when the applicant's criminal record would be expunged.

The applicant was released from prison in early 2018 and unsuccessfully appealed the exclusion order on the grounds that he had a Russian partner, and a son with that same partner. He also argued that he was not a threat to society as evidenced by his early release from prison. In upholding the exclusion order, the domestic authorities did not assess the applicant's allegations of its adverse effect on his family life or stateless status.

In 2021, the applicant was granted Russian nationality. The applicant subsequently complained under Article 8 of the Convention that the domestic authorities had failed to consider the negative impact of the exclusion order on his family life and his stateless status when issuing and upholding the order. The applicant also complained that, as long as the exclusion order against him remained in place, the Russian nationality granted to him could be revoked at any time and he could be expelled from the country.

### **Legal arguments by the applicant**

The applicant argued that the exclusion order adversely affected his family life, particularly his relationship with his Russian partner and child, and did not consider his stateless status. The applicant also argued that the Russian nationality granted to him could be revoked as a result of the exclusion order and he could be expelled from Russia as long as the order was still in place.

### **Legal arguments by the opposing party**

The Russian Government contended that, since the applicant had been granted Russian nationality, he could not be expelled, thus rendering the application inadmissible. The Government also argued he had not properly appealed the exclusion order.

### **Decision & Reasoning**

The Court determined that the exclusion order was unenforceable after the applicant obtained Russian nationality, making his complaint under Article 8 of the Convention unfounded. The Court noted that authorities had not pursued the exclusion order between 2018 and 2021 and ultimately granted the applicant nationality in 2021, thus addressing the applicant's concerns regarding his statelessness and making the exclusion order unenforceable. The Court did not consider the issue of exhaustion of domestic remedies.

### **Decision documents**

[ECtHR - Viktor Viktorovich Knyshov v. Russia \(21754-19\).pdf](#)

### **Outcome**

The applicant's complaint under Article 8 of the Convention was found to be manifestly ill-founded and the application was declared inadmissible by the ECtHR. Assuming the applicant had not lost his victim status, the application was dismissed under Article 35 §§ 3 (a) and 4 of the Convention.

### **Caselaw cited**

Agadzhanyan v. Russia [CTE], no. 25625/14, 19 May 2020