

Law of the Azerbaijan Republic

About exit from the Country, entry into the Country, and about Passports

The present law guarantees the right of citizens of the Azerbaijan Republic to leave the Azerbaijan Republic and to enter the Azerbaijan Republic (further — exit from the country and entry into the country) in accordance with the General Declaration of human rights and with the relevant international agreements of the Azerbaijan Republic and to exercise freely such right a special document that represent the symbol of each independent state is envisaged — the passport of a citizen of the Azerbaijan Republic; the Law determines the rules of issuing passports to the citizens, the legal status of the citizens leaving for abroad to permanent residence, the rules of entry into the Azerbaijan Republic and of exit from the Azerbaijan Republic for foreigners.

Clause 1. The right of the citizens of the Azerbaijan Republic to leave the country and to enter into the country

Each citizen of the Azerbaijan Republic (further — citizen) has a right as specified by the Law to free exit from the country and entry into the country through the check-points specially provided for such purposes. The citizen cannot be denied the right of exit from the country and of entry into the country. This right might be temporarily *restricted in the following cases and simultaneously postponed in cases stipulated by the clause 4:*

- ~~1) if the citizen has an obligation in force on information containing the state or military secret — until such obligation is invalidated by a procedure determined by the legislation of the Azerbaijan Republic;~~
- 2) if criminal proceedings are initiated against the citizen or he/she has been convicted — accordingly until the cessation of the proceedings or expiration of the penalty period, or acquittal;
- 3) when the citizen has been called up for military service until the completion of the military service or excusing from it in accordance with the law;
- 4) till carrying out of prophylactic vaccinations when entering the countries, where preventive inoculations should be done according to the international medical sanitary regulations or intergovernmental treaties, supported by the Azerbaijan Republic and for exit from these countries.*

If an emergency situation or danger to life, health and freedom of people has been created in any country, Ministry of Foreign Affairs, immediately having notified the citizens of the Azerbaijan Republic of it, might advise them to temporarily refrain from visiting that country.

The right of the persons admitted to the work with the state secrets, of entry to the foreign country for the permanent residence may be restricted till expiration of the period of the secrecy of information they have access to, however for the period not exceeding 5 years.

Clause 2. Realisation of citizen's right of exit from the country and of entry into the country

The citizen's right of exit from the country and of entry into the country in accordance with the procedure determined by the present Law is realised only on a basis of the passport of the citizen of the Azerbaijan Republic and permission to enter a foreign country — visa, issued in accordance with the international agreements. *The right of return to the country of the citizen of the Azerbaijan Republic which lost the passport in the foreign country, or his/her passport was stolen or worn out, or holding the passport with expired validity term shall be exercised on the basis of the certificate on return to the Azerbaijan Republic. The form of certificate on return to the Azerbaijan Republic and order of issue of such certificate shall be established by respective law of the Azerbaijan Republic.*

The right for exit from the country and entry into the country of the citizen, working in any position of the seaman on the board of vessel, registered in the Azerbaijan Republic and used for sea navigation, is exercised according to Regulation «About passport of seaman», approved by the Law of the Azerbaijan Republic.

A person under the age of 18 can leave the country with the consent of his/her parents or legal representative, notarially attested or by procedure envisaged by the legislation. In the absence of such consent from the one of the parents the matter of exit from the country for such person under age is settled on a basis of a court decision.

The exit from the country of a person under age intended for the permanent residence abroad is allowed only with the consent of each parent or his/her legal representative in written form and notarially attested or by procedure envisaged by the legislation. *The exit from the country of a child, being the citizen of the Azerbaijan Republic and adopted by the foreigners or stateless citizens is allowed only in an order stipulated by the legislation of the Azerbaijan Republic with submission of a valid judgment of the court on adoption and adoption certificate.*

A person recognised by court as non-competent can leave the country accompanied by his legal representative on a basis of a notarially attested application of his legal representative or a court decision.

Servicemen of Armoured Forces of the Azerbaijan Republic and other military units, envisaged by the legislation, with exception of servicemen, passing urgent actual military service may leave the Azerbaijan Republic when there is permit of the head-quarters prepared in an established order.

Special regulations of entry to the Azerbaijan Republic and exit from the Azerbaijan Republic shall be established by the respective executive power authority when announcing the mobilization.

Clause 3. Passport of the citizen of the Azerbaijan Republic

Passport of the citizen of the Azerbaijan Republic (further passport) — uniform document identifying a citizen's person outside of the Azerbaijan Republic, and issue to exercise by him/her the right of exit from the country and entry into the country.

The passport is issued to person having reached 18 in an order envisaged by the legislation, and in exceptional cases to the citizen of the Azerbaijan Republic under the age of 18 and leaving for abroad for obtaining of education, participation in international events, medical treatment or for permanent residence and is valid for entry to all countries.

The passport can be of civil, service and diplomatic types approved by the Supreme Council of the Azerbaijan Republic.

The passport is a property of the Azerbaijan Republic and withdrawal of it from the citizen or taking as a security is absolutely forbidden except cases envisaged by the legislation of the Azerbaijan Republic.

Each citizen must safely keep the passport. In case of loss of the passport the citizen is obliged immediately to notify the state body that issued the passport about it, and if such loss occurred abroad — the diplomatic representation or consulate of the Azerbaijan Republic. *Diplomatic representations or consulates of the Azerbaijan Republic jointly with respective executive power authority of the Azerbaijan Republic shall provide such citizens with the document allowing to return to the Azerbaijan Republic in the shortest possible time.*

After the death of a citizen his passport as well as passport with expired period of validity is to be handed over to the appropriate state body.

Clause 4. Civil passport

The civil passport is issued by a body of internal affairs at the place of residence *not later than one month after the citizen applied to it; in cases stipulated by the legislation of the Azerbaijan Republic — during five business days, and in exceptional cases (urgent treatment of the citizen of the Azerbaijan Republic or accompanying person (persons), or serious illness, death of immediate relative, living abroad, or in other exceptional cases) — during two business days*, on a basis of his/her application, identity card, photo, state duty receipt, and if necessary, documents confirming the Azerbaijan Republic's citizenship.

If the citizen is leaving together with children under age, *their photographs must be pasted and their names must be entered* into his civil passport.

For issuance of the civil passport a state duty ~~in the amount of twenty conventional financial units~~ is collected.

The civil passport is issued for ten years.

Clause 5. Service passport

The service passport is issued by Ministry of Foreign Affairs of the Azerbaijan Republic to the following persons sent on a business trip abroad: senior officials (executives of the staff of president of the Azerbaijan Republic, Supreme Council, Cabinet of Ministers, central state bodies, prosecutor's office, National Bank, judges, members of Central Electoral Commission, executives of Supreme Medjlis and Cabinet of Ministers of the Nakhichevan Autonomous Republic, chairman of city, city regional and regional Soviets of people's deputies, heads of executive authorities and their deputies, administrative and

technical officials of representations of the Azerbaijan Republic abroad, and if they work abroad longer than three month — to their wives (husbands) and unmarried daughters over 18, and also to the workers of sea vessels and aircraft`s, railway and automobile transport making outward voyages — not later than within 10 days after application of the appropriate state body`s heads for the term of office of their owners or for the period of 5 years.

For issuance of the service passport a state duty ~~in the amount of ten conventional financial units~~ is collected.

Authorise representatives of the Azerbaijan Republic abroad are obliged to provide assistance to the owner of such passport in execution his service duties abroad.

Clause 6. Diplomatic passport

The diplomatic passport is issued by Ministry of Foreign Affairs of the Azerbaijan Republic to:

1) President of the Azerbaijan Republic, deputies of Melli Mejlis of the Azerbaijan Republic, members of the Cabinet of Ministers, judges of the Constitutional Court, the Supreme Court, Chairmen of the Appeal Courts, Chairman of the Court for grave crimes, chairman of the Court Martial for grave crimes, General Prosecutor and his deputies, human rights commissioner (ombudsman) of the Azerbaijan Republic, members of the Judicial-Legal Council, chairman of the National Bank and his deputies, chairman of the Central Electoral Commission of the Azerbaijan Republic, leading officials (high officials, including heads of the departments) of staff of the President, Milli Mejlis, leading officials of staff of the Cabinet of Ministers, Constitutional Court of the Azerbaijan Republic, heads of central executive bodies, persons occupying diplomatic positions, and also to the chairman of Supreme Mejlis of the Nakhchyvan Autonomous Republic, his deputies, members of the Cabinet of Ministers, chairman of the Supreme Court of the Nakhchyvan Autonomous Republic and his deputies, Prosecutor of the Nakhchyvan Autonomous Republic not later than within 15 days after they start to fulfil their duties;

2) on a basis of an order of President of the Azerbaijan Republic, of the chairman of the Supreme Council of the Azerbaijan Republic, and in extraordinary cases of Minister of Foreign Affairs of the Azerbaijan Republic — to the members of delegations and special delegates representing the Azerbaijan Republic at international conferences, meetings and negotiations, at sessions of UNO General Assembly, in UNO bodies, at conferences of international organisations, interstate meetings and contacts;

3) wives (husbands) and unmarried daughters over 18 of President of the Azerbaijan Republic, of Chairman of the Supreme Council, of Prime Minister, of Chairman of the Constitutional Court, of Minister of Foreign Affairs, and of all other above mentioned persons sent abroad for a period exceeding 3 months, who will accompany them.

4) officers of the courier communication service, transporting the diplomatic correspondence.

No state duty for issuance of the diplomatic passport is collected.

Children under age of the owner might be entered into the diplomatic passport and in such cases their photos also are pasted in the passport. Usage of such passport by the family members for exit from the country or entry into the country without its proper owner is forbidden.

The diplomatic passport is given to its owner for five years or for the period determined for the fulfilment of special duties. Diplomatic passport to president, chairman of Supreme Council, Prime-Minister, chairman of Supreme Court, Minister of Foreign Affairs of the Azerbaijan Republic is given for lifetime.

Such passport gives diplomatic immunity abroad to its owner. All competent officials are obliged to provide assistance to the owner of the diplomatic passport and to persons entered into it in free and safe crossing of the borders and in other necessary circumstances.

Clause 7. Information indicated in the passport

Regardless of type in each passport:

- 1) its name, the state insignia of the Azerbaijan Republic, state court, type, serial number of the passport, surname, name, patronym of the owner, nationality, place and date of birth, sex, blood group, name of body issuing the passport, date of issue, owner signature, surnames, names, sex and date of birth of children under 18, leaving together with him/her, requirements to passport should be specified;*
- 2) owner's photo is to be pasted in;*
- 3) notes of permissions to enter the foreign countries (visas) and other special notes are made (about passages through customs and border points).*

In addition to this information in the service passport provisions specified in subclause three of clause 5 of the present Law, and in the diplomatic passport — provisions, specified in subclause five of clause 6 of the present Law, validity period, prolonged period, the name of body granted such prolongation, the date of prolongation are to be specified.

Entries in the passport are made in the state language of the Azerbaijan Republic and in English and certified by signature and seal by the responsible official of the appropriate state body.

Clause 8. Application for passport

The passport is issued on a basis of an application of the citizen (of one of his/her parents, or legal representative), or on a basis of a request of the enterprise, institution, organisation, submitted to the appropriate state body.

The state duty receipt, photos, consent of the parents or of the legal representative of children under 18, and in the cases envisaged by subclause one of clause 9 of the present Law and representing an urgent situation — the document confirming such cases should be enclosed to the application for issuance of the passport.

Clause 9. Examination of application (request) for passport

The citizen's application (request of the enterprise, institution, organisation) for the passport is examined subject to type of the passport within periods specified in clause 4, 5 or 6 of the present Law; if the voyage is connected with the urgent medical treatment of the owner or persons leaving with him/her, or with a serious illness or death of a relative abroad — not later than 48 hours after submission of the documents confirming these facts.

In the cases envisaged by subclauses 2 and 3 of clause 1 and clause 2 of article 1 of the present Law the request for passport is declined with written notification of the applicant about the reasons and the renewed application (request) is examined after the reasons leading to the refusal are determined.

The application for passport is declined if a document containing false information about nationality or invalid had been submitted, and the matter can be reconsidered only after submission of new documents.

The application for passport in connection with the state ~~or military~~ secret can be declined only in the cases envisaged by the legislation of the Azerbaijan Republic.

The citizen can apply to court to take an action against the procrastination or refusal to issue the passport.

Clause 10. Replacement of the passport

In cases of alterations in the surname, name, patronym of the citizen or if errors are discovered in the passport records, and also if the passport became unfit for use, the citizen must replace the passport.

For the replacement of the passport the state duty is collected ~~in the amount indicated in clause 4 of the present Law.~~

The passport is replaced by procedure specified by clause 8 and 9 of the present Law.

Clause 11. Legal status of citizens leaving the country for permanent residence abroad

The citizens leaving the country for permanent residence abroad:

- *enjoy all rights given by Constitution of the Azerbaijan Republic including the right of pension as specified by the legislation of the Azerbaijan Republic, and have all duties;*
- *can take with them all property belonging to them or to members of their family except things excluded from the civil circulation as specified by the legislation of the Azerbaijan Republic. Removal of articles of art representing cultural and historic value and of other valuables is governed by the legislation of the Azerbaijan Republic;*
- *are registered abroad by a consulate institution of the Azerbaijan Republic and corresponding notes are made in their passports;*

- *in accordance with decisions of courts of the Azerbaijan Republic regardless of place of residence they must in due time make payments of alimonies and other property obligations;*
- *enter the country for temporary residence on a basis of the passport, and for returning to the country for the permanent residence, note of withdrawal from records must be made in the passport at consulate missions of the Azerbaijan Republic abroad.*

Clause 12. Entry into the Azerbaijan Republic and exit from the Azerbaijan Republic for foreigners

Foreigners and persons without citizenship (further — foreigners) may enter the Azerbaijan Republic as specified by Law on condition of passage through special checkpoints on a basis of personal passports and permission — visa, issued in accordance with international agreements.

Entry of foreigners into the Azerbaijan Republic is forbidden only in the following cases:

- 1) if it is vital for the protection of national security or public order;*
- 2) if it is necessary for the protection of rights and legal interests of the citizens of the Azerbaijan Republic and other persons;*
- 3) if the persons broke requirements of laws of the Azerbaijan Republic during his previous visit to the country;*
- 4) if the person gave false information about himself/herself in the application to enter the Azerbaijan Republic;*
- 5) if the entry into the Azerbaijan Republic of the person suffering from mental or infectious (contagious) diseases constitutes a threat to public health (except the persons who do not constitute such threat and arriving at his/her or their legal trustee's expense for medical treatment).*

Supreme Council of the Azerbaijan Republic in accordance with the interstate agreements concluded by the Azerbaijan Republic, and by Decree of President of the Azerbaijan Republic can establish a simplified (without visa) procedure on a basis of the personal passport for foreigners to enter the Azerbaijan Republic.

The exit of foreigners from the Azerbaijan Republic can be temporarily restricted in the following cases:

- 1) if their exit can cause damage to national security — till the removal of this reason;*
- 2) if there are the suspects or defendants (accused) in committing a crime — till the completion of the case;*
- 3) if they are condemned for committing a crime — till the discharge or full serving of the punishment;*

4) if a civil action is brought against them in court accordingly till a decision on this civil case comes into force a specified by the legislation of the Azerbaijan Republic.

Lack of prophylactic vaccinations in accordance with the current legislation will be resulted in forbiddance or restriction of entry of foreigners-residents of the Azerbaijan Republic when entering the countries, where preventive inoculations should be done according to the international medical sanitary regulations or intergovernmental treaties, supported by the Azerbaijan Republic and for exit from these countries.

Foreigners entering the Azerbaijan Republic and leaving it should be registered in appropriate state bodies a specified by Cabinet of Ministers of the Azerbaijan Republic.

Clause 13. Entry, return, transit and exit visas

The entry visa is granted to foreigners to enter the territory of the Azerbaijan Republic in general order. The period of its validity is established for the single entry-exit from three days to three months, and for multiple entry-exit — from one to two years. If the visa is not used within this period it becomes invalid.

The return visa might be given to foreigners who have a personal passport if they apply for it when leaving the Azerbaijan Republic to return to its territory for the period of up to one month. This visa becomes invalid if not used within six month from the date of exit from the Azerbaijan Republic.

The single or multiple transit visa is granted to foreigners going to other countries for passing through the territory of Azerbaijan Republic. If the transit visa has not any notes or seals about the non-stop passage its owner has a right to stay in the Azerbaijan Republic for not longer than five days.

The exit visa is issued to foreigners having an official permission to reside in the Azerbaijan Republic. The exit visa is given without collecting the state duty.

Foreigners must in advance before the expiration of the period indicated in their visas make a decision on the matter of its prolongation in order to stay in or leave the Azerbaijan Republic.

Clause 14. Receipt of a visa

To get a visa foreigners must apply for granting visa specifying aims and date of entry to the Embassies or consulates of the Azerbaijan Republic or directly to Ministry of Foreign Affairs of the Azerbaijan Republic enclosing the required documents and receipt for duty payable for granting visa.

The list of documents enclosed to the applications of foreigners for visas is determined by the Ministry of Foreign Affairs of the Azerbaijan Republic, and the amount of the state duty is fixed by the legislation.

The application of foreigners for issuance of visa are considered by Ministry of Foreign Affairs of the Azerbaijan Republic or by the Embassies and consulates of the Azerbaijan Republic within one month from the date of submission; if the voyage is connected with an urgent medical treatment or serious illness or death of a relative residing in the

Azerbaijan Republic, within 48 hours after submission of documents confirming these facts. In the cases envisaged by subclause two of clause 12 of the present Law the application is declined with written notification of the applicant of reasons and his/her renewed application will be considered after withdrawal of such reasons.

Foreigners can apply to appropriate court of the Azerbaijan Republic with a complaint about procrastination in consideration of their application for visa or refusal to grant the same.

Clause 15. Foreigners entering the Azerbaijan Republic without passport or visa

Foreigners crossing the border of the Azerbaijan Republic in violation of requirement of the present Law without passport, visa or with invalid passport and other document, are sent back. Reception of such persons declaring that their passport and documents were lost is possible before the investigation carried out by Ministry of Internal Affairs on condition that they are located at a place determined by the head of executive power of the nearest region.

Clause 16. Responsibility for violation of the present Law

For entering false information into the passport, its loss, intentional damage, theft, forgery, selling, illegal manufacturing or usage, or for violation of entry-exit rules specified by the present Law culprits bear administrative or criminal responsibility in accordance with the legislation of the Azerbaijan Republic.

Clause 17. Application of the international agreements

If rules determined by an international agreement of the Azerbaijan Republic differ from the specified by the present Law the rules of the international agreement are applicable.

President of the Azerbaijan Republic

Heydar ALIYEV.

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