

THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

Recipient:  
**The Parliament (National Assembly) of the  
Republic of Azerbaijan**

Following Article 96 of the Constitution of the Republic of Azerbaijan, the Draft Law of the Republic of Azerbaijan on The Approval of the Migration Code of the Republic of Azerbaijan and Its Entry into Force and Related Legal Regulation is submitted for your consideration.

<Signed>

IlhamAliyev

Baku City, April 17, 2013

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<The Administration of the Parliament (National  
Assembly) of the Republic of Azerbaijan  
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## **THE LAW OF THE REPUBLIC OF AZERBAIJAN**

### **on the Approval of the Migration Code of the Republic of Azerbaijan and Its Entry into Force and Related Legal Regulation**

Following Subparagraphs 1 and 21 of Paragraph I of Article 94 of the Constitution of the Republic of Azerbaijan, the Parliament (National Assembly) of the Republic of Azerbaijan hereby **decides as follows:**

Article 1 The Migration Code of the Republic of Azerbaijan shall be approved.

Article 2 The valid laws and regulations of the Republic of Azerbaijan shall be applied until being adjusted to the Migration Code of the Republic of Azerbaijan, approved by this Law, to the extent not violating the provisions of this Code.

Article 3 Since the date of entry of the Migration Code of the Republic of Azerbaijan into force, the following laws shall become invalid:

3.1 Law No 41-IQ of the Republic of Azerbaijan on the Legal Status of Foreigners and Stateless Persons, dated March 13, 1996 (The Statute Book of the Republic of Azerbaijan, 1997, No 1, Article 19; 2001, No 11, Articles 676, 695, 699; 2002, No 5, Article 243, No 12, Article 692; 2004, No 1, Article 10, No 2, Article 57; 2006, No 1, Article 3; 2007, No 5, Article 398; 2008, No 8, Article 701; 2010, No 4, Article 265; 2011, No 2, Article 71);

3.2 Law No 592-IQ of the Republic of Azerbaijan on Immigration, dated December 22, 1998 (The Statute Book of the Republic of Azerbaijan, 1999, No 3, Article 156; 2001, No 11, Articles 676, 695; 2004, No 2, Article 57, No 7, Article 505; 2007, No 11, Article 1053; 2008, No 8, Article 701; 2009, No 3, Article 160, No 7, Article 519, No 12, Article 966);

3.3 Law No 724-IQ of the Republic of Azerbaijan on Labor Migration, dated October 28, 1999 (The Statute Book of the Republic of Azerbaijan, 2000, No 1, Article 3; 2007, No 10, Article 938; 2008, No 10, Article 886; 2009, No 7, Article 519);

3.4 Law No 414-IIQ of the Republic of Azerbaijan on Approval of the Regulation on the Transit of Foreigners and Stateless Persons through the territory of the Republic of Azerbaijan, dated December 27, 2002 (The Statute Book of the Republic of Azerbaijan, 2003, No 2, Article 80; 2007, No 5, Article 438).

Article 4 This Law shall enter into force on June 1, 2013.

**The President of  
the Republic of Azerbaijan**

**THE MIGRATION CODE OF THE  
REPUBLIC OF AZERBAIJAN**

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# THE MIGRATION CODE OF THE REPUBLIC OF AZERBAIJAN

The Migration Code of the Republic of Azerbaijan shall establish norms concerning with the execution of the government policy in the sphere of migration in the Republic of Azerbaijan; the regulation of migration processes and the relations arising in this sphere; and the legal statuses of foreigners and stateless persons in the Republic of Azerbaijan.

## SECTION I

### GENERAL PROVISIONS

#### CHAPTER I

#### THE LAWS AND REGULATIONS OF THE REPUBLIC OF AZERBAIJAN IN THE SPHERE OF MIGRATION

##### **Article 1 The laws and regulations of the Republic of Azerbaijan in the sphere of migration**

The laws and regulations of the Republic of Azerbaijan in the sphere of migration consist of the Constitution of the Republic of Azerbaijan, this Code, the laws of the Republic of Azerbaijan, the international conventions where Azerbaijan is a party and other regulations adopted in compliance with them.

##### **Article 2 The principles of the laws and regulations of the Republic of Azerbaijan in the sphere of migration**

The laws and regulations of the Republic of Azerbaijan in the sphere of migration shall base on the principles of respect to human and citizen rights and freedoms; lawfulness; equality before the law and justice; ensuring compliance of the laws and regulations of the Republic of Azerbaijan in the sphere of migration with generally accepted international law norms.

##### **Article 3 Basic definitions**

3.0 For the purposes of this Code, the following basic definitions shall be applied:

3.0.1 **foreigner** means a person who is not a citizen of the Republic of Azerbaijan and is a citizen of another state;

3.0.2 **Stateless person** means a person who is not considered as a national by any State under the operation of its law.

3.0.3 **young person** means a person under 18 years old;

3.0.4 **passport** means a document, issued by the national government of a person, which entitles its holder to entry/exit and certifies the identity and nationality of its holder;

3.0.5 **identification card** means the document certifying the identity of its holder in the Republic of Azerbaijan;

3.0.6 **person temporarily staying in the Republic of Azerbaijan** means a foreigner or stateless person not holding a residence permit in Azerbaijan, who enter the Republic of Azerbaijan legally for the purposes of tourism, individual business, business travel, and in relation to other similar cases which have temporary nature;

3.0.7 **person temporary residing in the Republic of Azerbaijan** means a foreigner or stateless person holding a temporary residence permit in the Republic of Azerbaijan in compliance with the order set forth in this Code;

3.0.8 **person permanently residing in the Republic of Azerbaijan** means a foreigner or stateless person holding a permanent residence permit in the Republic of Azerbaijan in compliance with the order set forth in this Code;

3.0.9 **labor migration** means movement of a natural person by migrating legally from one country to another country with the aim to engage in a paid labor activity;

3.0.10 **labor migrant** means a natural person legally migration from one country to another country with the aim to engage in a paid labor activity;

3.0.11 **family members of a foreigner or stateless person** mean a foreigner's or stateless person's wife (husband), children under the age of 18, children who are 18 or older, but unable to work and parents supported by him/her;

3.0.12 **close relative** means father, mother, husband (wife), offspring, brother, sister and their children, grandfather, grandmother, the father and mother of the grandfather (grandmother), grandchild, the parents and brother and sister of husband (wife);

3.0.13 **work permit** means a permit granted to a foreigner or stateless person in compliance with the order set forth in this Code, which allows its holder to engage in paid labor activity on the territory of the Republic of Azerbaijan;

3.0.14 **place of residence** means a residence, apartment, official residential area, hotel, dormitory, nursing home, home for disabled and other similar residential places where a person resides permanently or generally, on the basis of an extraction from the official registry of real estate on the official registration of ownership right, a leasing or renting contract, or on other grounds established with the applicable laws and regulation of the Republic of Azerbaijan;

3.0.15 **place of stay** means a hotel, sanatorium, rest home, boarding house, camping, tourist base, hospital or other similar public places including an **apartment and other residential place** (own or under possession of a friend, an acquaintance and etc., which is not the place of residence of a person, where s/he resides temporarily);

3.0.16 **visa** means an official document authorizing a foreigner or stateless person to enter the Republic of Azerbaijan or leave the Republic of Azerbaijan, by crossing its land border checkpoints, and to stay temporarily in the country for the period allowed in the visa;

3.0.17 **border crossing document** means an international passport; a document granted to stateless persons authorizing to leave the country of residence; a seaman's book (certificate); a travel document granted to refugees; a certificate of repatriation; and other documents determined by international agreements.

#### **Article 4 Coverage of the Migration Code of the Republic of Azerbaijan**

4.1 This Code shall regulate the relations existing in the spheres of: entry/exit of the citizens of the Republic of Azerbaijan; entry/exit and temporary stay of foreigners and stateless persons; issuance of temporary and permanent residence permits to them; their registration; rights and obligations of partakers of the migration process; labor migration; and government control over migration and struggle against illegal migration.

4.2. The rules established in this Code shall not be applicable to the internal labor migration.

4.3 In the Republic of Azerbaijan, issuance of a refugee status, lose of the refugee status; deprivation of the refugee status; and document granted to a person holding the refugee status and the basis for the legal statuses of those persons are regulated through an applicable law.

4.4 During a mobilization period, the special rules of entry to and exit from the Republic of Azerbaijan shall be determined by a pertinent executive authority.

#### **Article 5 Partakers of migration process**

5.0 Partakers of the migration process are the following:

5.0.1 government authorities taking part in the management and regulation of the migration processes, and executing the government control over those processes;

5.0.2 citizens of Azerbaijan, who go abroad, reside there temporarily or permanently, and engage in a paid labor activity there;

5.0.3 persons inviting foreigners and stateless persons to the Republic of Azerbaijan and taking part in the process of registration of them in the Republic of Azerbaijan;

5.0.4 foreigners on stateless persons who enter the Republic of Azerbaijan with or without a visa, stay in the country temporarily, prolong their temporary residence period; hold a temporary or permanent residence permit, and hold a work permit to engage in a paid labor activity in the Republic of Azerbaijan;

5.0.5 offices, enterprises and organizations, not depending on their organizational and legal form; subsidiary and representative offices of foreign legal entities; and natural persons engaging in entrepreneurship, who invite foreigners and stateless persons to the Republic of Azerbaijan and take part in the processes of issuance of permits allowing them to stay temporarily in the country, prolong the period of temporary stay, get registered and migrate for labor purposes and issuance of temporary and permanent residence permits for them;

5.0.6 legal entities officially registered in the Republic of Azerbaijan, which intermediate in employment of citizens of the Republic of Azerbaijan abroad.

## **CHAPTER II**

### **MIGRATION REGISTRATION OF FOREIGNERS AND STATELESS PERSONS**

#### **Article 6 Objectives of migration registration**

6.1 The migration registration of foreigners and stateless persons (hereinafter referred to as the migration registration) is the activity of registration and consolidation of information on foreigners and stateless persons required by this Code including information on their movement;

6.2 The migration registration is one of the forms of the management of migration processes and aims at ensuring the rights and freedoms of every foreigner and stateless person to move freely, to stay in the country and choose a place of residence and other rights and freedoms, established by the Constitution of the Republic of Azerbaijan; and implementing the national interests of the Republic of Azerbaijan in the sphere of migration and preventing illegal migration.

6.3 The migration registration is conducted for the following purposes:

6.3.1 providing foreigners and stateless persons with necessary conditions to implement their rights and freedoms and execute their legally established obligations;

6.3.2 elaboration and implementation of the government policy on migration;

6.3.3 forming complete, exact and operational information on movement of foreigners and stateless persons with the aim to forecast the results of such movement, and conducting a statistical observation in the sphere of migration;

6.3.4 handling with natural disasters, emergency cases, martial law and other similar cases;

6.3.5 ensuring the national security of the Republic of Azerbaijan, by fighting against illegal migration and other illegal actions;

6.3.6 systemizing the information on foreigners and stateless persons in the Republic of Azerbaijan including the information on their movement.

#### **Article 7 Grounds for conducting migration registration**

7.1 The grounds for the migration registration of a person are the following:

7.1.1 Entry of a foreigner or stateless person to the Republic of Azerbaijan;

7.1.2 registration of the birth of a foreigner or stateless person in the Republic of Azerbaijan;

7.1.3 Terminating the nationality of the Republic of Azerbaijan granted to a person staying in the territory of the country.

7.2 The grounds for terminating the registration of a person are the following:

7.2.1 death of a foreigner or stateless person in the Republic of Azerbaijan;

7.2.2 entry of a court ruling on declaration of a foreigner or stateless person in the Republic of Azerbaijan as a dead or missing into force;

7.2.3 Granting the nationality of the Republic of Azerbaijan to a foreigner or stateless person on the territory of the Republic of Azerbaijan.

#### **Article 8 Implementation of migration registration**

8.1 While implementing the migration registration, collection, registration, consolidation and use of the following information on foreigners and stateless persons are conducted:

8.1.1 type and details of the document certifying the identities of foreigners and stateless persons (title, serial number, date and place of issuance, validity of the document and if available, biometric information on that document);

8.1.2 type and details of the document certifying the right to stay and reside in the Republic of Azerbaijan;

8.1.3 last name, first name and patronymic (if there is any information on the latter);

8.1.4 date and place of birth;

8.1.5 sex;

8.1.6 nationality;

8.1.7 aim of arrival in the Republic of Azerbaijan;



- 8.1.8 occupation (if any);
- 8.1.9 declared periods of staying or residing in the Republic of Azerbaijan;
- 8.1.10 registration date of the last place of residence or place of stay in the Republic of Azerbaijan and its address;
- 8.1.11 information on a legal representative (parents, adopters or guardians, custodians);
- 8.1.12 information on deportation from the country (whether it has been applied or not; if applied, by whom and when);
- 8.1.13 information on being a persona-non-grata in the country;
- 8.1.14 information on criminal liability or administrative liability in the Republic of Azerbaijan;
- 8.1.15 Official date of entry of the court ruling on the date of death or being a dead or missing in the Republic of Azerbaijan into force, and title and place of the court;
- 8.2 The migration registration is kept by a pertinent executive authority through the United Migration Information System.
- 8.3 Pertinent government authorities transfer the applicable information to pertinent executive authorities through the information resources and systems in their usage for the migration registration purpose.
- 8.4 Formation of the information resources of the United Migration Information System and the rules of their usage are determined through the Regulations approved by a pertinent executive authority.

## **SECTION II**

### **ENTRY TO AND EXIT FROM THE REPUBLIC OF AZERBAIJAN**

#### **CHAPTER 3**

#### **ENTRY AND EXIT OF CITIZENS OF THE REPUBLIC OF AZERBAIJAN**

##### **Article 9 Right of citizens of the Republic of Azerbaijan to entry to and exit from the country**

- 9.1 Every citizen of the Republic of Azerbaijan (hereinafter referred to as the citizen) is entitled the right to free entry to or exit from the country, by crossing the border checkpoints of the country.
- 9.2 No citizen may be deprived from the right to entry to and exit from the country.
- 9.3 The right of the citizen to exit from the country may only be restricted temporarily in the following cases:
  - 9.3.1 If the citizen is arrested in compliance with the Criminal Procedural Code of the Republic of Azerbaijan or if any sanction is chosen about him/her, until his/her release, the termination date of the sanction or the termination of the sanction;
  - 9.3.2 If the citizen is imprisoned, until his/her release from serving the main punishment determined in compliance with the Criminal Code of the Republic of Azerbaijan or his/her release from the punishment excluding the case set forth in Article 9.3.4 of this Code;
  - 9.3.3 If medical obligatory measures are chosen about him/her in compliance with the Criminal procedural Code of the Republic of Azerbaijan, until the termination of application of the medical obligatory measures;
  - 9.3.4 If s/he is sentenced provisionally, by charging him/her with the obligations set forth in the Criminal Code of the Republic of Azerbaijan or if s/he is released from serving his/her punishment provisionally earlier, respectively until the termination of the probation period or non-served part of the punishment, or until earlier and complete termination of the provisional sentencing or the charged obligations;
  - 9.3.5 If he is recruited for limited compulsory military service, during the period of the limited compulsory military service or until being released from that service in compliance with the applicable laws;
  - 9.3.6 If there is a court ruling on limited temporary restriction of the citizen to exit from the country due to the reason of non-execution of the executive document granted on the basis of a court ruling timely and without any justification, until a decision is made on the elimination of the restriction
  - 9.3.7 According to international medical sanitary rules or the international agreements, during entry/exit to the countries where prophylactic vaccination is required - until implementation of the prophylactic vaccination.
- 9.4 Military servicemen serving at the Military Forces of the Republic of Azerbaijan and at other military unions (excluding military attaches, military representatives and their assistants), including military servicemen at the restricted forced military service, who are engaged in international trainings and in other measures and operations

relating to anti-terror, rescue and military necessity shall exit from the Republic of Azerbaijan if there is a formalized permit by pertinent executive authorities.

9.5 The right of persons allowed to work with government secrets to reside abroad permanently may be restricted temporarily until the privacy period of the information which they are allowed to get acquainted ends, but not for more than 5 years.

9.6 Information on the citizens whose right to entry to and exit from the country is restricted shall be included in restriction registries of automatized information and research system and the active status of the information shall be changed if pertinent grounds are eliminated.

9.7 Where a state of emergency or a danger for human life, health and freedom arises in any country, the pertinent executive authority by informing the population of the Republic of Azerbaijan shall recommend the citizens to temporarily avoid going to that country.

#### **Article 10 Enforcement of the right of a citizen to entry to and exit from the country**

10.1 The right of a citizen to entry to and exit from the country is implemented through the passport of the citizen of the Republic of Azerbaijan. Issuance of the passport is regulated by an applicable law.

10.2 The right of a citizen working as a seaman at ships registered in the Republic of Azerbaijan and being used for the navigation purpose to entry to and exit from the country is implemented through the identification card of the seaman. Citizen, who individually exit from the country with the aim to reach to the ship where they work at, shall present together with the identification card of the seaman, the document certifying the existence of the seamen within a crew (an extraction from the designed registry of the ship) while crossing a border checkpoint. Issuance of the identification card of a seaman is regulated by an applicable law.

10.3 The right of a citizen of the Republic of Azerbaijan, who lost his/her passport abroad, whose passport is stolen or whose passport becomes useless, whose passports are invalid due to the end of the expiry date, and his/her child who is a citizen of the Republic of Azerbaijan and returns back to the Republic of Azerbaijan, who is under the age of 18 or who reached the age of 18 abroad, to entry to the Republic of Azerbaijan is implemented through an exit certificate to the Republic of Azerbaijan. Issuance of the exit certificate to the Republic of Azerbaijan is regulated by a pertinent law.

#### **Article 11 Exit of a minor citizen from the country**

11.1 Except the cases set forth in Article 11.2 of this Code, a minor citizen may exit from the country with his/her parents, adopter, guardian or custodian.

11.2 When the minor citizen exits from the country together with one of his/her parents, a written permission of the other parent, approved by a notary office shall be required. When the minor citizen exits from the country by yourself, written permission of his/her parents approved by a notary office shall be required. If the minor citizen is parentless, a written permission of his/her guardian or custodian, approved by a notary office, shall be required. If any of those persons does not give his/her permission, the exit of the minor citizen shall be decided through a court rule.

11.3 If there is the certificate of death of one of the parents of the minor citizen, a court ruling on the declaration of one of the parents as a dead or missing person or on deprivation of his/her from parenthood, or a certificate approving that the data on the father included in the record of the birth certificate granted by the competent executive authority were written on the instructions of the mother, the written permission of the other parent shall not be required. The minor citizen presenting the written permission of his/her other parent in addition to the mentioned documents, may exit from the Republic of Azerbaijan.

11.4 A minor who is a citizen of the Republic of Azerbaijan, adopted by foreigners or stateless persons, may only exit from the country in the order set forth by the applicable laws and regulations, by presenting the court ruling on his/her adoption, entered into force, and the certificate on adoption.

11.5 The parents, adopters, guardians or custodians of the minor citizen who exists from the Republic of Azerbaijan are liable for his/her life and health, and for protection of his/her rights and legal interests abroad.

11.6 When minor citizens exit from the country in a team form, without accompaniment of their parents, adopters, guardians or custodians, the leader of that team shall be liable for executing of the obligations of a legal representative.

#### **Article 12 Exit of an incapable citizen**

A citizen whose incapability is certified on the basis of an application by the parents, adopters, guardians or custodians approved by a notary office, may exit from the country with accompaniment of another adult person.

#### **Article 13 Registration of citizens who exit from the country to reside abroad temporarily or permanently by consular offices**

13.1 Citizens who exit from the country to reside abroad temporarily or permanently are registered with the pertinent consular office of the Republic of Azerbaijan abroad through the Interoffice Automatized Information and Research System for Entry/Exit and Registration. The citizens residing in the foreign countries (territories) where there are not any consular offices of the Republic of Azerbaijan may provide information on their places of residence electronically to pertinent executive authorities.

13.2 When the citizens annul their registrations on their place of residence abroad and return back to the Republic of Azerbaijan, they shall be excluded from the registry by the consular office of the Republic of Azerbaijan abroad through the Interoffice Automatized Information and Research System for Entry/Exit and Registration.

#### **Article 14 Protection by the Azerbaijani state of rights of citizens residing outside of the Azerbaijan Republic**

Pertinent government authorities, diplomatic representative offices and consular offices of the Republic of Azerbaijan including their officials shall: take necessary measures to make the citizens residing temporarily or permanently abroad able to implement all of their rights granted in compliance with the international agreements where the Republic of Azerbaijan is a party to, the laws and regulations of the applicable foreign state and customary international law fully; protect their legal rights and interests in the order established by the applicable laws and regulations; and take necessary measures to protect the violated rights of citizens of the Republic of Azerbaijan.

### **CHAPTER 4**

#### **ENTRY/EXIT AND TEMPORARY STAY OF FOREIGNERS AND STATELESS PERSONS ON THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

##### **Article 15 Entry/exit of foreigners and stateless persons to/from the Republic of Azerbaijan**

15.1 Foreigners and stateless persons may enter to and exit from the Republic of Azerbaijan by crossing the border checkpoints on the basis of their passports or other border crossing document.

15.2 Where a visa is required to enter the Republic of Azerbaijan, foreigners and stateless persons shall obtain a visa in compliance with the order established by this Code.

15.3 Foreigners and stateless persons may enter the Republic of Azerbaijan without a visa, when there are applicable international agreements with foreign countries.

15.4 Foreigners and stateless persons holding a temporary or permanent residence permit in the Republic of Azerbaijan may enter the Republic of Azerbaijan and return back to the Republic of Azerbaijan without a visa on the basis of their passports or other border crossing documents and on the temporary residence or permanent residence permits issued by the pertinent government authority of the Republic of Azerbaijan.

15.5 Foreigners and stateless persons holding a refugee status in the Republic of Azerbaijan may exit from the Republic of Azerbaijan and return back without a visa on the basis of the Travel document granted to them to exit from the borders of the Republic of Azerbaijan.

##### **Article 16 Prohibitions and restrictions to entry of foreigners and stateless persons to the Republic of Azerbaijan**

16.1 Entry of foreigners and stateless persons to the Republic of Azerbaijan may be prohibited in the following cases:

16.1.1 when it is required for the purposes of national security or maintenance of public order, or protection of the rights and legal interests of citizens of the Republic of Azerbaijan and other persons;

16.1.2 when there is information that a person committed an offence against peace and humanity, terrorism, financing of terrorism, or s/he is a member of a transnational organized criminal group;

16.1.3 when a person is imprisoned for committing an offence against citizens of the Republic of Azerbaijan or interests of the Republic of Azerbaijan, if his/her imprisonment has not been terminated or annulled;

16.1.4 when a person departed from the Republic of Azerbaijan previously, if the restriction to his/her entry to the country has not ended;

16.1.5 when a person is considered a persona-non-grata in the Republic of Azerbaijan;

16.1.6 when a person violates the purposes which s/he declared when s/he was in the Republic of Azerbaijan previously;

16.1.7 when a person gives false information on him/her or on the purpose of his/her travel, when submitting an application for entry to the Republic of Azerbaijan;

16.1.8 when a person has been charged with administrative liabilities for violating the migration laws and regulations twice or more in the last 3 years;

16.2 In the cases set forth in Articles 16.1.6 – 16.1.8 of this Code, entry of foreigners and stateless persons to the Republic of Azerbaijan shall be prohibited.

16.3 In the cases set forth in Article 16.1 of this Code, the information on foreigners and stateless persons shall be included in the order established in the restrictions registries of the Interoffice Automatized Information and Research System for Entry/Exit and Registration and the active status of that information shall be updated when the applicable grounds are removed.

#### **Article 17 Temporary restriction to exit of foreigners and stateless persons from the Republic of Azerbaijan**

17.1 Exit of foreigners and stateless persons from the Republic of Azerbaijan may be prohibited temporarily in the following cases:

17.1.1 when their exit is contrary to the interest of ensuring national security, until that ground is removed.;

17.1.2 when they are arrested or a sanction is chosen about them in compliance with the Criminal Procedural Code of the Republic of Azerbaijan, until they are released, the sanction ends or the sanction is terminated;

17.1.3 when they are imprisoned, until they complete serving their major punishment established in the Criminal Code of the Republic of Azerbaijan or they are released from the punishment except the case set forth in Article 17.1.5 of this Code;

17.1.4 when medical obligatory measures are chosen about them in compliance with the Criminal Procedural Code of the Republic of Azerbaijan, until the application of the medical obligatory measures is terminated;

17.1.5 when they are provisionally charged by imposing on them the obligations set forth in the Criminal Code of the Republic of Azerbaijan or when they are released from the punishment provisionally earlier, respectively, until the probation period or non-served part of the punishment ends, or the provisional charging, or the imposed obligations are terminated earlier completely;

17.1.6 when there is a court ruling on restriction of their right to exit from the country temporarily due to the non-execution of the execution document provided on the basis of a court ruling within the determined time period without any reasonable ground, entered into legal force, until the making of the decision on termination of the restriction;

17.1.7 when they commit an administrative misdemeanor, until the execution of administrative punishment measures on them, entered into force.

17.2 Non-execution of vaccinations in the order established in the applicable laws and regulations results in restriction of entry and exit of foreigners and stateless persons to/from countries where prophylactic vaccinations are required, in compliance with international medical sanitary rules or the international agreements where Azerbaijan is a party to.

17.3 In the cases set forth in Articles 17.1 and 17.2 of this Code, information on foreigners and stateless persons shall be included in the Interoffice Automatized Information and Research System for Entry/Exit and Registration in the order established and the active status of that information shall be updated when the applicable grounds are removed.

## **Article 18 Foreigners and stateless persons entering to the Republic of Azerbaijan without a passport or visa**

18.1 Foreigners and stateless persons trying to cross the borders of the Republic of Azerbaijan by violating of the provisions of this Code without a passport and a visa or with an invalid passport or other documents shall not be allowed to enter the territory of the Republic of Azerbaijan and shall be departed to the country from where they come.

18.2 Foreigners and stateless persons trying to cross the state borders with fake documents or with documents belonging to others shall be charged with a liability in the order established by the laws and regulations.

## **Article 19 Transit passage of foreigners and stateless persons through the territory of the Republic of Azerbaijan**

19.1 Entry of a foreigner or stateless person to the territory of the Republic of Azerbaijan and his/her transit to a third country through moving on the territory of the Republic of Azerbaijan on a determined route shall be considered as his/her transit passage.

19.2 A foreigner or stateless person passing the territory of the Republic of Azerbaijan through transit shall be issued a transit visa in the order determined in Articles 34-37 of this Code.

19.3 In the following cases, no transit visa is required for the transit passage of foreigners and stateless persons:

19.3.1 when foreigners or stateless persons are granted other visas authorizing them to pass the state border of the Republic of Azerbaijan;

19.3.2 when air transport passengers fly through the territory of the Republic of Azerbaijan as a transit area;

19.3.3 when foreigners or stateless persons go to a destination country altering an aircraft in the airport of the Republic of Azerbaijan, providing that, the passengers shall have necessary documents authorizing them to enter the destination country and airline tickets confirming their departure time from the airport where they get down to alter their aircraft, and they shall not stay for more than 24 hours in the territory of the Republic of Azerbaijan. In this case, the passengers shall not deviate from the area specially allocated on the territory of the airport;

19.3.4 when the citizens of a country having an agreement with the Republic of Azerbaijan on visa-free entry/exit use its territory as a transit area;

19.4 Foreigners and stateless persons may stay in the territory of the Republic of Azerbaijan for more than the period set forth in their visas obligatorily in the following cases:

19.4.1 when a natural disaster hindering the traffic happens;

19.4.2 when there is break of a vehicle (or its parts) or a need for repair (if an applicable document is submitted);

19.4.3 when the persons passing the territory of the Republic of Azerbaijan get diseased (in this case, there shall be an opinion of a doctor certifying that the passage is dangerous for the health of the diseased person);

19.5 In the case set forth in Article 19.4.3 of this Code, if there are relatives of the diseased person together with him/her, the obligatory stay shall also be applicable for them.

19.6 If an obligatory stay happens during a transit passage, the period of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan is prolonged until the time when the grounds for the obligatory stay are removed, in compliance with Articles 41-43 of this Code.

19.7 Foreigners and stateless persons using the territory of the Republic of Azerbaijan as a transit though railway or auto transport shall not be allowed to stay on the area belong the borders.

19.8 Transit passage of foreigners and stateless persons taking part in international cargos may use the territory of the Republic of Azerbaijan as a transit area from state border checkpoints appointed for global and international cargos and auto-vehicle roads.

19.9 Control over transit passage of foreigners and stateless persons from the territory of the Republic of Azerbaijan is implemented by pertinent executive authorities.

19.10 Foreigners and stateless persons shall be liable for violating the transit passage from the territory of the Republic of Azerbaijan in compliance with the applicable laws and regulations.

## **Article 20 Temporary stay of foreigners and stateless persons in the Republic of Azerbaijan**

20.1 Temporary stay period of foreigners and stateless persons who enter the Republic of Azerbaijan on a visa-basis, shall not be more that the period shown on the visa. Temporary stay period of foreigners and stateless persons who

enter the Republic of Azerbaijan on a visa-free basis, shall not be more than 90 days excluding the cases established with the international agreements where the Republic of Azerbaijan is party to.

20.2 When the temporary stay period of foreigners and stateless persons in the country is not prolonged before the end of that period, they are not granted a temporary residence permit, and they do not submit an application for prolonging the temporary stay period or obtaining a temporary residence permit, they shall exit from the territory of the Republic of Azerbaijan.

## **Article 21 Registration of place of stay of foreigners and stateless persons in the Republic of Azerbaijan**

21.1 Foreigners or stateless persons staying in the Republic of Azerbaijan for more than 3 days shall register their place of stay.

21.2 For this purpose, the management of the place of stay of the foreigner or stateless person (hotel, sanatorium, rest area, guest house, camping, tourist base, hospital or other similar places) or the owner of the apartment or other residential area where the foreigner or stateless person stay (hereinafter referred to as the receiving party) shall submit the application of the foreigner or stateless person for the registration of the place of stay and a copy of the original passport (another border crossing document) of that person to the pertinent executive authority through internet information reserve of relevant executive power, a mail, an e-mail or personally within 3 days of his/her arrival to the country.

21.3 After the submission of the application, the pertinent executive authority shall immediately register their place of stay by entering the information on the foreigner or stateless person into the United Migration Information System and shall inform the receiving party about it within 1 business day.

21.4 Foreigners and stateless persons may be registered for the following periods:

21.4.1 persons entering on a visa-basis – for the period of stay shown on the visa;

21.4.2 persons entering on a visa-free basis – for 90 days.

21.5 Registration of the places of stay of the foreigners and stateless persons being protected by the Representative Office of the United Nations High Commissioner for Refugees (UNHCR) in Azerbaijan for the protection period shall be conducted on the basis of the Representative Office by the pertinent executive authority.

21.6 No government fee is required for the registration of the places of stay of foreigners and stateless persons.

21.7 When the foreigners and the stateless persons leave their places of stay, the receiving party shall inform the pertinent executive authority of it and their places of stay are excluded from the registry on the basis of that information. When the registration period ends, the foreigners and stateless persons are considered as ones excluded from the registry.

21.8 When a foreigner or stateless person move his/her place of stay, his/her new place of stay shall be registered in the order set forth in Articles 21.2- - 21.4 of this Code.

## **Article 22 Foreigners and stateless persons registered by the pertinent executive authority**

22.1 Associates of diplomatic representative offices and consular offices of foreign countries in the Republic of Azerbaijan, including the associates of the representative offices of international organizations, their administrative and technical staffs and family members, and foreigners who travel to the Republic of Azerbaijan with a special mission in the cases set forth by the international agreements where the Republic of Azerbaijan is a party to, shall be registered by the pertinent executive authority.

22.2 In connection with this, they are granted with a certificate which sample is approved the pertinent executive authority.

22.3 The pertinent executive authority shall submit the information on persons mentioned in Article 22.1 of this Code to the pertinent executive authority for the purpose of the migration registration within 10 days.

## **Article 23 Foreigners and stateless persons declared as a persona-non-grata in the Republic of Azerbaijan**

23.1 When entry to, stay or residence of foreigners and stateless persons to/on the Republic of Azerbaijan may damage the sovereignty of the Republic of Azerbaijan, its territorial integrity, its secular nature, unity of the Azerbaijani nation, the national security of the country, the public order or the health of the population, and when protection of the rights and legal interests of citizens of the Republic of Azerbaijan and other persons requires it, those persons may be declared as a persona-non-grata.

23.2 The status of persona-non-grata is determined for 5 years and it may be prolonged for the same period if the applicable grounds are not removed. The number of the prolongations shall not be restricted.

23.3 When a foreigner or stateless person staying on the territory of the Republic of Azerbaijan temporarily, residing temporarily or permanently on a legal basis is declared as a persona-non-grata, that person is deprived of his/her right to stay or reside in the country since the time of decision about it.

23.4 The information on the declaration of a person as a persona-non-grata shall be included in the Interoffice Automatized Information and Research System for Entry/Exit and Registration by pertinent executive authorities.

23.5 When the person is declared as a persona-non-grata in the territory of the Republic of Azerbaijan, the pertinent executive authorities submit the information about it to the pertinent executive authority for the purposes of registration of foreigners and stateless persons, and for making a decision about deportation of those persons from the Republic of Azerbaijan, in compliance with Article 79 of this Code.

### **SECTION III**

## **DOCUMENTS ALLOWING ENTRY, EXIT, TEMPORARY STAY, RESIDENCE AND EMPLOYMENT OF FOREIGNERS AND STATELESS PERSONS ON THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN, AND ISSUANCE OF SUCH DOCUMENTS**

### **CHAPTER 5**

#### **VISAS**

##### **Article 24 Visas issued to foreigners and stateless persons**

24.1 Visas granted to foreigners and stateless persons are divided into entry and transit visas.

24.2 Depending on the number of entries, the entry visas are divided into one-time and multiple-time visas, and the transit visas are divided into one-time and two-time visas.

24.3 Entry visas are divided into diplomatic, business and ordinary visas.

24.4 The entry visas of diplomatic and business type shall only be issued to foreigners and stateless persons coming to the Republic of Azerbaijan for a business travel purpose.

24.5 The entry visas of ordinary type shall be issued to foreigners and stateless persons entering to the Republic of Azerbaijan for purposes of business, science, education, employment, tourism, culture, sports, humanitarian, treatment and personal travel.

24.6 The entry visas are valid for one-time entry/exit during 90 days, and up to 2 years for multiple-time entry/exit.

24.7 Foreigners and stateless persons may stay in the country for the period and purpose shown on the visa.

24.8 The staying period in the country, shown on the visa, shall be used during the validity period of the visa. A visa not used during that period is invalid.

24.9 The rules (terms) stipulated in the international agreements on visas, where the Republic of Azerbaijan is a party to, may be different than the rules (terms) stipulated in this Code.

##### **Article 25 An entry visa issued for business travel**

25.1 The business travel visa is issued to associates of diplomatic representative offices and consular offices of foreign countries in the Republic of Azerbaijan, including the associates of the representative offices of international organizations, their administrative and technical staffs and family members, and foreigners who travel to the Republic of Azerbaijan with a special mission in the cases set forth by the international agreements where the Republic of Azerbaijan is a party to. On these visas, the period of stay in the country is determined by the validity period of the issued visa.

25.2 A business travel visa may also be issued to foreigners and stateless persons who attend in official events and conferences and the period of stay in these visas is determined up to 180 days.

25.3 For the registration of a business travel visa, an official nota of the country or international organization represented by a foreigner or stateless person is citizen, or the application of pertinent executive authorities of the Republic of Azerbaijan, and the documents mentioned in Article 36 of this Code are required.

## **Article 26 An entry visa issued for the purpose of business travel**

26.1 A business travel visa is issued for the purpose of establishing business relations or cooperation in the Republic of Azerbaijan on the basis of an application of government authorities of the Republic of Azerbaijan, legal entities acting in the Republic of Azerbaijan or physical persons engaging in entrepreneurship not establishing a legal entity, as well as branches and representative offices of foreign legal entities or to foreigners and stateless persons entering the Republic of Azerbaijan with a document certifying that s/he is engaging in entrepreneurship.

26.2 On a business travel visa, the period of stay in the country shall be determined up to 180 days.

26.3 For the registration of a business travel visa, the documents set forth in Article 36 of this Code shall be submitted.

## **Article 27 Entry visa issued for the purposes of science and education**

27.1 A science and education visa is issued on the basis of an application submitted by government authorities, research and development institutions, education institutions officially registered in the Republic of Azerbaijan to foreigners and stateless persons entering the Republic of Azerbaijan to attend an applicable conference, seminar and other scientific event, to get education by enrolling an education institution or to get retrained.

27.2 On a science or education visa, period of stay in the country shall be determined up to 90 days.

27.3 For the registration of a science or education visa, a document certifying that a person has sufficient funds to pay for his/her expenses related to his education and residence in the Republic of Azerbaijan (when the education of a foreigner or stateless person in the Republic of Azerbaijan is not financed by the country where s/he is a citizen or a permanent resident), and the documents set forth in Article 36 of this Code.

## **Article 28 Entry visa issued for the purpose of labor**

28.1 A labor visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan, who intend to work and for this purpose, on the basis of an application by government authorities of the Republic of Azerbaijan, legal entities acting in the Republic of Azerbaijan or natural persons engaging in entrepreneurship without establishing a legal entity, as well as branches and representative offices of foreign legal entities as an employer.

28.2 On a labor visa, the period of stay in the country shall be determined up to 90 days.

28.3 For the registration of a labor visa, the documents set forth in Article 36 of this Code are required.

## **Article 29 Entry visa for the purpose of medical treatment**

29.1 A medical treatment visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan to be diagnosed and treated in the Republic of Azerbaijan, on the basis of an application of medical institution in the Republic of Azerbaijan as a receiving party.

29.2 On a medical treatment visa, the period of stay in the country shall be determined up to 90 days.

29.3 For the purpose of the registration of a medical treatment visa, the invited person shall have a reference certifying that s/he has any disease to be diagnosed or treated, and the documents set forth in Article 36 of this Code.

## **Article 30 Entry visa for the purpose of individual travel**

30.1 An individual travel visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan on the basis of an invitation of a citizen of the Republic of Azerbaijan, a foreigner or stateless persons permanently residing in the Republic of Azerbaijan, a labor migrant holding a temporary residence permit or a foreigner or stateless person who gets education (only for the family members of that labor migrant or the foreigner and stateless person), registered by the pertinent government authority.

30.2 On an individual travel visa, the period of stay in the country shall be determined up to 90 days.

30.3 For the registration of an individual travel visa, the inviting person shall have a copy of his/her original identification card, an obligation on the guarantee of the financial expenses related to the travel of a foreigner or stateless person (ticket, daily sustenance, medical and etc.) and the document certifying that the invited person is a family member of the labor migrant or the foreigner and stateless person getting education, and the documents set forth in Article 36 of this Code are required.

## **Article 31 Entry visa for the purpose of a humanitarian travel**



31.1 A humanitarian travel visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan to engage in a humanitarian activity, hold humanitarian events or participate in such events in the Republic of Azerbaijan, on the basis of an application of government authorities of the Republic of Azerbaijan, legal entities acting in this sphere, as a receiving party.

31.2 On a humanitarian travel visa, the period of stay in the country shall be determined up to 90 days.

31.3 For the registration of a humanitarian travel visa, the documents set forth in Article 36 of this Code are required.

### **Article 32 Entry visa for the purposes of culture and sports**

32.1 A culture and sports visa is issued to foreigners and stateless persons to participate in any culture and sports events in the Republic of Azerbaijan, on the basis of an application of government authorities and legal entities acting in this sphere as a receiving party.

32.2 On a culture and sports visa, the period of stay in the country shall be determined up to 60 days.

32.3 For the registration of a culture and sports visa, the documents set forth in Article 36 of this Code are required.

### **Article 33 Entry visa for the purpose of tourism**

33.1 A tourism visa is issued to foreigners and stateless person entering the Republic of Azerbaijan as a tourist.

33.2 On a tourism visa, the period of stay in the country shall be determined up to 30 days.

33.3 For the registration of a tourism visa, a document certifying that a travel is conducted for the purpose of tourism (a tourism voucher or tourism notification, or a passenger ticket and a document certifying the reservation of a place in a hotel, camping, tourist base or other similar objects) and the documents set forth in Article 36 of this Code are required.

33.4 The procedure of issuance of electron visas to tourists is determined by Article 38 of this Code.

### **Article 34 Transit visa**

34.1 A transit visa is issued to foreigners and stateless persons entering a third country to use the territory of the Republic of Azerbaijan as a transit area.

34.2 The validity period of a transit visa shall be determined up to 30 days and the period of stay in the country shall be determined up to 5 days. Transit visas are issued taking into account of a travel route through air, water, railway transport and other transport type and the time spent on it.

34.3 For the registration of a transit visa, the copies of an original travel visa to a destination country (excluding the countries where there is a visa-free regime with to travel to the destination country) and the tickets of the transportation to go to the destination country from the country applied (if it is possible to obtain them) or other information certifying that travel and the documents set forth in Article 36 of this Code are required.

### **Article 35 Information included in a visa application form**

35.1 On a visa application form, the words of ‘the Republic of Azerbaijan’, the state blazon, the serial number of the visa, the type of the visa, the purpose of the entry to the country, the first name and the last name of the visa holder, the passport number, the sex, the date of birth, the nationality, the total number of the persons accompanying him/her, the place and date of issue of the visa, the signature of the competent person issuing the visa and the seal of the pertinent government authority, the start and end dates of the validity of the visa, the number of entries, the total number of the days for which the visa holder may stay in the county, not depending the number of the entries during the validity period of the visa, and the image of the face of the visa holder in compliance with biometric identification requirements shall be reflected.

35.2 The names of the parameters set forth in the visa application form shall be written both in Azerbaijani and English languages.

35.3 The sample, image and specifications of the visa application form shall be approved by the pertinent executive authority.

35.4 The instruction for filling the visa application form out shall be approved by the pertinent government authority.

## **Article 36 Documents required for visa issuance**

36.1 The following documents are required for issuance of a visa:

36.1.1 An application form, which samples have been approved by the pertinent government authority;

36.1.2 A passport or other border crossing document (the validity period of a passport or other border crossing document shall be at least 3 months more than the expiry date of the visa to be issued) and the copies of their original main pages;

36.1.3 Two colored photos (3 x 4 cm) in complying with biometric identification requirements;

36.1.4 a copy of the original medical insurance certificate (where an inviting party does not undertake medical services);

36.1.5 a document certifying the payment of the state duty for issuance of the visa;

36.1.6 an application, which sample is approved by the pertinent government authority, of a party inviting the foreigner or stateless person to the Republic of Azerbaijan, a copy of the original certificate of state registration (for non-government organizations), a document certifying the reason for the invitation (these documents are not required for transit and tourism visas, and business and individual travel visas).

36.1.7 applicable documents set forth in Articles 25-34 of this Code, depending on the purpose of a travel.

36.2 For the registration of a visa for foreigners and stateless persons who are under 18, but are holders of a passport or do not travel with accompaniment of their legal representatives, in addition to the documents set forth in Article 36.3 of this Code, a copy of the original certificate of birth, a permission of parents or a legal representative and copies of the original documents certifying their identities are also required.

36.3 The amount of the state duty received for the issuance of a visa is determined by the pertinent law of the Republic of Azerbaijan. The state duty paid for the issuance of a visa is not reimbursed, not depending on the result of the consideration of an application.

## **Article 37 Registration of visas**

37.1 Foreigners and stateless persons shall submit an application for visa issuance to obtain a visa to the diplomatic representative offices and consular offices of the Republic of Azerbaijan, or shall apply through their representatives.

37.2 In cases determined by the pertinent executive authority, foreigners and stateless persons may obtain a visa in the territory of the Republic of Azerbaijan.

37.3 An application for issuance of a visa shall also be submitted in the form of an electron application.

37.4 The list of the documents required for issuance of a visa, a sample of an application form, the amount and the payment form of a state duty, and information on the diplomatic representative offices and consular offices of the Republic of Azerbaijan in the countries where there are not any diplomatic representative offices and consular offices of the Republic of Azerbaijan to obtain a visa for foreigners and stateless persons residing in those countries, shall be posted on the websites of the diplomatic representative offices and consular offices of the Republic of Azerbaijan in foreign countries and in front of their buildings on boards obviously visible for everybody.

37.5 The registration of a visa shall be implemented through the Interoffice Automatized Information and Research System for Entry/Exit and Registration.

37.6 Applications of foreigners and stateless persons for issuance of a visa shall be reviewed within fifteen days from the date of application in cases defined by relevant executive authority. As well as when the travels of foreigners and stateless persons are related to an immediate medical treatment or a serious disease or death of their relatives residing in the Republic of Azerbaijan, their applications shall be reviewed within maximum two days (with submission of a document certifying these facts).

37.7 After review of the accuracy and completeness of an application for issuance of a visa by a diplomatic representative office or consular office, this information shall be included in the Interoffice Automatized Information and Research System for Entry/Exit and Registration and shall be approved by a strengthened electronic signature.

37.8 While reviewing the issuance of a visa, the pertinent executive authority shall verify the accuracy and completeness of the information; that information is checked against the limited lists of the Interoffice Automatized Information and Research System for Entry/Exit and Registration; an opinion of the pertinent executive authority is

obtained for the purpose of negotiation; and a final decision made depending on the results of these actions is submitted to a diplomatic representative office or consular office.

37.9 Where the issuance of a visa is considered as rational, a diplomatic representative office or consular office shall ensure the individualization of the visa application form, and its issuance and registration.

37.10 In the cases set forth in Article 16.1 of this Code, an application for the issuance of a visa is rejected and a visa issued previously is cancelled. Any repeated application may be reviewed after removal of the grounds caused to the rejection.

37.11 Foreigners and stateless persons may submit an application against bureaucracy in the review of an application or against the rejection of an application to courts in an administrative order or in compliance with the laws and regulations of the Republic of Azerbaijan.

#### **Article 38 Electron visas issued to tourists**

38.1 Tourists desiring to enter the Republic of Azerbaijan may obtain an electronic visa through travel companies.

38.2 To obtain electronic visa, foreigners may apply directly to the tourism companies acting in the Republic of Azerbaijan, accredited with the pertinent executive authority, **or** through the partners of the tourism companies of those tourism companies in their countries.

38.3 For obtaining of an electronic visa, a tourism company accredited in the Republic of Azerbaijan, by filing out the electronic application form posted on the internet information resource of the pertinent executive authority, shall add the scanned copies of the original passport and a photo of a person and the documents certifying that a travel is for the tourism purpose (a tourism voucher or a tourism notification, a passenger ticket and a document certifying reservation of a place in a hotel, camping, tourist base or other similar objects). After entrance of the documents, they shall be reviewed within maximum 10 days from the date of submission in the order established in Article 37 of this Code, and the visa shall be registered and sent to the electron e-mail of the tourism company applied in electronically.

38.4 For the issuance of a visa, a state duty in the amount determined by the laws and regulations shall be paid.

38.5 A printed electronic visa shall not be attached to the passport and shall be submitted by the tourist together with the passport while crossing the state border checkpoint. While crossing the state border checkpoint, notes on the entry to and exit from the Republic of Azerbaijan of the person shall be included in the passport and the visa.

38.6 The image and sample of the visa submitted electronically shall be approved by the pertinent government authority.

38.7 The rule of accreditation of a tourism company acting in the Republic of Azerbaijan, which has the right to obtain electronic visas for tourists with the pertinent government authority shall be determined by the pertinent executive authority.

## **CHAPTER 6**

### **EXTENDING TEMPORARY STAY OF FOREIGNERS AND STATELESS PERSONS ON THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

#### **Article 39 Decision on prolongation of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan**

39.1 In the cases set forth in Article 40 of this Code, the temporary stay period of foreigners and stateless persons in the Republic of Azerbaijan may be prolonged by the pertinent government authority and an applicable decision shall be made in this regard.

39.2 The decision on the prolongation of the temporary stay of foreigners and stateless persons in the Republic of Azerbaijan is an official document authorizing the foreigners and stateless persons to stay temporarily in the Republic of Azerbaijan.

39.3 The foreigners and stateless person with the prolonged temporary stay in the Republic of Azerbaijan may exit from the country by presenting their passports or other border crossing documents and the decision on the prolongation of the temporary stay and by crossing the state border checkpoints.

39.4 The image, specifications and the sample of the decision on the prolongation of the temporary stay of foreigners and stateless persons shall be approved by the pertinent government authority.

## **Article 40 Cases of prolongation of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan**

40.0 Exception of the cases in Article 43 of this Code, the prolongation of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan may be prolonged in the following cases:

40.0.1 when there is a need for immediate medical treatment of foreigners and stateless persons in the Republic of Azerbaijan;

40.0.2 when any close relatives of foreigners and stateless person residing in the Republic of Azerbaijan have a serious disease or dies;

40.0.3 In relation of a business need, when the organization inviting any foreigners and stateless person to the country submits a justified application on non-completion of the established works by those persons entering to the Republic of Azerbaijan;

40.0.4 In the cases set forth in Article 19.4 of this Code.

## **Article 41 Documents required for prolongation of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan**

41.1 Foreigners and stateless persons desiring to prolong their temporary stay period in the Republic of Azerbaijan shall submit the following documents:

41.1.1 an application form, which sample is approved by the pertinent executive authority;

41.1.2 a copy of the original passport or other border crossing document;

41.1.3 a copy of the original birth certificate or other document equal to it, approved by a notary office (for persons under the age of 18, not having a passport);

41.1.4 a document certifying the existence of any cases justifying the prolongation of the temporary staying period set forth in Article 40 of this Code;

41.1.5 Two photos of 3.5 x 4.5 cm sizes;

41.1.6 the document of a residential area where a person is to be registered (an extraction from the official registry of real estate on the official registration of ownership right, a leasing or renting contract or other document set forth in the applicable laws and regulations of the Republic of Azerbaijan);

41.1.7 an application of the person providing a place of residence to a foreigner or stateless person (except the cases where there is a residential area under the possession of the foreigner or stateless person);

41.1.8 a copy of the original identification card of the person granting a place of residence to a foreigner or stateless person (except the cases where there is a residential area under the possession of the foreigner or stateless person);

41.1.9 a document certifying the payment of the state duty.

41.2 The document certifying the payment of the state duty shall be provided when the decision on prolongation of the temporary stay period of a foreigner or stateless person is presented to them.

## **Article 42 Prolongation procedure of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan**

42.1 The temporary staying period of foreigners and stateless persons entering the Republic of Azerbaijan may be prolonged up to 30 days on the basis of the application of foreigners and stateless persons entering the Republic of Azerbaijan, in the cases set forth in Article 40 of this Code.

42.2 The temporary staying period of a foreigner or stateless person under the age of 18 in the Republic of Azerbaijan shall be prolonged on the basis of an application of his/her parents or other legal representative.

42.3 An application form for the prolongation of a temporary stay period in the Republic of Azerbaijan and other necessary documents may be submitted in a form of an electronic application.

42.4 Foreigners and stateless persons shall submit the necessary documents for the prolongation of the temporary staying period in the Republic of Azerbaijan to the pertinent executive authority at least 3 business days before the termination of their temporary staying period (except the cases of forced stay during transit).

42.5 A pertinent decision shall be made, regarding the applications of foreigners and stateless persons for the prolongation of the temporary staying period in the Republic of Azerbaijan within 3 business days.

42.6 While reviewing applications for prolongation of the temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan, the pertinent executive authority shall in all particular cases: examine the reasons of their staying in the Republic of Azerbaijan; reject the prolongation of the staying period in the cases set forth in Article 43 of this Code; and provide the foreigners and stateless persons with information on the rejection in a written form; or present the decision on the prolongation of the temporary staying period in the Republic of Azerbaijan to the foreigners and stateless persons whose application for the prolongation of the temporary staying period is accepted.

42.7 Foreigners and stateless persons whose application for the prolongation of the temporary staying period are rejected, shall exit from the territory of the country until their temporary staying period in the Republic of Azerbaijan ends. Until an application for the prolongation of the temporary staying period is reviewed, when the temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan ends, they shall exit from the territory of the country within 48 hours from the time of the decision on the rejection.

42.8 Collection of applicable information and obtaining of opinions in regard with prolongation of the temporary staying period in the Republic of Azerbaijan; filling the decision on the prolongation of the temporary staying period out individually and presenting it, and registration of the foreigners and stateless persons whose applications for the prolongation of the temporary staying period in the Republic of Azerbaijan are rejected, shall be conducted through the United Migration Information System.

42.9 Prolongation of the temporary staying periods of associates of diplomatic representative offices and consular offices of foreign countries in the Republic of Azerbaijan, including the associates of the representative offices of international organizations, their administrative and technical staffs and family members, and foreigners who travel to the Republic of Azerbaijan with a special mission in the cases set forth by the international agreements where the Republic of Azerbaijan is a party to, shall be conducted in the form of issuance of a new visa by the pertinent executive authority, in compliance with this Code.

#### **Article 43 Non-prolongation of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan**

43.1 In the following cases, the temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan is not prolonged and the previously made decision on the prolongation of the temporary staying period is cancelled:

43.1.1 when their temporary staying in the Republic of Azerbaijan may damage the national security of the Republic of Azerbaijan;

43.1.2 when their temporary staying in the Republic of Azerbaijan may damage the public order;

43.1.3 when they submit fake documents or inaccurate information for the purpose of prolonging the temporary staying period in the Republic of Azerbaijan;

43.1.4 when they do not hold any documents certifying their identity;

43.1.5 when their entry to the Republic of Azerbaijan is prohibited;

43.1.6 when the case which justified the prolongation of their temporary stay in the Republic of Azerbaijan is removed;

43.1.7 when they are considered as *personas-non-grata* in the Republic of Azerbaijan;

43.2 When less than **1 month** remains until the termination date of the passports or other border crossing documents of foreigners and stateless persons, their temporary staying in the country is not prolonged.

### **CHAPTER 7**

#### **PERMISSION FOR TEMPORARY RESIDENCE ON THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

#### **Article 44 Permission for temporary residence on the territory of the Republic of Azerbaijan and a document certifying it**

44.1 Foreigners and stateless persons desiring to reside on the territory of the Republic of Azerbaijan shall get a pertinent permit for it.

44.2 The permit allowing foreigners and stateless persons to reside in the Republic of Azerbaijan temporarily shall be issued by the pertinent executive authority.

44.3 When a temporary residence permit is given to foreigners and stateless persons, those persons are provided with a certificate of temporary residence permit to reside on the territory of the Republic of Azerbaijan by the pertinent government authority.

44.4 A certificate of temporary residence permit in the Republic of Azerbaijan is a document authorizing foreigners and stateless persons to reside in the Republic of Azerbaijan temporarily and exit from the Republic of Azerbaijan and return back to the Republic of Azerbaijan with a visa-free basis during its validity period, and certifying the identities and registration of the places of residence of those persons.

44.5 When any information is changed in the identity cards of foreigners and stateless persons or their certificates of permit are lost, they shall inform the pertinent executive authority of it within 10 business days and shall submit an application for re-registration or termination of the certificates of permit.

44.6 The image, specifications and sample of the certificate of temporary residence permit shall be approved by the pertinent executive authority.

#### **Article 45 Cases of issuance of temporary residence permits on the territory of the Republic of Azerbaijan to foreigners and stateless persons**

45.0 Except the cases set forth in Article 50 of this Code, foreigners and stateless persons are issued a temporary residence permit in the Republic of Azerbaijan in the following cases:

45.0.1 when they are in a close relationship with a citizen of the Republic of Azerbaijan;

45.0.2 when they invest at least 500 000 AZN in the economy of the country;

45.0.3 when they have real estate which worth at least 100 000 AZN on the territory of the Republic of Azerbaijan or when they have funds at the same amount in the banks of the Republic of Azerbaijan;

45.0.4 when they are highly qualified professionals in the spheres of economics, industry, defense, science, culture, sports and in other spheres;

45.0.5 when they are family members of foreigners and stateless persons temporarily or permanently residing on the territory of the Republic of Azerbaijan;

45.0.6 when they hold the positions of the head or deputy head in the subsidiary or representative office of a foreign legal entity in the Republic of Azerbaijan;

45.0.7 when they engage in entrepreneurship in the Republic of Azerbaijan;

45.0.8 when they obtain a work permit in compliance with the order established by this Code to engage in a paid labor activity on the territory of the Republic of Azerbaijan;

45.0.9 when they enroll as a full-time student in higher and special secondary education institutions and when they get education at secondary schools in the Republic of Azerbaijan;

45.0.10 when they engage in professional religious activity at officially registered religious institutions;

45.0.11 when they are grounds provided by the international agreements of the Republic of Azerbaijan.

**NOTE:** The case set forth in Article 45.0.7 of this Code shall only be considered as a ground for issuance of a temporary residence permit on the territory of the Republic of Azerbaijan, when those persons act factually full time in a group of at least 5 persons or part-time in a group of at least 10 persons. In this case, at least 80 percent of the employees are required to be citizens of the Republic of Azerbaijan.

#### **Article 46 Documents required for issuance of a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan to foreigners and stateless persons**

46.1 Foreigners and stateless persons shall submit the following documents for obtaining a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan:

46.1.1 an application form, which sample is approved by the pertinent executive authority;

46.1.2 a copy of the original passport or other border crossing document (the validity period of the passport or other border crossing document shall be more than 3 months of the expiry date of the temporary residence permit to be issued);

46.1.3 a copy of the original birth certificate or other document equal to it, approved by a notary office (for persons under the age of 18, not holding a passport);

46.1.4 a document certifying the existence of cases justifying issuance of a temporary residence permit, approved by a notary office;

- 46.1.5 a reference on non-carrying a virus of any disease included in the list of dangerous infectious diseases, approved by the pertinent executive authority;
- 46.1.6 a copy of the original document authorizing to stay temporarily or reside temporarily on the territory of the Republic of Azerbaijan;
- 46.1.7 a justified application by an office, enterprise or organization inviting the foreigners and stateless persons who are highly qualified professionals in the spheres of economics, defense, science, culture, sports and in other spheres to the Republic of Azerbaijan;
- 46.1.8 Two photos of 3.5 x 4.5 cm sized;
- 46.1.9 the document of the residential area where a person is to be registered (an extraction from the official registry of real estate on the official registration of ownership right, a leasing or renting contract, or another document set forth in the laws and regulations of the Republic of Azerbaijan);
- 46.1.10. an application of the person providing a foreigner or stateless person with a residential area (except the cases where there is a residential area under the possession of the foreigner or stateless person);
- 46.1.11 a copy of the original passport of the person providing a foreigner or stateless person with a residential area (except the cases where there is a residential area under the possession of the foreigner or stateless person);
- 46.1.12 a document certifying the payment of the state duty;
- 46.2 The document certifying the payment of the state duty shall be provided when the certificate of temporary residence permit is presented to foreigners and stateless persons.
- 46.3 Fingerprints of the person applying for obtaining of a temporary residence permit shall be taken, in accordance with biometric identification requirements.

#### **Article 47 Issuance (prolongation) of a temporary residence permit to foreigners and stateless persons on the territory of the Republic of Azerbaijan**

- 47.1 When there are cases justifying issuance of a temporary residence permit to foreigners and stateless persons on the territory of the Republic of Azerbaijan, they shall apply to the pertinent executive authority to obtain a permit in this regard at least 30 days before the expiry of the temporary staying or residing period.
- 47.2 Foreigners and stateless persons shall apply personally or through their legal representatives for obtaining a temporary residence permit on the territory of the Republic of Azerbaijan.
- 47.3 A temporary residence permit shall be obtained for a child under the age of 18 on the basis of his/her parents or other legal representative.
- 47.4 The application form for issuance of a temporary residence permit and other necessary documents may be submitted in the form of an electron application.
- 47.5 Applications of foreigners and stateless persons for the issuance of a temporary residence permit on the territory of the Republic of Azerbaijan shall be reviewed within 20 business days, by taking into account the opinion of the pertinent executive authority.
- 47.6 The pertinent executive authority shall give an opinion on foreigners and stateless persons applying for the issuance of a temporary residence permit on the territory of the Republic of Azerbaijan within 10 business days.
- 47.7 When the pertinent executive authority does not give an applicable opinion within 10 business days, it shall be considered as non-rejection of the application of foreigners and stateless persons for the issuance of a temporary residence permit on the territory of the Republic of Azerbaijan.
- 47.8 Prolongation of a temporary residence permit on the territory of the Republic of Azerbaijan shall be conducted in the same order determined for the issuance of a permit.
- 47.9 When the term of a permit is not prolonged or the application for prolongation was not accepted by the pertinent executive authority, foreigners and stateless persons shall exit from the territory of the Republic of Azerbaijan until the expiry of the temporary residence permit on the territory of the Republic of Azerbaijan.
- 47.10 Collection of applicable information and obtaining of opinions in regard with issuance of temporary residence permits on the territory of the Republic of Azerbaijan, filling the certificate of temporary residence permit out individually and presenting it, and registration of foreigners and stateless persons applied for the issuance of a temporary residence permit on the territory of the Republic of Azerbaijan, obtained a temporary residence permit on the territory of the Republic of Azerbaijan or rejected from or foreigners and stateless persons who are rejected from the issuance of such a permit as well as foreigners and stateless persons whose temporary residence permits on the territory of the Republic of Azerbaijan are cancelled, shall be conducted through the United Migration Information System.

#### **Article 48 Rejection of applications for the issuance of a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan**

48.1 In the cases set forth in Article 50 of this Code, the applications of foreigners and stateless persons for the issuance (prolongation) of a temporary residence permit on the territory of the Republic of Azerbaijan are rejected.

48.2 Rejection of the applications of foreigners and stateless persons for the issuance of a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan shall be justified by the pertinent executive authority and they shall be informed of it in a written form.

48.3 When the applications of foreigners and stateless persons for the issuance of a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan are rejected, a repeated application shall be reviewed after removal of the reasons justifying that rejection.

48.4 When the persons set forth in Article 48.3 of this Code re-apply to the pertinent executive authority during the period of their legal stay or residing in the country, they shall submit only the document certifying that the reason justifying the rejection of the issuance of a temporary residence permit (prolongation) has been removed.

#### **Article 49 Duration of a temporary residence permit on the territory of the Republic of Azerbaijan**

49.1 A temporary residence permit on the territory of the Republic of Azerbaijan shall be issued for the period mentioned on the application of an applicant, but for the duration not exceeding 1 year, except the reason set forth in Article 45.0.2 of this Code, and it may be prolonged each time for the period not exceeding 2 years, if there is an applicable ground.

49.2 A temporary residence permit on the territory of the Republic of Azerbaijan shall be issued to foreigners and stateless persons set forth in Article 45.0.2 of this Code for the period mentioned on the application of an applicant, but for the duration not exceeding 3 years and may be prolonged each time for the period not exceeding 3 years, if there is an applicable ground.

49.3 When a temporary residence permit on the territory of the Republic of Azerbaijan is prolonged, the certificate shall be replaced with a new one.

#### **Article 50 Rejection of applications of foreigners and stateless persons for the issuance of a temporary residence permit (prolongation) on the territory of the Republic of Azerbaijan**

50.0 In the following cases, the applications of foreigners and stateless persons for the issuance (prolongation) of a temporary residence permit on the territory of the Republic of Azerbaijan are rejected, and the previously issued permits are cancelled.

50.0.1 when they may damage the national security of the Republic of Azerbaijan and the public order;

50.0.2 when they submit fake documents or inaccurate information for the purpose of obtaining a temporary residence permit in the Republic of Azerbaijan;

50.0.3 when they do not hold documents certifying their identities or when they do not submit one or more of the documents set forth in Article 44 of this Code;

50.0.4 when less than 3 months remain until the expiry date of the passport or other border crossing document;

50.0.5 when they are carriers of the virus of a disease included in the list of dangerously infectious diseases, approved by the pertinent executive authority (except the persons who are married to citizens of the Republic of Azerbaijan);

50.0.6 when they were departed from the territory of the Republic of Azerbaijan and their entry to the country is restricted;

50.0.7 when the ground justifying the issuance of a temporary residence permit on the territory of the Republic of Azerbaijan is removed and when there are not any other grounds set forth in this Code, regarding the issuance of a temporary residence permit;

50.0.8 when they stay abroad for more than 90 days within 180 days;

50.0.9 when they leave the territory of the Republic of Azerbaijan for residing abroad permanently;

50.0.10 when they are considered as *personas-non-grata* in the Republic of Azerbaijan;

50.0.11 when a decision on their deportation from the territory of the Republic of Azerbaijan is made;

50.0.12 when they violate the declared purpose of their entry to the Republic of Azerbaijan during residing on the territory of the Republic of Azerbaijan temporarily.



## **Article 51 Work permit**

51.1 Foreigners and stateless persons desiring to reside temporarily and engage in a paid labor activity on the territory of the Republic of Azerbaijan shall obtain a work permit in addition to the temporary residence permit.

51.2 Foreigners and stateless persons shall obtain a work permit through the legal entities engaging in a work, natural persons engaging in entrepreneurship without establishing a legal entity, and subsidiary and representative offices of foreign legal entities.

51.3 A work permit is a document authorizing foreigners and stateless persons to engage in a paid labor activity on the territory of the Republic of Azerbaijan.

51.4 A work permit is issued by the pertinent executive authority in the order established in this Code.

51.5 Issuance of a work permit is conducted within the framework of labor migration quota approved by the pertinent executive authority.

51.6 The quota is applied for the purposes of efficient using local labor resources and increasing the effectiveness of works in the sphere of regulation of labor migration processes. The quota is determined taking into account the following: situation of internal labor market, demand for manpower, existence of vacancies where citizens of Azerbaijan meeting the standards of a workplace with regard to professional qualifications and professions do not apply, the capacity of employment service bodies to supply the demands of employers for manpower through local human resources, as well as necessity to involve highly specialized foreign specialists.

51.7 Procedure of determination of a labor migration quota is approved by the pertinent executive authority.

51.8 A work permit form shall have a registration serial number as a serious reporting document and protection signs at the level of securities. The image, specifications and sample of a work permit is approved by the pertinent executive authority.

## **CHAPTER 8**

### **PERMANENT RESIDENCE PERMIT ON THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

#### **Article 52. Permanent residence permits to foreigners and stateless persons on the territory of the Republic of Azerbaijan and documents certifying it**

52.1 Foreigners and stateless persons residing temporarily on the territory of the Republic of Azerbaijan under the grounds set forth in Articles 45.0.1-45.0.7 of this Code on the basis of an applicable permit may submit an application for a permanent residence permit on the territory of the Republic of Azerbaijan.

52.2 Foreigners and stateless persons shall be given a permanent residence permit on the territory of the Republic of Azerbaijan by the pertinent executive authority.

52.3 When foreigners and stateless persons are given a permanent residence permit on the territory of the Republic of Azerbaijan, those persons shall be provided with a certificate of permanent residence permit on the territory of the Republic of Azerbaijan.

52.4 A certificate of permanent residence permit on the territory of the Republic of Azerbaijan is a document authorizing foreigners and stateless persons to reside on the territory of the Republic of Azerbaijan permanently and exit from the Republic of Azerbaijan and return back without a visa-free basis in its validity period, and certifying identities and registration of places of residences of those persons on the territory of the country.

52.5 The image, specifications and sample of the certificate of permanent residence shall be approved by the pertinent executive authority.

#### **Article 53 Documents for issuance (prolongation) of permanent residence permits to foreigners and stateless persons on the territory of the Republic of Azerbaijan**

53.1 Foreigners and stateless persons shall submit the following documents for the issuance (prolongation) of a permanent residence permit on the territory of the Republic of Azerbaijan:

53.1.1 an application form, which sample is approved by the pertinent executive authority;

53.1.2 a copy of the original passport or other border crossing document;

- 53.1.3 a copy of the original birth certificate or a document equal to it, approved by a notary office (for persons who are under the age of 18);
- 53.1.4 a reference on family members (by showing first names, last names, birth dates, occupations, places of residence or places of stay of the family members);
- 53.1.5 a copy of the original marriage certificate, approved by a notary office;
- 53.1.6 a reference on non-carrying a virus of any disease included in the list of dangerous infectious diseases, approved by the pertinent executive authority;
- 53.1.7 a document certifying the existence of necessary funds to support minimal needs of foreigners and stateless persons and their family members (except the cases where a person has a close relative who is a citizen of the Republic of Azerbaijan or where that citizen undertakes supporting them when the person holding a permanent residence permit in the Republic of Azerbaijan are in the country);
- 53.1.8 when foreigners and stateless persons has a profession, copies of the documents certifying it, approved by a notary office;
- 53.1.9 a copy of the original certificate of temporary/permanent residence permit on the territory of the Republic of Azerbaijan;
- 53.1.10 a copy of the original document certifying that the ground for issuance of a temporary permanent residence in the Republic of Azerbaijan are not removed, approved by a notary office;
- 53.1.11 Two photos of 3.5 x 4.5 sized;
- 53.1.12 approvals of children who are 14-18 ages, approved by a notary office;
- 53.1.13 the document of a residential area where a person is to be registered (an extraction from the official registry of real estate on the official registration of ownership right, a leasing or renting contract or other document set forth in the applicable laws and regulations of the Republic of Azerbaijan);
- 53.1.4 an application of the person providing a place of residence to a foreigner or stateless person (except the cases where there is a residential area under the possession of the foreigner or stateless person);
- 53.1.5 a copy of the original identification card of the person granting a place of residence to a foreigner or stateless person (except the cases where there is a residential area under the possession of the foreigner or stateless person);
- 53.1.6 a document certifying the payment of the state duty.
- 53.2 The document certifying the payment of the state duty shall be provided when a certificate of permanent residence permit is presented to foreigners and stateless persons.
- 53.3 Fingerprints of a person applying for a permanent residence permit (except the children under the age of 15) shall be taken in accordance with biometric identification requirements.

#### **Article 54 Procedure of issuance (prolongation) of a temporary residence permit to foreigners and stateless persons on the territory of the Republic of Azerbaijan**

- 54.1 Foreigners and stateless persons shall apply to the pertinent executive authority when there are cases certifying the issuance of a permanent residence permit to them, at least 3 months before the expiry date of their temporary residence permits on the territory of the Republic of Azerbaijan
- 54.2 Foreigners and stateless persons shall apply for temporarily residing in the Republic of Azerbaijan personally or through their legal representatives;
- 54.3 A permanent residence permit for a child under the age of 14 to reside permanently in the Republic of Azerbaijan shall be obtained on the basis of an application of his/her parents or other legal representative. A permanent residence permit for a child between 14-18 years old shall be obtained on the basis of an application of his/her parents or other legal representative, after obtaining the approval of the child.
- 54.4 An application form and other documents required for the issuance of a permanent residence permit on the territory of the Republic of Azerbaijan may be submitted in the form of an electron application.
- 54.5 While reviewing the applications of foreigners and stateless persons for issuance of a permanent residence permit in the Republic of Azerbaijan, their knowledge of the rights and obligations, set forth by the laws of the Republic of Azerbaijan, and of the issues related to the government shall be tested by a commission consisting of experts of the pertinent executive authorities.

54.6 The pertinent executive authority shall forward the documents of applicants to the pertinent executive authority for consideration and issuance of an opinion.

54.7 The pertinent executive authority shall return the documents back to the pertinent executive authority, after verifying them within 1 month. Non-issuance of any opinion by the pertinent executive authority within 1 month shall be considered as non-rejection of the issuance of a permanent residence permit.

54.8 The pertinent executive authority shall submit applicable surveys to the pertinent executive authority and other related institutions with regard to the issuance of a permanent residence permit and obtains official references.

54.9 The pertinent executive authority shall review the application of a person applying for issuance of a permanent residence permit in the Republic of Azerbaijan within 2 months and make an applicable decision.

54.10 On the decision, the acceptance or rejection of the application of the person applying for issuance of a permanent residence permit shall be justified and the person shall be provided with a copy of the original decision.

54.11 When the applications of foreigners and stateless persons for issuance of a permanent residence permit in the Republic of Azerbaijan are rejected, they may re-apply within 1 month from the date of rejection to the pertinent executive authority, if the ground for the rejection is removed. In this case, only the document certifying the removal of the ground for the rejection shall be submitted.

54.12 A permanent residence permit in the Republic of Azerbaijan is entitled for the period of 5 years. At least 3 months before the expiry date of this permit, on the basis of an application of a foreigner or stateless person the permanent residence permit may be re-prolonged for 5 years. The number of prolongations shall not be limited. In this case, the documents set forth in Article 53 of this Code shall be re-submitted.

54.13 Collection of applicable information and obtaining of opinions in regard with issuance of a permanent residence permit on the territory of the Republic of Azerbaijan; filling the certificate of permanent residence permit individually and presenting it, and registration of the foreigners and stateless persons who apply for the issuance of a permanent residence permit in the Republic of Azerbaijan, who obtain the permanent residence permit and whose applications for the issuance of a permanent residence permit in the Republic of Azerbaijan are rejected, shall be conducted through the United Migration Information System.

#### **Article 55 Rejection of applications of foreigners and stateless persons for obtaining a permanent residence permit on the territory of the Republic of Azerbaijan (prolongation)**

55.0 In the following cases, the pertinent executive authority shall reject the issuance (prolongation) of a permanent residence permit to a foreigner or stateless person, and the previously issued permit shall be cancelled:

55.0.1 when they may damage to the national security of the Republic of Azerbaijan or the public order;

55.0.2 when they are carriers of the virus of a disease included in the list of dangerously infectious diseases, approved by the pertinent executive authority (except the persons who are married to citizens of the Republic of Azerbaijan);

55.0.3 when they do not hold documents certifying their identities or when they do not submit one or more of the documents set forth in Article 53 of this Code;

55.0.4 when they submit fake documents or inaccurate information for the purpose of obtaining a permanent residence permit in the Republic of Azerbaijan;

55.0.5 when they are imprisoned for an intentionally committed serious crime or felony, if their sentence is not served or removed in the order set forth with the applicable laws;

55.0.6 when they do not have necessary funds to support the minimal needs of them and their family members (except the cases where a person has a close relative who is a citizen of the Republic of Azerbaijan or where that citizen undertakes supporting them when the person holding a permanent residence permit in the Republic of Azerbaijan is in the country);

55.0.7 when they leave the territory of the Republic of Azerbaijan to reside abroad;

55.0.8 when they stay abroad for more than 180 days since the date of the issuance of the permanent residence permit within each year;

55.0.9 when the grounds justifying the issuance of a permanent residence permit on the territory of the Republic of Azerbaijan are removed;

55.0.10 when they do not have knowledge of the rights and obligations of a foreigner or stateless person permanently residing on the territory of the Republic of Azerbaijan, set forth by the laws and regulations of the Republic of Azerbaijan, and of the issues related to the government;

55.0.11 when they are considered a personas-non-grata in the Republic of Azerbaijan;

55.0.12 when there is a decision on their deportation from the borders of the Republic of Azerbaijan;

55.0.13 when they violate the declared purpose of their entry to the Republic of Azerbaijan during residing on the territory of the Republic of Azerbaijan permanently.

#### **Article 56 Filing of a complaint against the decision on the rejection of issuance of a permanent residence permit (prolongation) in the Republic of Azerbaijan or on the cancellation of the temporary residence permit**

A decision on the rejection of issuance of a permanent residence permit (prolongation) in the Republic of Azerbaijan or on the cancellation of the temporary residence permit may be complained against through filing a complaint in the administrative form and/or to a court.

### **SECTION IV**

#### **LABOR MIGRATION**

##### **CHAPTER 9**

#### **GOVERNMENT REGULATION OF LABOR MIGRATION**

#### **Article 57 Government regulation of labor migration and control over it**

57.1 The government shall regulate the labor migration through applying a labor migration quota, issuing work permits and issuing licenses for the mediation activity for employing citizens of the Republic of Azerbaijan abroad.

57.2 Pertinent government authorities shall implement control over the lawfulness of the employment of foreigners and stateless persons in the Republic of Azerbaijan, ensuring their social security, and the activities of legal entities and natural persons in the sphere of labor migration.

##### **CHAPTER 10**

#### **REGULATION OF LABOUR ACTIVITY OF CITIZENS OF THE REPUBLIC OF AZERBAIJAN IN FOREIGN COUNTRIES**

#### **Article 58. Labour activity of citizens of the Republic of Azerbaijan in foreign countries.**

58.1. Citizens of the Republic of Azerbaijan over 18 years old may carry out paid labour activity in foreign countries.

58.2. Citizens of the Republic of Azerbaijan may get employed in foreign countries with direct invitation of foreign legal or physical entities, through mediation of legal entities officially registered in the Republic of Azerbaijan or individually.

58.3. When citizens of the Republic of Azerbaijan carry out paid labour activity in foreign countries, they shall be registered at the diplomatic mission or consulate of the Republic of Azerbaijan in that country within 1 month after arrival to the country of destination and submit an official document on employment in the given country in order to ensure full provision of their rights by the respective state.

58.4. Diplomatic missions and consulates of the Republic of Azerbaijan submit the information about registered citizens of the Republic of Azerbaijan to relevant executive body within 1 month. Relevant executive body shall regularly inform relevant executive bodies on the matter.

58.5. In the absence of the diplomatic mission or consulate of the Republic of Azerbaijan in the country of employment, citizens of the Republic of Azerbaijan dealing with paid labour activity in foreign countries shall send an official document on their employment to relevant executive body of the Republic of Azerbaijan within 1 month.

#### **Article 59. Mediation in employment of citizens of the Republic of Azerbaijan in foreign countries**

59.1. Legal entities officially registered in the Republic of Azerbaijan may mediate in the employment of citizens of the Republic of Azerbaijan in foreign countries. Legal entities shall get a special/personal permission from relevant executive body in the defined way in order to carry on activities in this field.

59.2. Relevant executive body issues a special/personal permission for mediation activity for employment of citizens of the Republic of Azerbaijan in a foreign country taking into account the opinion of relevant executive body. Relevant executive body issues an opinion on the case within 5 working days.

59.3. Legal entities that possess a special/personal permission giving the right for mediation activity, may involve citizens of the Republic of Azerbaijan to paid labor activity in line with contracts signed with legal and physical entities of foreign countries and approved by a relevant executive body.

59.4. In the contracts signed between legal entities having mediation activity with legal and physical entities and suggested labour contracts, provision of social protection of citizens of the Republic of Azerbaijan shall be stipulated in compliance with the international regulations.

59.5. Legal entities having mediation activity shall submit one copy of proposed labour contract to migrant worker before he/she leaves the Republic of Azerbaijan. Legal entities having mediation activity can not get payment from migrant workers for rendered mediation service.

59.6. Legal entities dealing with mediation activity shall inform relevant executive authorities on citizens of the Republic of Azerbaijan, whom they engaged in paid labour activity in foreign countries.

59.7. Physical entities are prohibited in providing mediation services for employment of citizens of the Republic of Azerbaijan in foreign countries.

59.8. Relevant executive body carries out state supervision on activity of legal entities carrying out mediation activity.

59.9. The validity of a special/personal permission for mediation activity may be extended, temporarily terminated or revoked by relevant executive body in a defined way.

59.10. State duty shall be paid in an amount stipulated in the legislation to carry out mediation activity.

#### **Article 60. Registration of the citizens of the Republic of Azerbaijan for their employment in foreign countries**

60.1. Registration of the citizens of the Republic of Azerbaijan for their employment in foreign countries, publishing announcements and advertisements in this relation can be done only by legal entities, which are issued a special permission to carry out relevant mediation activity.

60.2. Legal entities bear responsibility in a defined way for dissemination of false/incorrect information in mass media related to employment of the citizens of the Republic of Azerbaijan in foreign countries.

## CHAPTER 11

### REGULATION OF LABOUR ACTIVITY OF FOREIGNERS AND STATELESS PERSONS

#### **Article 6. Labour activity of foreigners and stateless persons in the Republic of Azerbaijan**

61.1. Every able-bodied and over 18 years old foreigner or stateless person is entitled to perform labour activities within the territory of the Republic of Azerbaijan after getting working permit through legal entities, individuals dealing with entrepreneurship activity not establishing legal entity and branch offices and representations of foreign legal entities that employed him in a way and at terms stipulated in this Code.

61.2. Principal conditions for performing labour activities by foreigners and stateless persons involve availability of a job vacancy that is not demanded by a citizen of the Republic of Azerbaijan having skills and qualification required for such job, inability of employment services to meet employers' need in manpower at the cost of local labour resources.

#### **Article 62. Restrictions on labour activity of foreigners and stateless persons**

Taking into account the demand of domestic labour market, restrictions on some activity areas can be imposed on labour migration to the Republic of Azerbaijan by relevant executive body.

#### **Article 63. Employment of foreigners and stateless persons in the Republic of Azerbaijan**

63.1. Legal entities, individuals dealing with entrepreneurship activity not establishing legal entity and branch offices and representations of foreign legal entities may employ foreigners and stateless persons in the Republic of Azerbaijan.

63.2. Except for cases stipulated in the Article 64 of this Code, legal entities, physical persons engaging in entrepreneurship not establishing a legal entity and branch offices and representations of foreign legal entity shall get a working permit for every foreigner or stateless person they want to employ.

63.3. Legal entities, physical persons engaging in entrepreneurship not establishing a legal entity and branch offices and representations of foreign legal entities may apply for working permit for a foreigner and stateless person while they are still outside of the Republic of Azerbaijan.

63.4. Foreigners and stateless persons may carry out paid labour activity in the Republic of Azerbaijan after legal entities, physical persons engaging in entrepreneurship not establishing a legal entity and branch offices and representations of foreign legal entities obtain working permit for them.

63.5. Legal entities, physical persons engaging in entrepreneurship not establishing a legal entity and branch offices and representations of foreign legal entity shall employ foreigners and stateless persons only in their own working place and shall conclude a labour contract with the doe the duration a working permit.

63.6. It is prohibited for legal entities, physical persons engaging in entrepreneurship not establishing a legal entity and branch offices and representations of foreign legal entity to collect and keep passports or personal identification documents of foreigners and stateless persons they employ.

#### **Article 64. Cases when working permit is not required**

64.0. The following foreigners and stateless persons are not required to obtain a working permit:

64.0.1. those who possess permanent residence permit in the territory of the Republic of Azerbaijan;

- 64.0.2. those engaged in entrepreneurship activity in the territory of the Republic of Azerbaijan;
- 64.0.3. employees of diplomatic representations and consulates;
- 64.0.4. employees of international organisations;
- 64.0.5. managers of the organisations established under international agreements and their deputies;
- 64.0.6. those employed by relevant executive power;
- 64.0.7. employees of mass media accredited in the Republic of Azerbaijan;
- 64.0.8. those who are seconded for a missions to the Republic of Azerbaijan with total duration of 90 days within a year on activity fields defined by the pertinent executive authority;
- 64.0.9. sailors
- 64.0.10. professors and tutors invited to universities (higher educational institutions) for delivering lectures and lecturers;
- 64.0.11. art workers, coaches and athletes invited to work in sport clubs and registered at relevant executive authority;
- 64.0.12. those who perform professional religious activities in the officially registered religious institutions;
- 64.0.13. heads of branch offices and representations of foreign legal entities in the Republic of Azerbaijan and their deputies;
- 64.0.14. those married with the citizen of the Republic o Azerbaijan, subject to registration of that citizen in the territory of the Republic of Azerbaijan at the place of residence;
- 64.0.15. those, who applied for IDP status, received IDP status or was granted a political asylum;
- 64.0.16 those who patronize citizens of the Republic of Azerbaijan under 18 years old or I group disabled individuals.
- 64.0.17 persons involved in labour activity in cases defined by the pertinent executive authorities.

#### **Article 65. Documents required for issue of working permit**

- 65.0. The employer shall submit the following documents to relevant executive authority to obtain a working permit:
  - 65.0.1. work permit application approved by a relevant executive authority;
  - 65.0.2. copy of passport or other document used to cross the border of a foreigner and stateless person;
  - 65.0.3. copy of a document approved at notary office confirming that a foreigner and stateless person has skills and qualification required for such job;
  - 65.0.4. document that provides grounds for the necessity to employ a foreigner and stateless person in stipulated occupation;
  - 65.0.5. copy of relevant document entitling the foreigner and stateless person, who is in the territory of the Republic of Azerbaijan otherwise, to stay in the territory of the Republic of Azerbaijan;
  - 65.0.6. employer:

65.0.6.1. when a legal entity – certified copies of the charter of legal entity and certificates on registration approved;

65.0.6.2. when a physical entity/individual – certified copies of document proving identity of the person and certificate of tax payer registration issued to the individual;

65.0.7. certificate issued for a foreigner and stateless person and approved by relevant executive power for not carrying a disease included to the list of infectious diseases;

#### **Article 66. Reasons to deny working permits**

66.0. The working permit for the foreigners and stateless persons shall be denied in the following cases:

66.0.1. documents stipulated in the Article 65 of this Code are not submitted;

66.0.2. information indicated in the submitted documents is fake, inaccurate or false;

66.0.3. employer can meet the need in manpower at the cost of local labour resources;

66.0.4. foreigner and stateless person to be employed is under 18 years old;

66.0.5. labour migration quota is full;

66.0.6. foreigner and stateless person is a carrier of an infectious disease included to the list of infectious diseases defined by relevant executive power;

66.0.7. foreigner and stateless person do not have profession or work experience to perform the anticipated scope of work.

#### **Article 67. Revision of working permit applications**

67.1. Required documents for application for a working permit can filed both in a written or electronic format.

67.2. The relevant executive authority should notify the employer on any missing, irrelevant data or any other inappropriate information in the submitted documents.

67.3. Applications for a working permit should be reviewed within 20 days.

67.4. the relevant executive authority should forward the information on the documents stipulated in the provisions 65.0.2, 65.0.3, 65.0.64, 65.0.5 and 65.0.7 of this Code to the relevant executive authority to obtain their opinions.

67.5. The relevant executive authority reviews the information within 5 working days and provides its opinion to the relevant executive authority on the availability/possibility of local labor force to meet the labor force needs of an employer.

67.6. Absence of an opinion by the relevant executive authority within 5 working days is accepted as no objection to the issuance of working permit.

67.7. Decision to deny a working permit by the relevant executive authority should be substantiated with the reference to the article 66 of this Code and its copy should be presented to an employer.

67.8. In accordance with the provisions of this Code an employer has a right to file another application/re-apply for a working permit after elimination of the reasons that earlier served as the basis for rejection to grant the working permit.

67.9. If an employer applies to the relevant executive authority within the period while those individuals are lawfully stay or reside in the country, he only has to submit the document proving the elimination of the reasons for rejection of the working permit.



67.10. When a decision to grant the working permit was adopted, within 3 days the relevant executive authority fills in a working permit in an appropriate way and presents to an employer.

67.11. A working permit should be signed by the authorized official of the executive authority, and shall bear the seal of the respective body.

67.12. A working permit is released to an employer after a document confirming payment of the respective state fee is submitted by the employer.

67.13. The relevant executive authority revokes a working permit if the respective state fee is not paid by an employer within 30 days after the issuance of a working permit or if foreigners or person without citizenship receive denial for residence permit to reside on the territory of the Republic of Azerbaijan.

67.14. Collection of respective information and opinions related to the process of issuing permits, filing working permit application and its issuance, as well as granting or rejection to grant a working permit, registration of foreigners and stateless people, whose working permit was revoked, is carried out by Integrated Migration Information System.

#### **Article 68. Re-issuance of a working permit**

68.1. If any information on the identification document of a foreigner or stateless person or the title of the legal entity that employs a foreigner or stateless person changes, or in case of loss of the working permit, an employer should report to the relevant executive authority within 5 days and file a motion for reissuance or revoking the working permit.

68.2. In the cases stipulated in the provision 68.1 of this Code and if an employer does not submit the respective motion within 10 working days, the permit issued for a foreigner or stateless person will be deemed as invalid.

68.3. If a working permit was reissued, the copy of the re-issued working permit and the document outlining the reasons of its reissuance should be presented to a foreigner or stateless person.

68.4. There is no state fee for the re-issuances of the working permit.

#### **Article 69. Duration of working permit and extension of the term**

69.1. A working permit is issued for 1 year or for a lesser period if the employment contract is signed for the period under 1 year. The duration of the working permit can be extended each time for maximum of 1 year.

69.2. In order to extend working permit's validity an employer should send an application to the relevant executive authority at least 30 days prior to its expiration.

69.3. In order to extend working permit's validity an employer should submit the documents stipulated in the articles 65.0.1, 65.0.3, 65.0.4 and 65.0.7 of this Code.

69.4. Extension of working permit's validity is implemented in accordance with the rules stipulated in the Article 67 of this Code.

69.5. After an employer submits a document proving the payment of the state fee for extension of the working permit, a working permit with extended validity is presented to an employer.

69.6. The relevant executive authority revokes the working permit if the respective state fee is not paid by an employer within 30 days after issuance of working permit or if foreigners or person without citizenship is rejected to receive residence permit to reside on the territory of the Republic of Azerbaijan.

#### **Article 70. Transfer of a foreigner or stateless person to another job by an employer**

70.1. A new working permit is required if a foreigner or stateless person have been moved to another job within the same employer. A new working permit is also required for a foreigner or stateless person if a legal entity they work for undergoes reorganization (merger, accession, division, separation, transformation).

70.2. When a foreigner or stateless person are granted a new working permit as a result of new occupation within the same employer, the duration of the new working permit shouldn't be longer than the previous working permit issued for the same person.

70.3. The documents stipulated in the Articles 65.0.1 and 65.0.3 of this Code have to be submitted to the relevant executive authority if a foreigner or stateless person move to another job within the same employer and the documents stipulated in the Articles 65.0.1 and 65.0.6 of this Code have to be submitted to the relevant executive authority if a legal entity they work for undergoes reorganization (merger, accession, division, separation, transformation).

70.4. Additional state fee is not required for a new working permit if foreigners and stateless persons move to another job within the same employer.

70.5. If a working permit for foreigners and stateless persons is expired or the employment contract was terminated before the expected date, he can be invited to a job by another employer after receiving a new working permit.

70.6. It is prohibited to receive two working permits at the same time for the same foreigners and stateless persons.

#### **Article 71. Loss of validity of a working permit in case of termination of employment contract**

71.1. In case of an early termination of an employment contract between foreigners and stateless persons and an employer, the latter has to inform the relevant executive authority within 5 working days. In case of an early termination of an employment contract the working permit issued for that person deemed as invalid.

71.2. In case of an early termination of an employment contract and a labor migrant does not possess any other legitimate grounds for staying in the Republic of Azerbaijan, he should leave the territory of the Republic of Azerbaijan within 10 working days.

#### **Article 72. Supervision over working permits guidelines**

72.1. The relevant executive authority is conducting supervision over the guidelines on the working permits guidelines validity.

72.2. The relevant executive authority implements the following tasks in line with the supervision regulation:

72.2.1. to inspect the observation of this code and the normative legal acts that regulate employment of foreigners and stateless persons as labor force;

72.2.2. to inquiry information or a reference letter from an employer and form a foreigner or stateless person in case of issues arising during inspections;

72.2.3. to revoke the working permit in accordance with the cases stipulated in the Article 73 of this Code;

72.2.4. in accordance with the respective procedures provided by the legislation to bring to charges a foreigner or stateless person, who are employed without working permit, as well people who employed them.

72.3. Employers are obliged to provide requested and reasonable conditions and present required documents for the conduct of inspections.

72.4. If the inspection unveils law violation, a protocol in two copies has to be drafted, if no law violations detected, an act should be drafted. The protocol (act) has to be signed by the authorized representatives of the respective executive body and an employer. If signing of the protocol (act) is rejected, the proper record has to be made on the

same document. A copy of the protocol (act) is presented to the employer.

72.5. Representatives of other state agencies may be involved in the supervisory inspections.

#### **Article 73. Basis for revoking working permit**

73.0. The relevant executive authority revokes the working permit in the following cases:

73.0.1. upon the receipt of an application from a foreigner or stateless person or from an employer;

73.0.2. during early termination of the labor contract between an employer and a foreigner or stateless person;

73.0.3. if the documents provided in the application form for a working permit represents false information;

73.0.4. in the cases stipulated in the Articles 67.13, 68.2 and 69.6- of this Code;

73.0.5. if the legal entity as an employer terminated its operation;

73.0.6. in accordance with the respective court verdict.

## **PART V**

### **THE LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS IN THE REPUBLIC OF AZERBAIJAN**

#### **CHAPTER 12 GROUNDS FOR LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS**

#### **Article 74. The rights of foreigners and stateless persons**

74.1. Unless otherwise prescribed by the international agreements the Republic of Azerbaijan has joined, the foreigners and stateless persons in the Republic of Azerbaijan enjoy equally all of the rights as the citizens of the Republic of Azerbaijan.

74.2. The rights and freedoms of the foreigners and stateless persons residing or temporary staying on the territory of the Republic of Azerbaijan can be only limited by the norms of the international law or in compliance with the legislation of the Republic of Azerbaijan.

74.3. Should any foreign state impose limitations on the realization of the rights and freedoms for the citizens of Republic of Azerbaijan, equal limitations might be imposed for the citizens of that country on the territory of the Republic of Azerbaijan by the law of the Republic of Azerbaijan.

74.4. Foreigners and stateless persons are equal before the law and courts of the Republic of Azerbaijan regardless of their sex, race, nationality, ethnic origin, language, religion, views, political membership, property or social origin.

74.5. If a foreigner or stateless person was detained or arrested in accordance with the legislation of the Republic of Azerbaijan, he has to be informed immediately on the reasons and the rights he enjoys.

74.6. The agency or body that detained a foreigner or stateless person, who enjoys privileges and immunity in accordance with the international treaties the Republic of Azerbaijan has signed up to, should inform the relevant executive authority on this case in compliance with the provisions of the Criminal-Procedural Code of the Republic of Azerbaijan.

74.7. When convicted foreigners or stateless persons are released from the sentence, relevant executive body solves the issue of the stay of these persons in the Republic of Azerbaijan based on the information provided by authority carrying out the sentence or their expulsion from the Republic of Azerbaijan in the case stipulated in the article 79.1.3 of this Code.

#### **Article 75. The rights of labor migrants**

75.1. Except for cases stipulated in the Labour Code of the Republic of Azerbaijan, labor migrants enjoy equal conditions for employment on the grounds and according to the procedure established for the citizens of the Republic of Azerbaijan and the payments for their labor activities are made in accordance with the same procedures as for the citizens of the Republic of Azerbaijan.

75.2. All other situations with regard to the labor activities of labor migrants that have not been considered in this Code are regulated by the Labor Code of the Republic of Azerbaijan.

75.3. If a labor migrant passed away, the legal or physical entity that employed him is responsible to send his corpse to the country of his permanent residence.

75.4. The relevant executive authority supervises over provision of the labor migrants' rights.

#### **Article 76. Duties of foreigners and stateless persons**

76.1. Unless otherwise prescribed by the international agreements the Republic of Azerbaijan has joined, during their stay in the Republic of Azerbaijan the foreigners and stateless persons have to fulfill the same duties as the citizens of the Republic of Azerbaijan.

76.2. Realization by foreigners and stateless persons of their rights and freedoms should not cause damage to the national interests of the Republic of Azerbaijan. Foreigners and stateless persons shall be bound to respect and follow the Constitution and laws of the Republic of Azerbaijan, respect the traditions and customs of the people of the Republic of Azerbaijan.

76.3. Foreigners and stateless persons should comply with the declared objectives of their entry and leave the country after defined period of their stay expires.

76.4. In compliance with the legally grounded requests of the relevant executive authority representatives, the foreigners and stateless persons should present personal identification document, as well as the documents proving the legitimate grounds for their stay or residence on the territory of the Republic of Azerbaijan.

76.5. Foreigners and stateless persons may not be appointed to the positions, or be involved in specific labor activities, if in accordance with the legislation of the Republic of Azerbaijan the appointment to such positions and involvement in such activities is bound with the citizenship of the Republic of Azerbaijan.

76.6. It is prohibited for foreigners and stateless persons to run a religious propaganda.

#### **Article 77. Adaptation of permanently residing foreigners and stateless persons to the local conditions in the Republic of Azerbaijan**

77.1. Events for adaptation of permanently residing foreigners and stateless persons to the local conditions in the Republic of Azerbaijan are implemented based on their own will.

77.2. Events for adaptation of permanently residing foreigners and stateless persons to the local conditions in the Republic of Azerbaijan are coordinated by the relevant executive authority.

77.3. Events for adaptation of permanently residing foreigners and stateless persons to the local conditions in the Republic of Azerbaijan are implemented in cooperation with the relevant executive authority.

77.4. International and non-government organizations might be also involved in the events for adaptation of permanently residing foreigners and stateless persons to the local conditions in the Republic of Azerbaijan.

77.5. Foreigners and stateless persons residing in the Republic of Azerbaijan willing to learn Azerbaijani language, history, culture, as well as to familiarize with the respective legislation on the rights and duties of foreigners and stateless persons are able to apply to the training-education center of the relevant executive authority.

## **PART VI**

### **FINAL PROVISIONS**

#### **CHAPTER 13**

#### **EXPULSION OF FOREIGNERS AND STATELESS PERSONS**

##### **FROM THE REPUBLIC OF AZERBAIJAN**

#### **Article 78. Basis for expulsion of foreigners and stateless persons from the Republic of Azerbaijan**

78.1. Foreigners and stateless persons can be expelled from the Republic of Azerbaijan in the following cases:

78.1.1. Expulsion from the Republic of Azerbaijan is ruled as a penalty for committed crime;

78.1.2. expulsion from the Republic of Azerbaijan in the administrative way is applied as an administrative penalty for committing an administrative offence;

78.1.3. decision is made for expulsion of the foreigner and stateless person from the territory of the Republic of Azerbaijan according to the Article 79 of this Code (afterwards "decision on expulsion");

78.2. The punishment in the form of obligatory expulsion of foreigners or stateless persons from the Republic of Azerbaijan for committing a crime is applied in the cases stipulated in the Criminal Code of the Republic of Azerbaijan and executed in the way defined in the Code of Execution of Punishments of the Republic of Azerbaijan. Other issues arising from expulsion of those persons from the Republic of Azerbaijan are settled with this Code.

78.3. Foreigners and stateless persons, who committed administrative offence, are expelled from the Republic of Azerbaijan in cases and ways stipulated in the Code of Administrative Offences of the Republic of Azerbaijan. Other issues arising from expulsion of those persons from the Republic of Azerbaijan are settled with this Code.

78.4. Decision on expulsion is made and executed in the way defined in this Code.

#### **Article 79. Decision on expulsion**

79.1. Relevant executive power issues a decision on expulsion of foreigners and stateless persons in the following cases:

79.1.1. decision on extension of the validity of visa or temporary stay or permission for permanent or temporary residence is cancelled;

79.1.2. stay in the territory of the Republic of Azerbaijan is considered to be undesirable/unwanted;

79.1.3. no grounds defined in the article 45 of this Code for foreigners or stateless persons released from punishment to live in the Republic of Azerbaijan.

79.2. The entry of foreigners and stateless persons to the territory of the country is restricted for up to 5 years in line with the decision on expulsion.

79.3. The decision on expulsion shall not be made for those, who have IDP status, as well as foreigners and stateless persons, who are granted with political asylum by the Republic of Azerbaijan.

79.4. The decision for expulsion of foreigners and stateless persons, who are victims of human trafficking, is not made for the duration of 1 year and for foreigners and stateless persons that assist the prosecuting authorities till the end of prosecution. The decision for expulsion is not made when children are victims of human trafficking.

79.5. Decision on expulsion imposes foreigners and stateless persons to leave the country within below mentioned periods from the moment of submission of the decision to them:

79.5.1. individuals either released from custody, or decision on extension of their visa or temporary stay is cancelled, as well as whose stay in the territory of the Republic of Azerbaijan is undesirable - within 48 hours;

79.5.2. whose permission for temporary or permanent residence is cancelled – within 10 days;

79.6. The decision on expulsion should provide substantiated reasoning for the expulsion of foreigners and stateless persons from the Republic of Azerbaijan.

79.7. An expelled person should get acquainted with the decision on his expulsion and receive a copy of that document. If that person does not know Azerbaijani language, the interpreter shall be provided in this process.

79.8. A complaint may be filed to the court against decision on expulsion. Filing a complaint shall not stop the execution of the decision on expulsion.

79.9. The decision on expulsion is executed by a relevant executive authority.

#### **Article 80. General rules on the expulsion of foreigners and stateless persons from the Republic of Azerbaijan**

80.1. In the cases stipulated in the article 78.1 of this Code, foreigners and stateless persons should leave the territory of the Republic of Azerbaijan within the period fixed in the provisions of Administrative Offences and Punishment Implementation Code of the Republic of Azerbaijan and in the article 79.5 of this Code.

80.2. Foreigners or stateless persons avoiding to leave the territory of the Republic of Azerbaijan are detained in compliance with the court verdict issued on the basis of the appeal from the relevant executive authority and placed in the centers for illegal migrants of the relevant executive authority before their expulsion from the territory of the Republic of Azerbaijan.

80.3. Foreigners and stateless persons obliged to leave the territory of the Republic of Azerbaijan can be placed voluntarily in a special centralized assembly center of the relevant executive authority for illegal migrants to be expelled from the Republic of Azerbaijan in the order and within a period set in the Administrative Offences and Punishment Implementation Code of the Republic of Azerbaijan, as well as in the article 79.5 of this Code.

80.4. If documents for expulsion from the Republic of Azerbaijan are delayed or there are some other valid reasons impeding the timely execution of a decision on expulsion, the court of first instance, located in the administrative region of the applying executive authority, reviews the possibility to extend period of expulsion based on the legitimate grounds provided by the same executive authority.

80.5. Information inquiries are sent and requested information is being submitted through the relevant databases if there is a necessity to run a verification on the personalities of foreigners and stateless persons to be expelled from the territory of the Republic of Azerbaijan.

80.6. If foreigners and stateless persons do not possess any personal identification documents (due to loss or hiding), the relevant executive authority carries out respective documentation activities in the areas stipulated by the Article 81.1 of this Code to determine their personalities directly, if there is a respective agreement between authorized state agencies of the foreign states, or through the relevant executive authority in all other cases.

80.7. Foreigners and stateless persons expelled from the Republic of Azerbaijan undergo a fingerprinting in accordance with the requirements of biometric identification procedures.

80.8. The relevant executive authority informs in advance in written form the relevant executive authority on the expulsion of foreigners or stateless persons from the Republic of Azerbaijan. If foreigners or stateless persons are being expelled from the Republic of Azerbaijan, they are escorted by the representatives of the relevant executive authority up until the border crossing point of the Republic of Azerbaijan and handed over to the employees of the relevant executive authority at the border crossing station.

80.9. The expulsion of foreigners and stateless persons from the Republic of Azerbaijan is carried out on their own expense. If these persons lack resources for expulsion, these expenses are carried out by the individuals, entities, companies or organizations accepting them, and if the accepting party is not available, the expenses are covered by the relevant executive authority of the Republic of Azerbaijan.

80.10. Information on foreigners or stateless persons expelled from the Republic of Azerbaijan is recorded in the "Entry-exit and registration" interagency automated database and search system.

80.11. Registration of the foreigners and stateless persons expelled from the Republic of Azerbaijan is carried out by the Integrated Migration Information System.

Article 81. The designation countries for the expulsion from the territory of the Republic of Azerbaijan

81.1. Expel of foreigners and stateless persons from the boundaries of the Republic of Azerbaijan shall be carried out in the following directions:

81.1.1. a foreigner – to the country of his citizenship, or if this is not possible to the country from which he directly came from to the Republic of Azerbaijan;

81.1.2. a stateless person – to the country of previous residence, to the country from which he directly came from to the Republic of Azerbaijan, to the country that expressed readiness to accept him and filed a motion in this regard;

81.1.3. the persons with dual citizenship – to the country of permanent residence or the country he enjoys more ties with.

81.2. The relevant executive authority informs the designation country on the expulsion case through the relevant executive authority.

## CHAPTER 14 LIABILITY

### Article 82. Liability for violation of the migration legislation

82.1. Legal and physical persons violating the requirements of this Code on entry to the Republic of Azerbaijan, departure from the Republic of Azerbaijan, temporary residence of foreigners and stateless persons on the territory of the Republic of Azerbaijan, on temporary or permanent residence, on engagement in labor activities, as well as on assistance for the citizens of the Republic of Azerbaijan for employment abroad are liable in compliance with the respective provisions of the law.

82.2. State officials, who violated the requirements of this Code, are liable in accordance with the respective provisions of the law.

82.3. Persons accused of facilitating illegal entry of foreigners or stateless persons to the Republic of Azerbaijan, illegal stay in the Republic of Azerbaijan, residence, illegal transit through the territory of the Republic of Azerbaijan, as well as an illegal employment are liable in compliance with the respective provisions of the law.

82.4. There is a liability in compliance with the respective provisions of the law, if foreigners or stateless persons, who have been expelled from the Republic of Azerbaijan on administrative or forced reasons and their entry is banned for a certain period, enter the country purposefully by making changes to their documents, .

82.5. Persons collecting, holding and hiding passports or identification cards of foreigners or stateless persons, invited for the purpose of labor activities, are liable in compliance with the respective provisions of the law.

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