

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

Migration Code of the Republic of Azerbaijan establishes norms concerning implementation of the state policy in the sphere of migration in the Republic of Azerbaijan, regulation of migration processes and relations arising in this sphere and legal status of foreigners and stateless persons in the Republic of Azerbaijan.

## **SECTION I**

### **GENERAL PROVISIONS**

#### **CHAPTER I**

### **MIGRATION LEGISLATION OF THE REPUBLIC OF AZERBAIJAN**

#### **Article 1. Migration legislation of the Republic of Azerbaijan**

Migration legislation of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, this Code, laws of the Republic of Azerbaijan, international agreements that the Republic of Azerbaijan is a party to and other normative legal acts adopted in compliance with them.

#### **Article 2. Principles of the migration legislation of the Republic of Azerbaijan**

Migration legislation of the Republic of Azerbaijan is based on the principles of respect to human and citizen rights and freedoms, rule of law, equality before the law and impartiality, ensuring compliance of the migration legislation of the Republic of Azerbaijan with generally recognized international legal norms, application of innovative methods in regulation of migration processes and ensuring transparency.

#### **Article 3. Main definitions**

3.0. The following main definitions are used in this Code:

3.0.1. **Foreigner** - a person who is not a citizen of the Republic of Azerbaijan and is a citizen of another state;

- 3.0.2. **Stateless person** - a person who is not considered as a citizen by any State according to its law.
- 3.0.3. **Minor** – person under the age of 18;
- 3.0.4. **Passport** - a document, issued by the country of origin, which entitles its holder to entry to/exit from the country and certifies the identity and citizenship of its holder;
- 3.0.5. **Identification card** - the document certifying the identity of its holder in the Republic of Azerbaijan;
- 3.0.6. **Person temporarily staying in the Republic of Azerbaijan** - a foreigner or stateless person not holding a residence permit in the Republic of Azerbaijan, who enters the Republic of Azerbaijan legally for the purposes of tourism, private visit, business trip, and related with other similar temporary cases;
- 3.0.7. **Person temporarily residing in the Republic of Azerbaijan** - a foreigner or stateless person obtained a permit for temporary residence in the Republic of Azerbaijan in a way envisaged by this Code;
- 3.0.8. **Person permanently residing in the Republic of Azerbaijan** - a foreigner or stateless person obtained a permit for permanent residence in the Republic of Azerbaijan in a way envisaged by this Code;
- 3.0.9. **Labor migration** - movement of a physical person by migrating legally from one country to another in order to carry out paid labor activity;
- 3.0.10. **Labor migrant** - a physical person legally migrating from one country to another in order to carry out paid labor activity;
- 3.0.11. **Family members of a foreigner or stateless person** - foreigner's or stateless person's spouse, 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** - father, mother, spouse, children, brother, sister and their children, grandfather, grandmother, the father and mother of the grandfather (grandmother), grandchild, father-in-law, mother-in-law, brother-in law, sister-in-law ;
- 3.0.13. **Work permit** - a permit granted to a foreigner or stateless person in a way envisaged by this Code in order to carry out paid labor activity on the territory of the Republic of Azerbaijan;
- 3.0.14. **Place of residence** - a house, apartment, official residential area, hotel, dormitory, nursing home and other similar residential places where a person resides permanently or generally, on the basis of an extract on the state registration of the property right from state registry of real estate, warrant for accommodation, rent or tenancy agreement or other grounds envisaged by the legislation of the Republic of Azerbaijan;
- 3.0.15. **Place of stay** - a hotel, sanatorium, rest home, boarding house, camping, tourist base, hospital or other similar public places which is not the place of

residence of a person and where s/he resides temporarily, as well as, an apartment and other residential place (own or in the possession of a relative and an acquaintance, etc.);

3.0.16. **Visa** - an official document authorizing a foreigner or stateless person to enter the Republic of Azerbaijan or to leave the Republic of Azerbaijan, by crossing its border checkpoints in defined way, and to stay temporarily in the country for the period indicated in the visa;

3.0.17. **Border crossing document** - passport, a document granted to stateless persons authorizing to leave the country of residence; a seaman identity document (card), a travel document granted to refugees; a laissez-passer and other documents in cases envisaged by international agreements.

#### **Article 4. Scope of the Migration Code of the Republic of Azerbaijan**

4.1. This Code regulates relations in the spheres of exit from/entry to the country of citizens of the Republic of Azerbaijan, foreigners' and stateless persons' entry to/exit from the Republic of Azerbaijan and their temporary stay in the Republic of Azerbaijan, issuance of temporary and permanent residence permits for them, their registration, rights and obligations of stakeholders of migration processes, labor migration, as well as state control over migration and fight against illegal migration.

4.2. The rules defined in this Code are not applied to internal labor migration.

4.3. Granting of the refugee status, losing of the refugee status, deprivation of the refugee status and documents issued to persons obtained the refugee status and grounds for the legal status of those persons in the Republic of Azerbaijan are regulated by the relevant law.

4.4. During a mobilization period special rules of entry to and exit from the Republic of Azerbaijan are defined by relevant executive authority.

#### **Article 5. Stakeholders of migration processes**

5.0. Stakeholders of the migration processes are the following:

5.0.1. State authorities participating in the management and regulation of migration processes, as well as implementing state control over these processes;

5.0.2. Citizens of the Republic of Azerbaijan, who go abroad, reside there temporarily or permanently, and carry out paid labor activity there;

5.0.3. Persons inviting foreigners and stateless persons to the Republic of Azerbaijan and participating in the process of their registration in the Republic of Azerbaijan;

5.0.4. Foreigners and stateless persons who arrive in the Republic of Azerbaijan upon visa or under visa-free regime, stay in the country temporarily, extend their

temporary staying period, hold a temporary or permanent residence permit, and hold a work permit to carry out paid labor activity in the Republic of Azerbaijan;

5.0.5. Authorities, enterprises and organizations regardless of their organizational and legal form, branches and representations of foreign juridical persons and physical persons engaged in entrepreneurship activity, who invite foreigners and stateless persons to the Republic of Azerbaijan and participate in the processes of their temporary stay in the country, extension of temporary staying period, registration and labor migration and issuance of temporary and permanent residence permits for them;

5.0.6. Juridical persons officially registered in the Republic of Azerbaijan, which mediate in employment of citizens of the Republic of Azerbaijan abroad.

## **CHAPTER II**

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

#### **Article 6. Objectives of migration record**

6.1. Migration record of foreigners and stateless persons (hereinafter referred to as migration record) is the activity of registration and summarizing of information on foreigners and stateless persons envisaged by this Code including information on their movement;

6.2. Migration record is one of the forms of the management of migration processes and aims at ensuring the rights of every foreigner and stateless person legally staying in the territory of the Republic of Azerbaijan to move freely, to choose a place of stay and residence and other rights and freedoms, established by the Constitution of the Republic of Azerbaijan, as well as implementing national interests of the Republic of Azerbaijan in the sphere of migration and preventing illegal migration.

6.3. Migration record is conducted for the following purposes:

6.3.1. Providing foreigners and stateless persons with necessary conditions to enjoy their rights and freedoms and execute their legally established obligations;

6.3.2. Elaboration and implementation of the state policy on migration;

6.3.3. Forming complete, accurate and operational information on movement of foreigners and stateless persons, as well as conducting statistical observation in the sphere of migration with the aim to forecast the results of such movement;

- 6.3.4. Provision of management in times of natural disasters, emergencies, martial law and other similar cases;
- 6.3.5. Ensuring public order and national security of the Republic of Azerbaijan, by fighting against illegal migration and other illegal actions;
- 6.3.6. Systematization of the information on foreigners and stateless persons in the Republic of Azerbaijan including the information on their movement.

#### **Article 7. Grounds for conducting migration record**

- 7.1. The grounds for migration record of a person are the followings:
  - 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 in the Republic of Azerbaijan;
  - 7.1.3. Revocation of the person's (staying in the territory of the Republic of Azerbaijan) citizenship of the Republic of Azerbaijan.
- 7.2. The grounds for deregistration of a person from migration record are the followings:
  - 7.2.1. Death of a foreigner or stateless person in the Republic of Azerbaijan;
  - 7.2.2. Entry into force of a court decision announcing a foreigner or stateless person staying in the Republic of Azerbaijan as dead or missing;
  - 7.2.3. Acquisition of the citizenship of the Republic of Azerbaijan by foreigner or stateless person staying on the territory of the Republic of Azerbaijan.

#### **Article 8. Implementation of migration record**

- 8.1. While implementing the migration record collection, registration, summarizing and use of the following information on foreigners and stateless persons are conducted:
  - 8.1.1. Type and details of the document certifying the identity of foreigners and stateless persons (title, serial, number, date and place of issue, validity of the document and if available, biometric data on that document);
  - 8.1.2. Type and details of the document certifying the right to stay or reside in the Republic of Azerbaijan;
  - 8.1.3. Last name, first name and patronymic (if there is any information in the document on the latter);
  - 8.1.4. Date and place of birth;
  - 8.1.5. Gender;
  - 8.1.6. Citizenship;
  - 8.1.7. Purpose of arrival in the Republic of Azerbaijan;
  - 8.1.8. Profession (if any);
  - 8.1.9. Declared periods of stay or residence 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 legal representatives (parents, adopters or guardians, custodians);
- 8.1.12. Information on expulsion from the country (whether it has been applied or not; if applied, by whom and when);
- 8.1.13. Information on consideration of staying in the country undesirable;
- 8.1.14. Information on involvement in criminal or administrative liability in the Republic of Azerbaijan;
- 8.1.15. Date of death in the Republic of Azerbaijan or official date of entry into force of the court decision on being dead or missing, and title and place of the court;
- 8.2. The migration record is kept by relevant executive authority through the Unified Migration Information System.
- 8.3. Relevant executive authorities transfer the relevant information to relevant executive authorities through the information resources and systems in their usage for the migration record purpose.
- 8.4. Formation of the information resources of the Unified Migration Information System and the rules of their usage are defined with the Regulations approved by relevant executive authority.

## **SECTION II**

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

#### **CHAPTER 3**

#### **ENTRY TO AND EXIT FROM THE COUNTRY 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. Citizen of the Republic of Azerbaijan (hereinafter referred to as citizen) is entitled to free entry to or exit from the country, by crossing the border checkpoints of the country.
- 9.2. No citizen can be deprived of the right to entry to and exit from the country.

9.3. The right of the citizen to exit from the country can only be temporarily restricted in the following cases:

9.3.1. In case the citizen is arrested or if any temporary restriction is imposed on him/her in compliance with the Code of Criminal Procedure of the Republic of Azerbaijan - till his/her release, the ending date of the restriction or the termination of the restriction;

9.3.2. In case the citizen is imprisoned - till he/she serves the main punishment defined in the Criminal Code of the Republic of Azerbaijan or he/she is released from the punishment except for the case set forth in Article 9.3.4 of this Code;

9.3.3. In case compulsory measures of medical nature are applied to him/her in compliance with the Code of Criminal Procedure of the Republic of Azerbaijan-till termination of application of the compulsory measures of medical nature;

9.3.4. In case suspended sentence is imposed on him/her by charging with the obligations set forth in the Criminal Code of the Republic of Azerbaijan or if s/he is released on parole - respectively till the end of the probation period or non-served part of the punishment, or till earlier and complete termination of the suspended sentence or the charged obligations;

9.3.5. In case of enlistment in limited compulsory military service - till the end of the period of the limited compulsory military service or till being released from that service in compliance with the law;

9.3.6. In case of existence of court decision legally entered into force on temporary restriction of citizens' right to leave the country for not executing of court order given upon the court decision because of unexcused reasons within a period defined for voluntary execution – till the adoption of decision on removal of restriction.

9.3.7. According to international medical sanitary rules or the international agreements that the Republic of Azerbaijan is a party to, during entry to/exit from the countries where prophylactic vaccination is required - till implementation of the prophylactic vaccination.

9.4. Military servicemen serving at the Military Forces of the Republic of Azerbaijan and at other military unions envisaged by the legislation (excluding military attaches, military representatives and their assistants), as well as military servicemen at the compulsory military service, who are involved in international military trainings, other activities or operations beyond the borders of the Republic of Azerbaijan relating to anti-terror, rescue and service necessity can exit from the Republic of Azerbaijan if there is an official permission by relevant executive authorities.

9.5. The right to permanent residence abroad of the persons allowed to work with state secrets can be temporarily restricted till the end of confidentiality period (not more than 5 years) of the information which they are allowed to get acquainted.

9.6. Data on the citizens whose right to entry to and exit from the country is restricted should be entered to the watch list of “Entry-Exit and Registration” Automated Interagency Data-Search System and the active status of the data should be changed when relevant grounds are removed.

9.7. In case state of emergency or a danger for human life, health and freedom occurs in any country, the relevant executive authority of the Republic of Azerbaijan by immediately warning the population of the Republic of Azerbaijan recommends the citizens to temporarily refrain from going to that country.

#### **Article 10. Realization 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 realized upon the passport of the citizen of the Republic of Azerbaijan. The rule of issuance of the passport is regulated by the relevant law.

10.2. The right to entry to and exit from the country of a citizen, working at any seaman post at ships, registered in the Republic of Azerbaijan and being used for the navigation purpose, is realized upon the identification document of seaman. Citizens, who individually exit from the country with the aim to reach to the ship located abroad where they work, should present together with the identification document of seaman, the document certifying his/her membership of the ship crew (an extract from the list of the ship crew) while crossing a border checkpoint. The rule of issuance of the identification document of a seaman is regulated by the relevant law.

10.3. The right to entry to the country (Republic of Azerbaijan) of a citizen of the Republic of Azerbaijan whose passport is lost, stolen or becomes useless or invalid due to the end of the expiry date abroad, and of their child accompanying them (who are citizens of the Republic of Azerbaijan under the age of 18 or reached the age of 18 abroad) is realized upon return certificate (laissez-passer) to the Republic of Azerbaijan. The rule of issuance of return certificate to the Republic of Azerbaijan is regulated by the relevant 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 can 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 notarized permission of the other parent is required. When the minor citizen exits from the country alone, notarized permission of his/her parents, if the minor citizen is parentless, a notarized permission of his/her adopter, guardian or custodian is required. If any of those persons does not give his/her permission, the exit of the minor citizen should be ruled through a court decision.



11.3. In case of existence of a death certificate of minor citizen's parents, a court decision on statement of one of the parents as dead or missing person or on deprivation of him/her from the right of parenthood, or a reference approving that the data on father in the birth statement granted by the relevant executive authority was written according to the information provided by mother, consent of other parent is not required. The minor citizen presenting notarized consent of his/her other parent in addition to the mentioned documents, can exit from the Republic of Azerbaijan.

11.4. The minor citizen of the Republic of Azerbaijan, adopted by foreigners or stateless persons, can only exit from the country in a way envisaged by the law, by presenting the court order (entered into force) on his/her adoption and the certificate on adoption.

11.5. Parents, adopters, guardians or custodians of the minor citizen who exists from the Republic of Azerbaijan are responsible 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 group, without accompaniment of their parents, adopters, guardians or custodians, the leader of that group execute obligations of a legal representative.

#### **Article 12. Exit of a disabled citizen**

A citizen whose disability has been certified by the court can exit from the country with accompaniment of another adult person on the basis of a notarized application by the parents, adopters, guardians or custodians.

#### **Article 13. Consular record of citizens who exit from the country for temporary or permanent residence abroad**

13.1. Citizens who exit from the country to temporarily or permanently reside abroad are registered at the relevant consulate of the Republic of Azerbaijan in a foreign country through "Entry-Exit and Registration" Interagency Automated Data-Search System. The citizens residing in the foreign countries (territories) where there is not any consulate of the Republic of Azerbaijan can provide information on their places of residence electronically to relevant executive authorities.

13.2. When the citizens deregister on their place of residence abroad and return back to the Republic of Azerbaijan, they are also deregistered with the consulate of the Republic of Azerbaijan abroad through the "Entry-Exit and Registration" Interagency Automated Information and Research System.

#### **Article 14. Protection of the rights of citizens residing beyond the territories of the Republic of Azerbaijan by Azerbaijan government**

Relevant government authorities, diplomatic representations and consulates of the Republic of Azerbaijan including their officials are required to take necessary measures to allow the citizens temporarily or permanently residing abroad to fully enjoy all of their rights granted in compliance with the international agreements that the Republic of Azerbaijan is a party to, legislation of the relevant foreign state and customary international law, to protect their legal rights and interests in a way envisaged by the legislation and take necessary measures to restore violated rights of the citizens of the Republic of Azerbaijan.

## **CHAPTER 4**

### **FOREIGNERS' AND STATELESS PERSONS' ENTRY TO/EXIT FROM AND TEMPORARY STAY IN THE REPUBLIC OF AZERBAIJAN**

#### **Article 15. Foreigners and stateless persons' entry to/exit from the Republic of Azerbaijan**

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

15.2. In case visa is required to enter the Republic of Azerbaijan, foreigners and stateless persons should obtain a visa in a way envisaged by this Code.

15.3. Foreigners and stateless persons can enter the Republic of Azerbaijan without a visa, if relevant international agreements have been concluded with foreign states.

15.4. Foreigners and stateless persons obtained permit for temporary or permanent residence in the Republic of Azerbaijan can 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 the temporary residence or permanent residence permits issued by the relevant executive authority of the Republic of Azerbaijan.

15.5. Foreigners and stateless persons obtained refugee status in the Republic of Azerbaijan can exit from the Republic of Azerbaijan and return back without visa on the basis of the Travel document granted to leave the Republic of Azerbaijan.

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

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

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

16.1.2. In case there is information that the person has committed a crime against peace and humanity, war crimes, terrorism, financing of terrorism or s/he is a member of a transnational organized criminal group;

16.1.3. In case person is imprisoned for committing a crime against citizens of the Republic of Azerbaijan or interests of the Republic of Azerbaijan, if his/her imprisonment has not been served or annulled in a way defined in the law;

16.1.4. In case person has been expelled from the Republic of Azerbaijan previously, if the restriction period to his/her entry to the country has not ended;

16.1.5. In case stay of the person is considered undesirable in the Republic of Azerbaijan;

16.1.6. In case person violated declared purposes of arrival in the country during his/her previous stay in the Republic of Azerbaijan;

16.1.7. In case person gives falsified information about himself/herself or on the purpose of his/her travel, when submitting an application for entry to the Republic of Azerbaijan;

16.1.8. In case person has been involved in administrative liabilities for violating the migration legislation 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 is prohibited for 5 years.

16.3. In the cases set forth in Article 16.1 of this Code, the information on foreigners and stateless persons is entered to the watch list of the “Entry-Exit and Registration” Interagency Automated Data-Search System in a defined way and the active status of that information should be updated when the relevant grounds are removed.

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

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

17.1.1. In case their exit is contrary to the interest of ensuring national security - until that ground is removed;

17.1.2. In case they are arrested or any restriction is imposed on them in compliance with the Code of Criminal Procedure of the Republic of Azerbaijan, until they are released, the restriction ends or is abolished;

17.1.3. In case they are imprisoned - until they complete serving their major punishment defined 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. In case compulsory measures of medical nature are imposed on them in compliance with the Code of Criminal Procedure of the Republic of Azerbaijan, until the application of these measures is abolished;

17.1.5. In case suspended sentence is imposed on him/her by charging with the obligations set forth in the Criminal Code of the Republic of Azerbaijan or if s/he is released on parole, respectively till the end of the probation period or non-served part of the punishment, or till earlier and complete termination of the suspended sentence or the charged obligations;

17.1.6. In case of existence of court decision legally entered into force on temporary restriction of citizens' right to leave the country for not executing of the court order given upon the court decision because of unexcused reasons within a period defined for voluntary execution – till the adoption of decision on removal of restriction;

17.1.7. In case they commit an administrative offence - until the execution of administrative punishment measures on them which are legally in force.

17.2. Not conducting of prophylactic vaccinations in a way as defined in the legislation results in restriction of entry and exit right of foreigners and stateless persons permanently residing in the Republic of Azerbaijan to/from countries where prophylactic vaccinations are required, in compliance with international medical sanitary rules or the international agreements that the Republic of 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 should be entered in the watch list of “Entry-Exit and Registration” Interagency Automated Data-Search System in a defined way and the active status of that information should be updated when the relevant 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 state borders of the Republic of Azerbaijan by violating provisions of this Code, without a passport and a visa or with an invalid passport or other documents is not allowed to enter

the territory of the Republic of Azerbaijan and are sent back to the country where they come from.

18.2. Foreigners and stateless persons trying to cross the state borders with fraudulent documents or with documents belonging to others are involved in liability in a way envisaged by the law.

### **Article 19. Transit 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 from any state and his/her departure to a third country by moving on the territory of the Republic of Azerbaijan on a determined route is considered as his/her transit via the territory of the Republic of Azerbaijan.

19.2. A foreigner or stateless person crossing the territory of the Republic of Azerbaijan on transit is issued a transit visa in a way envisaged by Articles 34-37 of this Code.

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

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

19.3.2. In case air transport passengers fly through the territory of the Republic of Azerbaijan as a transit area without changing aircraft;

19.3.3. In case foreigners or stateless persons go to a destination country changing an aircraft at the airport of the Republic of Azerbaijan - providing that the passengers have necessary documents authorizing them to enter the destination country and airline tickets confirming their departure time from the airport where they landed to change their aircraft, and their stay in the territory of the Republic of Azerbaijan is not more than 24 hours. In this case, the passengers cannot leave the specially designated area on the territory of the airport;

19.3.4. In case of transit by the citizens of a country having an agreement with the Republic of Azerbaijan on visa-free entry/exits.

19.4. During the transit, emergency stop of foreigners and stateless persons in the territory of the Republic of Azerbaijan more than the period indicated on the visa is possible in the following cases:

19.4.1. In case of a natural disaster that hinders the traffic;

19.4.2. In case a vehicle (or its parts) is out of order or there is a need for repair as a result of road accident (if a relevant document is submitted);

19.4.3. In case the persons passing the territory of the Republic of Azerbaijan get sick (in this case, there should be a reference of a doctor certifying that the continuation of transit is dangerous for the health of the sick person);

19.5. In the case set forth in Article 19.4.3 of this Code, if there are close relatives of the sick person together with him/her, emergency stop applies to them too.

19.6. In case emergency stop happens during a transit, the period of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan is extended until the time when the grounds for the emergency stop 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 through railway or auto transport is not allowed to stop on the area along the borders.

19.8. Transit of foreigners and stateless persons taking part in international freights via the territory of the Republic of Azerbaijan is carried out through border checkpoints and motor roads designated for international and interstate freights.

19.9. Control over the transit of foreigners and a stateless person via the territory of the Republic of Azerbaijan is carried out by relevant executive authorities.

19.10. Foreigners and stateless persons are involved in liability for violating rules of transit via the territory of the Republic of Azerbaijan in a way envisaged by the law.

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

20.1. Temporary staying period of foreigners and stateless persons who enter the Republic of Azerbaijan upon visa, cannot be more than the staying period indicated on the visa. Temporary staying period of foreigners and stateless persons who enter the Republic of Azerbaijan under visa-free regime, cannot be more than 90 days excluding the cases envisaged by the international agreements that the Republic of Azerbaijan is a party to.

20.2. If the temporary staying period of foreigners and stateless persons in the country is not extended, they are not granted a temporary residence permit, or any application for extending the temporary staying period or obtaining a temporary residence permit has not been received by the end of that period, they should leave the territory of the Republic of Azerbaijan.

## **Article 21. Foreigners and stateless persons' registration upon place of stay in the Republic of Azerbaijan**

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

21.2. For this purpose, the management of the place of stay of the foreigner or stateless person (hotel, sanatorium, rest home, 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) should submit application for registration upon place of stay and copy of the passport (other border crossing document) of that person to the relevant executive authority through official website of the relevant executive authority, mail, e-mail or in person within 3 days after arrival of the person in the country.

21.3. Foreigners and stateless persons can also apply themselves in a way envisaged by Article 21.2 of this Code for registration upon place of stay.

21.4. After reception of the application, the relevant executive authority immediately registers the foreigner or stateless person upon place of stay by entering the information about them into the Unified Migration Information System and informs the applicant about it within 1 business day.

21.5. Foreigners and stateless persons are registered for the following periods:

21.5.1. Persons arriving upon visa – for the period of stay indicated on the visa;

21.5.2. Persons arriving under visa-free regime – for 90 days.

21.6. Registration upon place of stay (during the protection period) of foreigners and stateless persons who are under the protection of UNHCR Representation in the Republic of Azerbaijan, is conducted by the relevant executive authority upon data provided by the Representation.

21.7. No state fee is required for registration upon place of stay of foreigners and stateless persons.

21.8. When foreigners and stateless persons leave their places of stay, the receiving party or the person himself/herself informs the relevant executive authority about it and they are deregistered upon place of stay based on that information. When the registration period ends, foreigners and stateless persons are considered as deregistered.

21.9. When a foreigner or stateless person changes his/her place of stay, he/she should be registered upon new place of stay in a way set forth in Articles 21.2 - 21.5 of this Code.

## **Article 22. Foreigners and stateless persons registration of whom carried out by the relevant executive authority**

22.1. Employees of diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, including employees, administrative and technical staff of the representations of international organizations and their family members, as well as foreigners who travel to the Republic of Azerbaijan with diplomatic mission or with a special mission in the cases set forth by the international agreements that the Republic of Azerbaijan is a party to, are registered by the relevant executive authority of the Republic of Azerbaijan.

22.2. In connection with this, they are granted with a relevant card, sample of which approved by the relevant executive authority.

22.3. The relevant executive authority submits the information on persons mentioned in Article 22.1 of this Code to the relevant executive authority for the purpose of migration recordkeeping within 10 days.

### **Article 23. Foreigners and stateless persons declared as undesirable in the Republic of Azerbaijan**

23.1. In case foreigners' and stateless persons' arrival, stay or residence in the Republic of Azerbaijan can harm sovereignty, territorial integrity of the Republic of Azerbaijan, its secular nature, unity of Azerbaijani people, national security of the country, public order or health of the population, and when protection of rights and legal interests of citizens of the Republic of Azerbaijan and other persons requires it, stay of those persons in the country can be considered undesirable by the relevant executive authorities.

23.2. The status of undesirable person is defined for 5 years and it can be extended for the same period if the relevant grounds are not removed. The number of extensions is not limited.

23.3. In case a foreigner or stateless person temporarily staying on the territory of the Republic of Azerbaijan, temporarily or permanently residing on a legal basis is declared undesirable, that person loses his/her right to stay or reside in the country since the moment decision is made.

23.4. Information on consideration of a person as undesirable is entered in the "Entry-Exit and Registration" Interagency Automated Data-Search System by relevant executive authorities.

23.5. In case stay of person in the territory of the Republic of Azerbaijan is considered undesirable the relevant executive authorities submit information about it to the relevant executive authority for the purpose of recordkeeping of foreigners and stateless persons, as well as for making a decision about expulsion of those persons from the Republic of Azerbaijan, in compliance with Article 79 of this Code.

## **SECTION III**

### **DOCUMENTS ALLOWING ARRIVAL, TEMPORARY STAY, RESIDENCE AND EMPLOYMENT OF FOREIGNERS AND STATELESS PERSONS IN THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN, AND RULES OF 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, entry visas are divided into single entry and multiple entry visas, and transit visas are divided into single transit and double transit visas.

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

24.4. Entry visas of diplomatic and service type are issued only to foreigners and stateless persons arriving in the Republic of Azerbaijan for official visit.

24.5. Entry visas of ordinary type are issued to foreigners and stateless persons arriving in the Republic of Azerbaijan for business, science, education, employment, tourism, culture, sports, humanitarian, medical and private visit.

24.6. Entry visas are valid up to 90 days for single entry/exit, and up to 2 years for multiple entry/exit.

24.7. Foreigners and stateless persons can stay in the country for the period and purpose indicated on the visa.

24.8. Staying period in the country, indicated on the visa, is used during validity period of the visa. A visa not used during that period is invalid.

24.9. Rules (periods) different from the rules (periods) related with visa envisaged by this Code can be defined in the international agreements that the Republic of Azerbaijan is a party to.

#### **Article 25. Entry visa issued for official visit**

25.1. Official visit visa is issued to employees of diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, including employees, administrative and technical staff of the representations of international organizations and their family members, as well as foreigners who travel to the Republic of Azerbaijan with diplomatic mission or with a special mission in the cases set forth by the international agreements that the Republic of Azerbaijan is a party to. On these visas, the period of stay in the country is defined by validity period of the issued visa.

25.2. Official visit visa can also be issued to foreigners and stateless persons who attend official events and meetings and the period of stay in these visas is defined for up to 180 days.

25.3. Official note of the country or international organization represented by a foreigner or stateless person, or the application of relevant executive authorities of the Republic of Azerbaijan, and the documents set forth in Article 36 of this Code are required for issuance of official visit visa.

**Article 26. Entry visa issued for the purpose of business visit**

Business visit visa is issued to foreigners and stateless persons for the purpose of establishing business relations or cooperation in the Republic of Azerbaijan on the basis of application of government authorities of the Republic of Azerbaijan, juridical persons acting in the Republic of Azerbaijan or physical persons engaging in entrepreneurship activity without establishing juridical person, as well as branches and representations of foreign juridical persons or to foreigners and stateless persons arriving with a document certifying that s/he is engaged in entrepreneurship activity in the Republic of Azerbaijan.

26.2. On business visit visa, the period of stay in the country is defined for up to 180 days.

26.3. Relevant documents set forth in Article 36 of this Code are required for issuance of business visit visa.

**Article 27. Entry visa issued for the purpose of science or education**

27.1. Science or education visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan to carry out scientific activity, to attend relevant conferences, seminars and other scientific events, to get education by enrolling in educational institutions or to get retrained on the basis of application of government authorities acting in this sphere, scientific research institutions, educational institutions registered by the state.

27.2. On science or education visa, the period of stay in the country is defined for up to 90 days.

27.3. Document certifying that person has sufficient funds to pay for his/her expenses related with his/her 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 of citizenship or country of permanent residence), and relevant documents set forth in Article 36 of this Code are required for issuance of science or education visa.

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

28.1. Labor visa is issued to foreigners and stateless persons who intend to carry out paid labor activity in the Republic of Azerbaijan and for this purpose arriving upon the application submitted by employer-government authorities of the Republic of Azerbaijan, juridical persons acting in the Republic of Azerbaijan or

physical persons engaging in entrepreneurship activity without establishing a juridical person, as well as branches and representations of foreign juridical persons.

28.2. On labor visa, the period of stay in the country is defined for up to 90 days.

28.3. Relevant documents set forth in Article 36 of this Code are required for issuance of labor visa.

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

29.1. Medical treatment visa is issued to foreigners and stateless persons arriving in the Republic of Azerbaijan for medical examination and treatment in the Republic of Azerbaijan upon the application of medical institutions in the Republic of Azerbaijan acting as a receiving party.

29.2. On medical treatment visa, the period of stay in the country is defined for up to 90 days.

29.3. Reference certifying that the invited person has any disease to be examined or treated, and relevant documents set forth in Article 36 of this Code are required for issuance of medical treatment visa.

### **Article 30. Entry visa for the purpose of private visit**

30.1. Private visit visa is issued to foreigners and stateless persons entering the Republic of Azerbaijan upon 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 labor migrant or the foreigner and stateless person who gets education), registered by the relevant executive authority.

30.2. On private visit visa, the period of stay in the country is defined for up to 90 days.

30.3. Copy of inviting person's identification document, relevant document certifying obligation to meet the financial expenses related with the travel of a foreigner or stateless person (ticket, daily and medical expenses, etc.) or possession of financial resources to pay these expenses, as well as the document certifying that the invited person is a family member of the labor migrant or the foreigner and stateless person getting education, and relevant documents set forth in Article 36 of this Code are required for issuance of private visit visa.

### **Article 31. Entry visa for the purpose of humanitarian visit**

31.1. Visa for humanitarian visit is issued to foreigners and stateless persons arriving to engage in a humanitarian activity, organize humanitarian events or participate in such events in the Republic of Azerbaijan, upon application

submitted by the government authorities of the Republic of Azerbaijan, juridical persons acting in this sphere, as a receiving party.

31.2. On visa for humanitarian visit, the period of stay in the country is defined for up to 90 days.

31.3. Relevant documents set forth in Article 36 of this Code are required for issuance of visa for humanitarian visit.

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

32.1. Culture and sports visa is issued to foreigners and stateless persons to participate in any culture and sports events organized in the Republic of Azerbaijan, upon the application of government authorities and juridical persons acting in this sphere as a receiving party.

32.2. On culture and sports visa, the period of stay in the country is defined for up to 60 days.

32.3. Relevant documents set forth in Article 36 of this Code are required for issuance of culture and sports visa.

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

33.1. Tourism visa is issued to foreigners and stateless person arriving in the Republic of Azerbaijan as a tourist.

33.2. On tourism visa, the period of stay in the country is defined for up to 30 days.

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

33.4. Issuance procedure of electron visas to tourists is defined by Article 38 of this Code.

### **Article 34. Transit visa**

34.1. Transit visa is issued to foreigners and stateless persons travelling to third countries in order to cross the territory of the Republic of Azerbaijan.

34.2. Validity period of transit visa is defined for up to 30 days and the period of stay in the country is defined for up to 5 days. Transit visas are issued taking into account the travel route through air, water, railway transport and other transport type and time spent for it.

34.3. Copies of the visa (excluding the countries with a visa-free regime to travel to the destination country) and the ticket for travelling to the destination country from the applied country (if it is possible to obtain them) or other information

certifying the travel and the relevant documents set forth in Article 36 of this Code are required for issuance of transit visa.

### **Article 35. Information indicated in visa application form**

35.1. Words of ‘the Republic of Azerbaijan’, official coat of arms of the state, serial and number, type and category of the visa, purpose of the entry to the country, first name and last name, passport number, gender, date of birth, citizenship of the visa holder, total number of the persons accompanying him/her, place and date of issue of the visa, signature of the competent person issuing the visa and seal of the relevant executive authority, starting and ending dates of the validity of the visa, number of entries, total number of the days that visa holder can stay in the county regardless of the number of entries during the validity period of the visa, and facial description of the visa holder in compliance with biometric identification requirements are indicated on visa application form.

35.2. Names of the details set forth in visa application form are written both in Azerbaijani and English languages.

35.3. Sample, description and specifications of visa application form are approved by the relevant executive authority.

35.4. Instruction for individually filling out the visa application form is approved by the relevant executive authority.

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

36.1. The following documents are required for visa issuance:

36.1.1. Application form, sample of which approved by the relevant executive authority;

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

36.1.3. Two colored photos sized 3 x 4 cm in compliance with biometric identification requirements;

36.1.4. Copy of the medical insurance certificate (in case inviting party does not undertake medical services);

36.1.5. Receipt certifying payment of the state fee for visa issuance;

36.1.6. Application (according to the sample approved by the relevant executive authority) submitted by the party who invites a foreigner or stateless person to the Republic of Azerbaijan, copy of the certificate on state registration (for non-governmental organizations), document certifying the reasons of the invitation (these documents are not required for transit, tourism, official and private visit visas).

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

36.2. In addition to the documents set forth in Article 36.1 of this Code, notarized copy of the birth certificate, permission of parents or a legal representative and copies of their identification documents are also required for issuance of a visa for foreigners and stateless persons who are under 18, but are holders of a passport and travel without their parents or legal representatives.

36.3. Amount of the state fee for visa issuance is defined with the relevant law of the Republic of Azerbaijan. The state fee paid for visa issuance is not reimbursed, regardless of processing results of an application.

### **Article 37. Issuance of visas**

37.1. Foreigners and stateless persons can submit an application for visa issuance to the diplomatic representations and consulates of the Republic of Azerbaijan in their country of residence or in a third country in person or via their representatives.

37.2. In cases defined by the relevant executive authority, foreigners and stateless persons can obtain a visa in the territory of the Republic of Azerbaijan.

37.3. Application for visa issuance can also be submitted in the form of electron application.

37.4. List of documents required for visa issuance, application form, amount and payment form of the state fee, as well as information on diplomatic representations and consulates of the Republic of Azerbaijan in third countries where application should be filed to obtain visa for foreigners and stateless persons residing in the countries where there is not any diplomatic representation or consulate of the Republic of Azerbaijan are posted in official websites of relevant executive authorities, diplomatic representations and consulates of the Republic of Azerbaijan and on boards clearly visible to everyone in front of their buildings.

37.5. Visa issuance is implemented through “Entry-Exit and Registration” Interagency Automated Data-Search System.

37.6. Applications of foreigners and stateless persons for visa issuance are processed within fifteen days from the date of application. In cases defined by relevant executive authority, as well as in case travel of foreigners and stateless persons is related with urgent medical treatment, or serious illness or death of their relatives residing in the Republic of Azerbaijan (in case document certifying these facts submitted), their applications are processed within maximum two days.

37.7. After verification of the accuracy of application and completeness of the required documents for visa issuance by diplomatic representation or consulate, this information is entered in the “Entry-Exit and Registration” Interagency Automated Data-Search System and approved by an enhanced electronic signature.

37.8. While processing the visa issuance, accuracy and completeness of the information is verified, comparisons with watch lists of “Entry-Exit and Registration” Interagency Automated Data-Search System are made, reference of the relevant executive authority is obtained for the purpose of negotiation and final decision made depending on the results of these actions is submitted to the diplomatic representation or consulate by the relevant executive authority of the Republic of Azerbaijan.

37.9. In case the visa issuance is considered appropriate, a diplomatic representation or consulate ensures the individualization of the visa, its issuance and registration.

37.10. In cases set forth in Article 16.1 of this Code, application for visa issuance is rejected and previously issued visa is cancelled. Any repeated application can be processed after removal of the grounds for rejection.

37.11. Foreigners and stateless persons can file a complaint to courts in an administrative order and (or) in compliance with the legislation of the Republic of Azerbaijan against bureaucracy in processing of application or against the rejection of processing application.

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

38.1. Tourists entering the Republic of Azerbaijan can obtain electron visa through tourism companies.

38.2. For this purpose, foreigners can apply directly to the tourism companies acting in the Republic of Azerbaijan, accredited by the relevant executive authority, or through the partners of those tourism companies in their countries.

38.3. For obtaining electron visa, a tourism company accredited in the Republic of Azerbaijan, by filing out the electron application form posted on the website of the relevant executive authority, adds scanned copies of the passport and a photo of the person and the documents certifying that the purpose of the travel is tourism (tourism voucher or tourism notification, and document certifying reservation of a place in a hotel, camping, tourist base or other similar premises). After reception of the documents, they are processed within maximum 10 days from the date of submission in a way envisaged by Article 37 of this Code, and the visa is issued and sent to the e-mail address of the tourism company that applied electronically. In case visa issuance is rejected, grounded information is sent about it.

38.4. For issuance of electron visa, the state fee is paid in the amount envisaged by the law.

38.5. Printed electron visa is not attached to the passport and presented by the tourist together with the passport while crossing the state border checkpoint. While crossing the state border checkpoint, stamps on the entry to and exit from the

territory of the Republic of Azerbaijan are put in the passport and visa of the person.

38.6. Description and sample of the visa issued electronically are approved by the relevant executive authority.

38.7. Rule of accreditation (at the relevant executive authority) of tourism company acting in the Republic of Azerbaijan, which has the right to obtain electronic visas for tourists, is defined by the relevant executive authority.

## **CHAPTER 6**

### **EXTENSION OF TEMPORARY STAYING PERIOD OF FOREIGNERS AND STATELESS PERSONS IN THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

#### **Article 39. Decision on extension of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan**

39.1. In the cases set forth in Article 40 of this Code, temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan can be extended by the relevant executive authority and relevant decision is made in this regard.

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

39.3. Foreigners and stateless person with the extended temporary staying period in the Republic of Azerbaijan can exit from the country presenting their passports or other border crossing documents and the decision on extension of temporary staying period, by crossing the state border checkpoints.

39.4. Description, specification and sample of the decision on extension of temporary staying period of foreigners and stateless persons are approved by the relevant executive authority.

#### **Article 40. Cases for extension of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan**

40.0. Except the cases envisaged by Article 43 of this Code, temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan can be extended in the following cases:



- 40.0.1. In case there is a need for urgent medical treatment of foreigners and stateless persons in the Republic of Azerbaijan;
- 40.0.2. In case of serious illness or death of foreigner's and stateless person's any close relative residing in the Republic of Azerbaijan;
- 40.0.3. In case there is a justified application on incompleteness of intended work by foreigners and stateless persons arrived related with official necessity, submitted by organization inviting those persons;
- 40.0.4. In the cases set forth in Article 19.4 of this Code.

**Article 41. Documents required for extension of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan**

- 41.1. Foreigners and stateless persons should submit the following documents for extension of temporary staying period in the Republic of Azerbaijan:
  - 41.1.1. Application form, sample of which approved by the relevant executive authority;
  - 41.1.2. Copy of the passport or other border crossing document;
  - 41.1.3. Notarized copy of the birth certificate or other document equal to it (for persons under the age of 18, without passport);
  - 41.1.4. Document certifying existence of cases justifying extension of the temporary staying period set forth in Article 40 of this Code;
  - 41.1.5. Two photos sized 3.5 x 4.5 cm;
  - 41.1.6. Document of residential area-where the person shall be registered on (extract on the state registration of the property right from state registry of real estate, warrant for accommodation, rent or tenancy agreement or other document set forth in the legislation of the Republic of Azerbaijan);
  - 41.1.7. Application of the person providing a residential area to the foreigner or stateless person (except the cases when there is a residential area in possession of the foreigner or stateless person);
  - 41.1.8. Copy of the identification document of the person granting a residential area to the foreigner or stateless person (except the cases when there is a residential area in possession of the foreigner or stateless person);
  - 41.1.9. Receipt certifying payment of the state fee.
- 41.2. Receipt certifying payment of the state fee is submitted by foreigners and stateless persons when the decision on extension of temporary staying period in the Republic of Azerbaijan is presented to them.

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

- 42.1. Temporary staying period of foreigners and stateless persons arriving in the Republic of Azerbaijan can be extended up to 60 days in the cases set forth in

Article 40 of this Code on the basis of the application of them or their legal representatives.

42.2. Temporary staying period of a foreigner or stateless person under the age of 18 in the Republic of Azerbaijan is extended on the basis of an application of his/her parents or other legal representative.

42.3. Application form for extension of temporary staying period in the Republic of Azerbaijan and other necessary documents can be submitted in the form of electronic application.

42.4. Foreigners and stateless persons should submit necessary documents for extension of temporary staying period in the Republic of Azerbaijan to the relevant executive authority at least 3 business days (except the cases of emergency stop during transit) before the expiration of their temporary staying period.

42.5. Relevant decision regarding the applications of foreigners and stateless persons for extension of temporary staying period in the Republic of Azerbaijan is made within 3 business days.

42.6. While processing applications for extension of temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan, relevant executive authority in each particular case: examines the reasons of their stay in the Republic of Azerbaijan; rejects extension of period in the cases set forth in Article 43 of this Code; and provides foreigners and stateless persons with information on the rejection in a written form; or presents the decision on extension of temporary staying period in the Republic of Azerbaijan to the foreigners and stateless persons whose application for extension of temporary staying period is accepted.

42.7. Foreigners and stateless persons whose applications for the extension of temporary staying period are rejected, should exit from the territory of the country until their temporary staying period in the Republic of Azerbaijan expires. If the temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan expires before the application for extension of temporary staying period is processed, they should exit from the territory of the country within 48 hours after receiving the decision on rejection.

42.8. Collection of relevant information regarding extension of temporary staying period, individually filling out the decision on extension of temporary staying period and presenting it, as well as recordkeeping of the foreigners and stateless persons whose temporary staying period in the Republic of Azerbaijan is extended or its extension is rejected, are conducted through the Unified Migration Information System.

42.9. Extension of temporary staying period of employees of diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, including employees, administrative and technical staff of the representations of international organizations, and their family members, and foreigners who travel to

the Republic of Azerbaijan with special diplomatic mission or a special mission in the cases envisaged by the international agreements that the Republic of Azerbaijan is a party to, is conducted in the form of issuance of a new visa by the relevant executive authority of the Republic of Azerbaijan, in compliance with this Code.

**Article 43. Cases when temporary staying period of foreigners and stateless persons in the Republic of Azerbaijan is not extended**

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

43.1.1. In case their temporary stay in the Republic of Azerbaijan can harm national security of the Republic of Azerbaijan;

43.1.2. In case their temporary stay in the Republic of Azerbaijan can harm public order;

43.1.3. In case they submit fraudulent documents or falsified information for the purpose of extending temporary staying period in the Republic of Azerbaijan;

43.1.4. In case they do not hold any documents certifying their identity;

43.1.5. In case their entry to the Republic of Azerbaijan is prohibited;

43.1.6. In case the ground for extension of their temporary staying period in the Republic of Azerbaijan is removed;

43.1.7. In case their stay in the Republic of Azerbaijan is considered undesirable;

43.2. When there is less than 1 month until the expiration of the passports or other border crossing documents of foreigners and stateless persons, their temporary staying period in the country is not extended.

## **CHAPTER 7**

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

**Article 44. Permit granted for temporary residence on the territory of the Republic of Azerbaijan and the document certifying it**

44.1. Foreigners and stateless persons intending to reside temporarily on the territory of the Republic of Azerbaijan should get a relevant permit for it.

44.2. Permit for temporary residence on the territory of the Republic of Azerbaijan is issued to foreigners and stateless persons by the relevant executive authority.

44.3. In case temporary residence permit is issued to foreigners and stateless persons, those persons are provided with a permission card for temporary residence in the territory of the Republic of Azerbaijan by the relevant executive authority.

44.4. Permission card for temporary residence in the territory of 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 under visa-free regime during its validity period, and certifying the identities and registration of those persons upon the place of residence.

44.5. In case any information is changed in the identification documents of foreigners and stateless persons or permission card is lost, they should inform the relevant executive authority within 10 business days and should submit an application for reissuance or revocation of the permission card.

44.6. Description, specifications and sample of the permission card for temporary residence are approved by the relevant executive authority.

#### **Article 45. Cases when permit for temporary residence in the territory of the Republic of Azerbaijan is issued to foreigners and stateless persons**

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

45.0.1. In case they are in close relationship with a citizen of the Republic of Azerbaijan;

45.0.2. In case they invest at least 500 000 manats in the economy of the country;

45.0.3. In case they possess real estate which is worth at least 100 000 manats on the territory of the Republic of Azerbaijan or funds in the same amount in the banks of the Republic of Azerbaijan;

45.0.4. In case they are highly qualified specialists in the spheres of economy, industry, defense, science, culture, sports, etc;

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

45.0.6. In case they hold positions of head or deputy head in the branch or representation of a foreign juridical person in the Republic of Azerbaijan;

45.0.7. In case they engage in entrepreneurship activity in the Republic of Azerbaijan;

45.0.8. In case they obtain work permit in a way envisaged by this Code to carry out paid labor activity on the territory of the Republic of Azerbaijan;

45.0.9. In case they get full-time education at institutions of higher education and technical schools and in case they get education at secondary schools in the Republic of Azerbaijan;

45.0.10. In case they are engaged in professional religious activity at officially registered religious institutions;

45.0.11. In case there are grounds envisaged by the international agreements of the Republic of Azerbaijan.

**NOTE:** The case set forth in Article 45.0.7 of this Code is only considered as a ground for issuance of a permit for temporary residence in the territory of the Republic of Azerbaijan, when those persons work actually by concluding labor contract with at least 5 persons on full time employment or 10 persons on part-time employment. In this case, at least 80 percent of the workers are required to be the citizens of the Republic of Azerbaijan.

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

46.1. Foreigners and stateless persons should submit the following documents for obtaining (extending) permit for temporary residence in the territory of the Republic of Azerbaijan:

46.1.1. Application form sample of which approved by the relevant executive authority;

46.1.2. Copy of the passport or other border crossing document (validity period of passport or other border crossing document should be more than 3 months of the expiry date of the temporary residence permit to be issued);

46.1.3. Notarized copy of the birth certificate or other document equal to it (for persons under the age of 18, without passport);

46.1.4. Notarized or equally certified document confirming existence of cases justifying issuance of temporary residence permit;

46.1.5. Reference certifying that the person is not carrier of a virus of any disease included in the list of dangerous infectious diseases approved by the relevant executive authority;

46.1.6. Copy of the document authorizing to stay or temporarily reside on the territory of the Republic of Azerbaijan;

46.1.7. Justified application by an authority, enterprise or organization inviting (to the Republic of Azerbaijan) foreigners and stateless persons who are highly qualified specialists in the spheres of economy, industry, defense, science, culture, sports, etc.;

46.1.8. Two photos sized 3.5 x 4.5 cm;

46.1.9. The document of a residential area-where the person shall be registered on (extract on the state registration of the property right from state registry of real estate, warrant for accommodation, rent or tenancy agreement or other document set forth in the legislation of the Republic of Azerbaijan);

46.1.10. Application of the person providing a foreigner or stateless person with a residential area (except the cases when there is a residential area in possession of the foreigner or stateless person);

46.1.11. Copy of the passport of the person providing the foreigner or stateless person with a residential area (except the cases when there is a residential area in possession of the foreigner or stateless person);

46.1.12. Receipt certifying payment of the state fee;

46.2. Receipt certifying payment of the state fee is submitted by foreigners and stateless persons when the permission card for temporary residence on the territory of the Republic of Azerbaijan is presented to them.

46.3. Hand-fingerprints of the person (except minors under the age of 15) applying to obtain temporary residence permit are taken in accordance with biometric identification requirements.

#### **Article 47. Issuance (extension) of a permit for temporary residence in the territory of the Republic of Azerbaijan to foreigners and stateless persons**

47.1. In case there are grounds for issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan, foreigners and stateless persons should apply to the relevant executive authority to obtain a permit in this regard at least 30 days before the expiry of the temporary staying or temporary residence period.

47.2. Foreigners and stateless persons apply in person or through their legal representatives for obtaining permit for temporary residence on the territory of the Republic of Azerbaijan.

47.3. Temporary residence permit for a child under the age of 18 is obtained upon the application of his/her parent or other legal representative.

47.4. Application form for issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan and other necessary documents can be submitted in the form of an electron application.

47.5. Applications of foreigners and stateless persons for issuance of permit for temporary residence on the territory of the Republic of Azerbaijan are processed within 20 business days, by taking into account the reference of the relevant executive authority.

47.6. The relevant executive authority sends reference on foreigners and stateless persons applying for issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan within 10 business days.

47.7. When the relevant executive authority does not send relevant reference within 10 business days, it is considered as issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan to foreigners and stateless persons is not rejected.

47.8. Extension of permit for temporary residence on the territory of the Republic of Azerbaijan is conducted in a way defined for issuance of permit.

47.9. When validity period of a permit is not extended by the relevant executive authority until the date of expiry of the permit for temporary residence on the territory of the Republic of Azerbaijan or any application is not submitted for extension, foreigners and stateless persons should exit from the territory of the Republic of Azerbaijan.

47.10. Collection of relevant information and reception of references in regard with issuance of temporary residence permits on the territory of the Republic of Azerbaijan, individually filling out of the permission card for temporary residence and presenting it, and recordkeeping of foreigners and stateless persons applied for issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan, obtained a permit for temporary residence on the territory of the Republic of Azerbaijan or whom issuance of a such permit is rejected, as well as foreigners and stateless persons whose permits for temporary residence on the territory of the Republic of Azerbaijan are cancelled, are conducted through the Unified Migration Information System.

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

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

48.2. Rejection for issuance (extension) of a permit for temporary residence on the territory of the Republic of Azerbaijan to foreigners and stateless persons should be justified by the relevant executive authority and they should be informed about it in a written form.

48.3. When foreigners and stateless persons are rejected to issue (extend) permit for temporary residence on the territory of the Republic of Azerbaijan, a repeated application is processed after removal of the reasons for the rejection.

48.4. When the persons set forth in Article 48.3 of this Code re-apply to the relevant executive authority during the period of their legal stay or residence in the country, they only submit the document certifying removal of the reasons for rejection of issuance (extension) of temporary residence permit.

## **Article 49. Validity period of a permit for temporary residence on the territory of the Republic of Azerbaijan**

49.1. Permit for temporary residence on the territory of the Republic of Azerbaijan is issued for the period mentioned on the application of an applicant, but for the period not exceeding 1 year, except the cases set forth in Article 45.0.2 of this Code, and it can be extended each time for the period not exceeding 2 years, if there is a relevant basis.

49.2. Permit for temporary residence on the territory of the Republic of Azerbaijan is issued for 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 a period not exceeding 3 years and can be extended each time for the period not exceeding 3 years, if there is a relevant ground.

49.3. When permit for temporary residence on the territory of the Republic of Azerbaijan is extended, the card is replaced with a new one.

## **Article 50. Cases when permit for temporary residence in the territory of the Republic of Azerbaijan is not issued (extended) for foreigners and stateless persons**

50.0. In the following cases, permit for temporary residence in the territory of the Republic of Azerbaijan is not issued (extended) to foreigners and stateless persons, and the previously issued permit is cancelled:

50.0.1. In case they can harm national security of the Republic of Azerbaijan or public order;

50.0.2. In case they submit fraudulent documents or falsified information for the purpose of obtaining permit for temporary residence in the Republic of Azerbaijan;

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

50.0.4. In case there are less than 3 months until the expiry date of the passport or other border crossing document;

50.0.5. In case they are carriers of a virus of the disease included in the list of dangerous infectious diseases, approved by the relevant executive authority (except the persons who are married to citizens of the Republic of Azerbaijan);

50.0.6. In case they were expelled from the territory of the Republic of Azerbaijan previously and their entry to the country were restricted;

50.0.7. In case the ground justifying issuance of the permit for temporary residence in the territory of the Republic of Azerbaijan is removed and there are not any other grounds envisaged by this Code, regarding the issuance of temporary residence permit;

50.0.8. In case they stay beyond the territory of the Republic of Azerbaijan for more than 90 days within 180 days;



- 50.0.9. In case they leave the territory of the Republic of Azerbaijan for residing abroad permanently;
- 50.0.10. In case their stay in the Republic of Azerbaijan considered undesirable;
- 50.0.11. In case a decision on their expulsion from the territory of the Republic of Azerbaijan is made;
- 50.0.12. In case they violate the declared purpose of their arrival in the Republic of Azerbaijan during the period of temporary residence on the territory of the Republic of Azerbaijan.

### **Article 51. Work permit**

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

51.2. Foreigners and stateless persons obtain a work permit through juridical persons, physical persons engaging in entrepreneurship activity without establishing juridical person, and branches and representations of foreign juridical persons employing them.

51.3. Work permit is an official document authorizing foreigners and stateless persons to engage in paid labor activity on the territory of the Republic of Azerbaijan.

51.4. Work permit is issued by the relevant executive authority in a way defined in this Code.

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

51.6. The quota is applied for the purposes of efficient usage of local labor resources and increasing the effectiveness of activities in the sphere of regulation of labor migration processes. The quota is defined taking into account the situation of domestic labor market, demand for manpower, existence of vacancies which are not applied by the citizens of the Republic of Azerbaijan with professional skills and qualifications relevant for requirements of the job, ability of employment service bodies to meet requirements of employers for manpower at the cost of local labor resources, as well as necessity of attracting highly qualified foreign specialists.

51.7. Determination procedure of the labor migration quota is approved by the relevant executive authority.

51.8. As an accountable form a work permit form should have a registration serial and number, as well as protection signs at the level of securities. Description, specification and sample of a work permit are approved by the relevant executive authority.

## CHAPTER 8

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

#### **Article 52. Permit for permanent residence in the territory of the Republic of Azerbaijan issued to foreigners and stateless persons and the document certifying it**

52.1. Foreigners and stateless persons temporarily residing at least 2 years on the territory of the Republic of Azerbaijan on the grounds set forth in Articles 45.0.1-45.0.7 of this Code on the basis of a relevant permit can submit application to obtain permit for permanent residence on the territory of the Republic of Azerbaijan.

52.2. Permit for permanent residence on the territory of the Republic of Azerbaijan is issued to foreigners and stateless persons by the relevant executive authority.

52.3. When foreigners and stateless persons are given a permit for permanent residence on the territory of the Republic of Azerbaijan, those persons are provided with permission card for permanent residence on the territory of the Republic of Azerbaijan.

52.4. Permission card for permanent residence 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 under visa-free regime within its validity period, and certifying identity and registration of those persons upon place of residence in the territory of the country.

52.5. Description, specification and sample of the permission card for permanent residence are approved by the relevant executive authority.

#### **Article 53. Documents required for issuance (extension) of permit to foreigners and stateless persons for permanent residence in the territory of the Republic of Azerbaijan**

53.1. Foreigners and stateless persons should submit the following documents to obtain (extend) permit for permanent residence on the territory of the Republic of Azerbaijan:

53.1.1. Application form, sample of which approved by the relevant executive authority;

- 53.1.2. Copy of the passport or other border crossing document;
- 53.1.3. Notarized copy of the birth certificate or a document equal to it (for persons without passport who are under the age of 18);
- 53.1.4. Reference on family members (indicating first names, last names, birth dates, occupations, places of residence or place of stay of the family members);
- 53.1.5. Notarized copy of the marriage certificate;
- 53.1.6. Reference certifying that the person is not carrier of a virus of any disease included in the list of dangerous infectious diseases, approved by the relevant executive authority;
- 53.1.7. Document certifying existence of necessary funds to meet minimal needs of foreigners and stateless persons and family members arriving with them (except the cases when citizen of the Republic of Azerbaijan or a person obtained a permit for permanent residence in the Republic of Azerbaijan (who is a close relative of foreigner) undertakes to support them while they stay in the country);
- 53.1.8. For foreigners and stateless persons with profession or qualification, notarized copies of the documents certifying it;
- 53.1.9. Copy of the permission card for temporary/permanent residence on the territory of the Republic of Azerbaijan;
- 53.1.10. Notarized copy of the document certifying that the grounds for issuance of a temporary residence permit in the Republic of Azerbaijan are not removed;
- 53.1.11. Two photos sized 3.5 x 4.5 cm;
- 53.1.12. Notarized consent of minors between the ages of 14-18;
- 53.1.13. The document of a residential area-where a person shall be registered on (extract on the state registration of the property right from state registry of real estate, warrant for accommodation, rent or tenancy agreement or other document set forth in the legislation of the Republic of Azerbaijan);
- 53.1.14. Application of the person providing residential area to foreigner or stateless person (except the cases when there is a residential area in possession of the foreigner or stateless person);
- 53.1.15. Copy of the identification document of the person providing residential area to foreigner or stateless person (except the cases when there is a residential area in possession of the foreigner or stateless person);
- 53.1.16. Receipt certifying payment of the state fee.
- 53.2. Receipt certifying payment of the state fee is submitted by foreigners and stateless persons when the permission card for permanent residence on the territory of the Republic of Azerbaijan is presented to them.
- 53.3. Hand - fingerprints of a person applying for permanent residence permit (except minors under the age of 15) is taken in accordance with biometric identification requirements.

**Article 54. Issuance (extension) procedure of the permit for permanent residence on the territory of the Republic of Azerbaijan to foreigners and stateless persons**

54.1. Foreigners and stateless persons should apply to the relevant executive authority in case of existence of grounds for issuance of permanent residence permit to them, at least 3 months before the expiry date of their permits for temporary residence on the territory of the Republic of Azerbaijan;

54.2. Foreigners and stateless persons should apply for permanent residence in the Republic of Azerbaijan in person or through their legal representatives;

54.3. Permit for permanent residence in the Republic of Azerbaijan is obtained for a minor under the age of 14 upon application of his/her parent or other legal representative, for a minor between age of 14-18 upon application of his/her parent or other legal representative with the consent of the minor.

54.4. Application form for issuance of permit for permanent residence on the territory of the Republic of Azerbaijan and other required documents can be submitted in the form of an electron application.

54.5. While processing applications of foreigners and stateless persons for issuance of permit for permanent residence in the Republic of Azerbaijan, their knowledge on the rights and obligations set forth by the laws of the Republic of Azerbaijan, as well as on the official language is tested by a commission consisting of experts from the relevant executive authorities.

54.6. The relevant executive authority forwards the documents of applicants to the relevant executive authority for consideration and issuance of a reference.

54.7. The relevant executive authority returns the documents back to the relevant executive authority after conducting investigation on received documents within 1 month. In case the relevant executive authority does not send reference within 1 month it is considered as issuance of permanent residence permit is not rejected.

54.8. The relevant executive authority sends relevant requests to the relevant executive authority and other related institutions with regard to issuance of permanent residence permit and receives official references.

54.9. The relevant executive authority processes the application of the person applying for issuance of permit for permanent residence in the Republic of Azerbaijan within 2 months and makes an appropriate decision.

54.10. Issuance or rejection of permit to the person applying for permanent residence should be justified on the decision, and the person should be provided with a copy of the decision.

54.11. When issuance of permit to foreigners and stateless persons for permanent residence in the Republic of Azerbaijan is rejected, they can re-apply to the relevant executive authority within 1 month from the date of rejection, if the

ground for rejection is removed. In this case, only the document certifying the removal of the ground for rejection is submitted.

54.12. Permit for permanent residence in the Republic of Azerbaijan is issued for the period of 5 years. At least 3 months before the expiration of this period the permit issued for permanent residence can be extended for 5 years upon application of foreigner or stateless person. The number of extensions is not limited. In this case, the documents set forth in Article 53 of this Code are re-submitted.

54.13. Collection of relevant information and reception of references related with issuance of a permit for permanent residence on the territory of the Republic of Azerbaijan, processing of permission card for permanent residence individually and presenting it, and recordkeeping of foreigners and stateless persons applied for issuance of permit for permanent residence on the territory of the Republic of Azerbaijan, obtained permit for permanent residence on the territory of the Republic of Azerbaijan or issuance of such permit is rejected, as well as foreigners and stateless persons whose permits for permanent residence on the territory of the Republic of Azerbaijan are cancelled, are conducted through the Unified Migration Information System.

#### **Article 55. Cases when permit for permanent residence in the territory of the Republic of Azerbaijan is not granted to foreigners and stateless persons**

55.0. In the following cases, the relevant executive authority rejects to issue (to extend) permanent residence permit to foreigner or stateless person, and the previously issued permit is cancelled:

55.0.1. In case they can harm national security of the Republic of Azerbaijan or public order;

55.0.2. In case they are carriers of a virus of dangerous infectious diseases included in the list approved by the relevant executive authority (except the persons who are married to citizens of the Republic of Azerbaijan);

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

55.0.4. In case they submit fraudulent documents or falsified information for the purpose of obtaining permit for permanent residence in the Republic of Azerbaijan;

55.0.5. In case they are imprisoned for an intentionally committed serious crime or especially serious crime, if their sentence is not served or removed in a way envisaged by the Law;

55.0.6. In case they do not have necessary funds to meet the minimal needs of themselves and their family members (except the cases when a close relative who is a citizen of the Republic of Azerbaijan or a person holding a permit for

permanent residence in the Republic of Azerbaijan undertakes to support them while they are in the country);

55.0.7. In case they leave the territory of the Republic of Azerbaijan to reside abroad permanently;

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

55.0.9. In case the grounds justifying issuance of permit for temporary residence in the territory of the Republic of Azerbaijan are removed;

55.0.10. In case they do not have knowledge on the rights and obligations of foreigner or stateless person permanently residing in the territory of the Republic of Azerbaijan envisaged by the laws of the Republic of Azerbaijan, as well as on the official language;

55.0.11. In case their stay in the Republic of Azerbaijan is considered undesirable;

55.0.12. In case there is a decision on their expulsion from the territory of the Republic of Azerbaijan;

55.0.13. In case they violate the declared purpose of their arrival in the Republic of Azerbaijan during their permanent residence on the territory of the Republic of Azerbaijan.

**Article 56. Filing a complaint against the decision on the rejection of issuance (extension) of permit for permanent residence in the Republic of Azerbaijan or on cancellation of permit permanent residence**

A decision on rejection of issuance (extension) of permit for permanent residence in the Republic of Azerbaijan or on cancellation of the permit for permanent residence can be appealed in the administrative order and/or to a court in compliance with the legislation of the Republic of Azerbaijan.

## **SECTION IV**

### **LABOR MIGRATION**

#### **CHAPTER 9**

##### **STATE REGULATION OF LABOR MIGRATION**

**Article 57. State regulation of labor migration and control in this sphere**

57.1. The government regulates labor migration through applying a labor migration quota, issuing work permits, as well as issuing special permissions (licenses) for mediation activity for employment of citizens of the Republic of Azerbaijan in foreign countries.

57.2. Relevant executive authorities carry out control over the legality of the employment of foreigners and stateless persons in the Republic of Azerbaijan, ensuring their social security, and the activities of juridical and physical 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 can carry out paid labour activity in foreign countries.

58.2. Citizens of the Republic of Azerbaijan can get employed in foreign countries with direct invitation of foreign juridical or physical persons, through mediation of juridical persons 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 should be registered at the diplomatic representation or consulate of the Republic of Azerbaijan in that country within 1 month after arrival in 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 state.

58.4. Diplomatic representations and consulates of the Republic of Azerbaijan submit the information about registered citizens of the Republic of Azerbaijan to the relevant executive authority within 1 month. Relevant executive authority should regularly inform relevant executive authorities about it.

58.5. If there is not any diplomatic representation or consulate of the Republic of Azerbaijan in the country of employment, citizens of the Republic of Azerbaijan carrying out paid labour activity in foreign countries should send the official document on their employment to the relevant executive authority 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. Juridical persons officially registered in the Republic of Azerbaijan can mediate in the employment of citizens of the Republic of Azerbaijan in foreign countries. Juridical persons should get a special permission (license) from relevant executive authority in a defined way in order to act in this field.

59.2. Special permission (license) for mediation activity for employment of citizens of the Republic of Azerbaijan in foreign countries is granted by relevant executive authority taking into account the reference of relevant executive authority. Relevant executive authority issues a reference about it within 5 business days.

59.3. Juridical persons obtained special permission entitling to mediation activity, can involve citizens of the Republic of Azerbaijan to paid labor activity in foreign countries upon contracts signed with juridical and physical persons of foreign countries and approved by the relevant executive authority.

59.4. The contracts signed between juridical persons carrying out mediation activity and juridical and physical persons of foreign countries, as well as suggested labour contracts, should envisage provision of social protection of citizens of the Republic of Azerbaijan in compliance with the international norms.

59.5. Juridical persons carrying out mediation activity should provide delivery of one copy of suggested labour contract to migrant worker before he/she leaves the Republic of Azerbaijan. Juridical persons carrying out mediation activity are not allowed to charge migrant workers for rendered service.

59.6. Juridical persons carrying out mediation activity should inform relevant executive authorities about citizens of the Republic of Azerbaijan, whom they involved in paid labour activity in foreign countries.

59.7. Physical persons are prohibited to carry out mediation activity for employment of citizens of the Republic of Azerbaijan in foreign countries.

59.8. Relevant executive authority conducts state control over activity of juridical persons carrying out mediation activity in this sphere.

59.9. Validity period of a special permission (license) for mediation activity can be extended, temporarily suspended or revoked by relevant executive authority in a defined way.

59.10. State fee is paid in the amount envisaged by the legislation for granting special permission (license) to carry out mediation activity.

## **Article 60. Registration of the citizens of the Republic of Azerbaijan for the purpose of 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 juridical persons, which are issued a special permission (license) to carry out mediation activity.

60.2. Juridical persons bear liability in a way envisaged by the law for dissemination of falsified 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 IN THE REPUBLIC OF AZERBAIJAN**

#### **Article 61. 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 can work in the Republic of Azerbaijan after obtaining working permit through juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons employing him/her in a way and under conditions envisaged by this Code.

61.2. Principal conditions for carrying out paid labour activity by foreigners and stateless persons are availability of vacancies which are not applied by a citizen of the Republic of Azerbaijan who has professional skills or qualifications required for such job, inability of employment services to meet employers' need for 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, relevant executive authority can impose restrictions on some activity areas of labour migration to the Republic of Azerbaijan.

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

63.1. Juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons can employ foreigners and stateless persons in the Republic of Azerbaijan.

63.2. Except for cases set forth in Article 64 of this Code, juridical persons, physical persons dealing with entrepreneurship activity without establishing

juridical persons, and branches and representations of foreign juridical persons should obtain a work permit for every foreigner or stateless person whom they want to employ.

63.3. Juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons can apply for obtaining work permit for a foreigner and stateless person while they are still beyond the borders of the Republic of Azerbaijan.

63.4. Foreigners and stateless persons can carry out paid labour activity in the Republic of Azerbaijan after juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons obtain work permit for them.

63.5. Juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons should employ foreigners and stateless persons only in their own working place and should conclude a labour contract in compliance with validity period of the work permit. Concluding labour contract with foreigners without obtaining work permit is not allowed.

63.6. It is prohibited for juridical persons, physical persons dealing with entrepreneurship activity without establishing juridical persons, and branches and representations of foreign juridical persons to collect and keep passports or other identification documents of foreigners and stateless persons that they employ.

#### **Article 64. Cases where work permit is not required**

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

64.0.1. Persons holding permit for permanent residence in the territory of the Republic of Azerbaijan;

64.0.2. Persons 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 organizations;

64.0.5. Heads of the organizations established under international agreements and their deputies;

64.0.6. Persons employed by relevant executive authority;

64.0.7. Employees of mass media accredited in the Republic of Azerbaijan;

64.0.8. Persons dispatched for a business trip for not more than 90 days within a year to the Republic of Azerbaijan in the spheres of activity defined by relevant executive authority;

64.0.9. Seamen;

- 64.0.10. Academic staff and lecturers invited to institutes of higher education for delivering lectures;
- 64.0.11. Art workers, trainers and sportsmen invited to work in sport clubs registered at relevant executive authority;
- 64.0.12. Persons engaging in professional religious activity in the officially registered religious institutions;
- 64.0.13. Heads of branches and representations of foreign juridical persons in the Republic of Azerbaijan and their deputies;
- 64.0.14. Persons married with the citizen of the Republic of Azerbaijan, provided that the citizen is registered on the territory of the Republic of Azerbaijan upon place of residence;
- 64.0.15. Persons submitted application for obtaining refugee status, obtained refugee status or granted political asylum;
- 64.0.16. Persons having in their custody citizens of the Republic of Azerbaijan who are under the age of 18 or I group disabled persons.
- 64.0.17. Persons involved in labour activity in cases defined by relevant executive authority.

#### **Article 65. Documents required for issuance of work permit**

- 65.0. Employer should submit the following documents to relevant executive authority in order to obtain a work permit:
  - 65.0.1. Application form, sample of which approved by relevant executive authority;
  - 65.0.2. A copy of passport or other border crossing document of a foreigner and stateless person;
  - 65.0.3. A notarized copy of a document confirming that a foreigner and stateless person has the qualification required for fulfilling the considered job;
  - 65.0.4. Reference justifying the necessity to employ the foreigner and stateless person in the considered job;
  - 65.0.5. A copy of relevant document entitling the foreigner and stateless person, who is in the territory of the Republic of Azerbaijan on other grounds, to stay in the territory of the Republic of Azerbaijan;
  - 65.0.6. Employer:
    - 65.0.6.1. In case of a juridical person – notarized copies of the charter of juridical person and certificates on state registration;
    - 65.0.6.2. In case of physical person – notarized copies of identification document of the person and certificate of taxpayer's registration issued to the physical person;

65.0.7. Reference certifying that foreigner or stateless person is not a carrier of virus of a disease included in the list of dangerous infectious diseases approved by relevant executive authority;

#### **Article 66. Grounds for rejection of granting work permits**

66.0. Granting work permit to foreigners and stateless persons is rejected in the following cases:

66.0.1. In case documents envisaged by Article 65 of this Code are not submitted;

66.0.2. In case submitted documents are fraudulent, information indicated on them is inaccurate or falsified;

66.0.3. In case employer can meet the need for manpower at the cost of local labour resources;

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

66.0.5. In case labour migration quota limit is reached;

66.0.6. In case foreigner and stateless person is carrier of dangerous infectious diseases, included in the list defined by relevant executive authority;

66.0.7. In case foreigner or stateless person does not have required qualification or work experience to fulfill the job in which he/she is involved.

#### **Article 67. Processing of applications for work permit**

67.1. Required documents for granting work permit can be submitted both in a written or electron application form.

67.2. The relevant executive authority notifies the employer in a written form on any shortages, irrelevance or other errors in the submitted documents.

67.3. Applications for a work permit are processed within 20 business days.

67.4. The relevant executive authority forwards the data on the documents envisaged by Articles 65.0.2, 65.0.3, 62.0.4, 65.0.5 and 65.0.7 of this Code to the relevant executive authority for issuance of references.

67.5. The relevant executive authority processes the data within 5 business days and issues its reference to the relevant executive authority on the possibility of meeting needs of an employer for manpower at the cost of local labour resources.

67.6. If the relevant executive authority does not send reference within 5 business days it is accepted as the issuance of work permit is not rejected.

67.7. Decision on rejection to issue work permit by the relevant executive authority should be justified with reference to Article 66 of this Code and its copy should be presented to the employer.

67.8. In accordance with this Code an employer can re-apply for obtaining work permit after removal of the reasons that earlier served as the basis for rejection to grant the work permit.

67.9. If an employer re-applies to the relevant executive authority within the period while those persons legally stay or reside in the country, only the document

certifying removal of the reason that earlier served as the basis for rejection to grant the work permit should be submitted.

67.10. When decision on granting work permit is adopted, the relevant executive authority should ensure that work permit is filled out in an appropriate way and presented to the employer within 3 days.

67.11. Work permit is signed by the authorized official of the relevant executive authority, and is approved with the seal of respective authority.

67.12. Work permit is presented to employer after the document certifying payment of the state fee for such permit is submitted.

67.13. The relevant executive authority revokes the work permit in case the state fee is not paid by an employer within 30 days or issuance of a permit for temporary residence on the territory of the Republic of Azerbaijan to a foreigner or stateless person is rejected.

67.14. Collection of relevant information and receiving references related to issuance of work permits, individually filling out work permit blank and its issuance, as well as recordkeeping of foreigners and stateless persons obtained work permit or rejected to be granted a work permit, including those whose work permit was revoked, are conducted via Unified Migration Information System.

#### **Article 68. Reissuance of work permit**

68.1. In case any information on the identification document of a foreigner or stateless person or the title of the juridical person that he/she works changes, or in case the work permit is lost, the employer should inform the relevant executive authority within 5 days and submit an application for reissuance or revocation of such permit.

68.2. If employer does not submit relevant application in cases envisaged by Article 68.1 of this Code within 10 business days, the permit issued for foreigner or stateless person is considered invalid.

68.3. In case work permit is reissued, the document outlining the reasons of its reissuance and the copy of the work permit previously issued to the foreigner or stateless person should be submitted.

68.4. No state fee is paid for re-issuance of work permit.

#### **Article 69. Validity period of work permit and extension of validity**

69.1. Work permit is issued for 1 year or in case the labour contract is signed for the period of less than 1 year it is issued for that period. Validity of the work permit can be extended each time for not more than 1 year.

69.2. In order to extend validity of work permit employer should submit an application to the relevant executive authority at least 30 days prior to its expiration.

69.3. In order to extend validity of work permit employer should submit the documents set forth in Articles 65.0.1, 65.0.3, 65.0.4 and 65.0.7 of this Code.

69.4. Extension of validity period of work permit is implemented in a way defined in Article 67 of this Code.

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

69.6. The relevant executive authority revokes the work permit if the state fee for extension of validity of work permit is not paid by the employer within 30 days or if issuance of permit for temporary residence on the territory of the Republic of Azerbaijan to foreigner or stateless person is rejected.

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

70.1. A new work permit is required if foreigner or stateless person is transferred to another job within the same employer. In case the juridical person is restructured (merger, accession, division, separation, transformation) a new work permit is required for a foreigner or stateless person too.

70.2. When a foreigner or stateless person is granted a new work permit related with transfer to a new job within the same employer, validity period of the new work permit shouldn't be longer than the valid part of previous work permit.

70.3. In case a foreigner or stateless person is transferred to another job within the same employer the documents set forth in Articles 65.0.1 and 65.0.3 of this Code and in case juridical person is restructured (merger, accession, division, separation, transformation) the documents set forth in Articles 65.0.1 and 65.0.6.1 of this Code should be submitted to the relevant executive authority.

70.4. Additional state fee is not required for new work permit if foreigner and stateless person is transferred to another job within the same employer.

70.5. In case work permit of foreigner and stateless person is expired or the labour contract is terminated before the expected date, he/she can be invited to work by another employer by obtaining a new work permit.

70.6. Obtaining two work permits at the same time for the same foreigner and stateless person by employer is prohibited.

#### **Article 71. Ineffectiveness of work permit in case labour contract is terminated**

71.1. In case of an early termination of labour contract between foreigner or stateless person and the employer, the employer should inform relevant executive authority within 5 business days. In case of an early termination of labour contract the work permit issued for that person becomes invalid.

71.2. In case of an early termination of a labour contract and lack of other grounds for labour migrant to stay in the Republic of Azerbaijan, s/he should leave the territory of the Republic of Azerbaijan within 10 business days.

## **Article 72. Control over validity of work permit**

72.1. Control over rules of validity of work permit is carried out by the relevant executive authority.

72.2. For the purpose of control, the relevant executive authority:

72.2.1. monitors observation of the requirements of this Code and the normative legal acts that regulate employment of foreigners and stateless persons as manpower;

72.2.2. inquires information or reference from the employer and a foreigner or stateless person about issues arising during monitoring;

72.2.3. revokes the work permit in cases set forth in Article 73 of this Code;

72.2.4. involves to liability foreigners and stateless persons employed without work permit, as well as employers who employed them without work permit in a way envisaged by the Law.

72.3. Employers are obliged to provide normal conditions necessary for conducting monitorings and to present required documents.

72.4. If law violation is revealed as a result of the monitoring, a protocol in two copies is drafted, if no law violation is detected, a statement is compiled. The protocol (statement) is signed by the authorized representatives of relevant executive authority and employer. In case of refusal to sign the protocol (statement), note on refusal is made on the same document. Employer's explanation is annexed to the protocol (statement). A copy of the protocol (statement) is presented to the employer.

72.5. Representatives of other state authorities can be involved in the supervisory monitoring.

## **Article 73. Grounds for revoking work permit**

73.0. Relevant executive authority revokes the work permit in the following cases:

73.0.1. Upon receipt of relevant application from a foreigner and stateless person or an employer;

73.0.2. In case of early termination of the labour contract between employer and foreigner or stateless person;

73.0.3. In case falsified information is revealed in the documents submitted for obtaining work permit;

73.0.4. In cases set forth in Articles 67.13, 68.2 and 69.6 of this Code;

73.0.5. In case employer (juridical person) is closed out;

73.0.6. In case of existence of relevant court decision.

## SECTION V

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

#### CHAPTER 12

#### BASIS OF LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS

##### **Article 74. Rights of foreigners and stateless persons**

74.1. Unless otherwise is envisaged by the Law and the international agreements which the Republic of Azerbaijan is a party to, foreigners and stateless persons enjoy equally all of the rights as the citizens of the Republic of Azerbaijan while staying in the Republic of Azerbaijan.

74.2. Rights and freedoms of foreigners and stateless persons residing or temporary staying on the territory of the Republic of Azerbaijan can be only restricted in compliance with the norms of international law and laws of the Republic of Azerbaijan.

74.3. In case any foreign state imposes restrictions on realization of the rights and freedoms of the citizens of Republic of Azerbaijan on its territory, same restrictions can 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 property or social conditions, race, nationality, gender, language, religion, type and character of his/her activity and other cases.

74.5. If foreigners or stateless persons are detained or arrested in a way defined with laws of the Republic of Azerbaijan, they should be informed immediately on the reasons of such actions and their rights.

74.6. The authority that detained foreigner or stateless person, who enjoys privilege and immunity defined in the international treaties that the Republic of Azerbaijan is a party to, should immediately inform relevant executive authority on this case in a way defined with the Code of Criminal Procedure of the Republic of Azerbaijan.

74.7. When sentenced foreigners or stateless persons are released from serving



punishment, relevant executive authority makes decision on stay of these persons in the Republic of Azerbaijan or their expulsion from the Republic of Azerbaijan in the case set forth in Article 79.1.3 of this Code on the basis of information provided by the authority executing punishment.

#### **Article 75. Rights of labour migrants**

75.1. Except the cases envisaged by the Labour Code of the Republic of Azerbaijan, same conditions related with employment defined by legislation for the citizens of the Republic of Azerbaijan is applied to labour migrants and payments for their labor activities are carried out in a way defined by the legislation for citizens of the Republic of Azerbaijan.

75.2. All other issues with regard to labor activities of labor migrants that have not been envisaged by this Code are regulated with the Labour Code of the Republic of Azerbaijan.

75.3. If labor migrant passes away, the juridical or physical person that employed him/her should ensure delivery of his/her corpse to the country of permanent residence.

75.4. Relevant executive authority conducts monitoring over ensuring of labor migrants' rights by employers.

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

76.1. Unless otherwise is envisaged by the Law and international agreements that the Republic of Azerbaijan is a party to, during their stay in the Republic of Azerbaijan foreigners and stateless persons should fulfill same obligations as the citizens of the Republic of Azerbaijan.

76.2. Realization of rights and freedoms of foreigners and stateless persons should not be contradict to the national interests of the Republic of Azerbaijan. Foreigners and stateless persons should not violate requirements of the Constitution of the Republic of Azerbaijan, laws and other legislative acts of the Republic of Azerbaijan, should respect traditions and customs of the people of the Republic of Azerbaijan.

76.3. Foreigners and stateless persons staying on the territory of the Republic of Azerbaijan should observe the declared purposes of their entry and leave the territory of the country after defined period expires.

76.4. Upon legal requests of the representatives of relevant executive authority, foreigners and stateless persons should present identification documents, as well as the documents certifying their legal stay or residence on the territory of the Republic of Azerbaijan.

76.5. Foreigners and stateless persons cannot hold positions, or involve in specific activities, if such positions and activities are considered for citizens of the Republic

of Azerbaijan.

76.6. Running religious propaganda is prohibited to foreigners and stateless persons.

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

77.1. Measures for adaptation of foreigners and stateless persons permanently residing in the Republic of Azerbaijan to the local conditions are carried out upon their own will.

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

77.3. Measures for adaptation of foreigners and stateless persons permanently residing in the Republic of Azerbaijan to the local conditions are implemented jointly by the relevant executive authorities.

77.4. International and non-governmental organizations can be involved in the process of adaptation of foreigners and stateless persons to the local conditions.

77.5. Foreigners and stateless persons residing in the Republic of Azerbaijan can apply to the Training Center of the relevant executive authority for the purpose of learning Azerbaijani language, history, culture, as well as relevant legislation on the rights and obligations of foreigners and stateless persons.

## **SECTION VI**

### **FINAL PROVISIONS**

#### **CHAPTER 13**

### **EXPULSION OF FOREIGNERS AND STATELESS PERSONS FROM THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

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

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

78.1.1. In case compulsory expulsion from the territory of the Republic of Azerbaijan is imposed as punishment for committed crime;

78.1.2. In case expulsion from the territory of the Republic of Azerbaijan in administrative way is applied as an administrative punishment for committing an administrative offence;

78.1.3. In case decision is made for expulsion of foreigner and stateless person from the territory of the Republic of Azerbaijan according to Article 79 of this Code (hereinafter “decision on expulsion”);

78.2. The punishment in the form of compulsory expulsion of foreigners or stateless persons from the territory of the Republic of Azerbaijan for committing crime is applied in the cases set forth in the Criminal Code of the Republic of Azerbaijan and executed in a way envisaged by the Code of Execution of Punishments of the Republic of Azerbaijan. Other issues arising from expulsion of those persons from the territory of the Republic of Azerbaijan are solved with this Code.

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

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

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

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

79.1.1. In case visa or decision on extension of temporary staying period or permit for permanent or temporary residence is cancelled;

79.1.2. In case their stay in the territory of the Republic of Azerbaijan is considered undesirable;

79.1.3. In case of absence of grounds for residence defined in Article 45 of this Code for foreigners or stateless persons released from serving punishment in the Republic of Azerbaijan.

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

79.3. Expulsion is not applied with regard to foreigners and stateless persons who are granted refugee status or political asylum by the Republic of Azerbaijan.

79.4. Decision on expulsion of foreigners and stateless persons, who are considered to be victims of human trafficking, is not made for the period of 1 year and for foreigners and stateless persons that assist the prosecuting authorities till the end of prosecution. Decision on expulsion is not made on minor victims of human trafficking.

79.5. Decision on expulsion imposes obligation on foreigners and stateless persons

to leave the country within below mentioned periods from the moment the decision is presented to them:

79.5.1. Persons released from serving punishment, whose visa or decision on extension of temporary staying period is cancelled, as well as whose stay in the territory of the Republic of Azerbaijan is considered undesirable - within 48 hours;

79.5.2. Persons whose permit for temporary or permanent residence is cancelled – within 10 days.

79.6. Expulsion of foreigners and stateless persons from the territory of the Republic of Azerbaijan should be justified in the decision on expulsion.

79.7. Expelled person should be made familiar with the decision on his/her expulsion and a copy of the decision should be presented him/her. If that person does not know Azerbaijani language, participation of an interpreter should be provided in this process.

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

79.9. Decision on expulsion is executed by the relevant executive authority.

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

80.1. In the cases set forth in Article 78.1 of this Code, foreigners and stateless persons should leave the territory of the Republic of Azerbaijan within the period defined in Administrative Offences Code and the Code of Execution of Punishments of the Republic of Azerbaijan and in 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 decision issued on the basis of appeal from relevant executive authority and placed in the Detention Centers for Illegal Migrants of relevant executive authority in a way defined by the law until being expelled from the territory of the Republic of Azerbaijan.

80.3. Foreigners and stateless persons, about whom decision on expulsion from the territory of the Republic of Azerbaijan has been made, can be voluntarily placed in the Detention Centers for Illegal Migrants of the relevant executive authority in a way defined by the Law for expulsion from the territory of the Republic of Azerbaijan within the period envisaged by the Administrative Offences Code and Code of Execution of Punishments of the Republic of Azerbaijan and in Article 79.5 of this Code.

80.4. In case documentation on expulsion from the territory of the Republic of Azerbaijan is delayed or there is other valid reason impeding timely execution of decision on expulsion, the court of first instance, located in the area of relevant executive authority, reviews cases on extension of expulsion period upon justified application of the same authority.

80.5. Information inquiries are sent and necessary information is obtained through the relevant databases, if there is necessity to run verification on identities of foreigners and stateless persons to be expelled from the territory of the Republic of Azerbaijan.

80.6. In case foreigners and stateless persons do not possess any identification documents (due to loss, hiding, etc.), relevant documentation is carried out and measures are taken towards verification of their identities by applying directly in case there is a relevant agreement between competent government authorities of foreign countries in the directions set forth in Article 81.1 of this Code and in all other cases via relevant executive authority.

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

80.8. The relevant executive authority sends written information to the relevant executive authority on expulsion of foreigners or stateless persons from the territory of the Republic of Azerbaijan in advance. When foreigners or stateless persons are expelled from the Republic of Azerbaijan, they are escorted by the representatives of the relevant executive authority till the border checkpoints of the Republic of Azerbaijan and handed over to the employees of the relevant executive authority at the crossing points of the state border.

80.9. Expulsion of foreigners and stateless persons from the Republic of Azerbaijan is carried out at their own expense. In case these persons do not possess resources for expulsion, these expenses are covered by individuals, authorities, institutions or organizations receiving them, and if the receiving party is not available, 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 entered in the “Entry-Exit and Registration” Interagency Automated Data-Search System.

80.11. Recordkeeping of the foreigners and stateless persons expelled from the Republic of Azerbaijan is conducted via the Unified Migration Information System.

Article 81. Destinations for expulsion from the territory of the Republic of Azerbaijan

81.1. Expulsion of foreigners and stateless persons from the territory of the Republic of Azerbaijan is implemented in the following directions:

81.1.1. A foreigner – to the country of citizenship, or if it is not possible, to the country from which he/she directly arrived in the Republic of Azerbaijan;

81.1.2. A stateless person – to the country of previous residence, to the country

from which he/she directly arrived in the Republic of Azerbaijan, to the country that is willing to accept him/her and made a request in this regard;

81.1.3. A person with dual citizenship – to the country of permanent residence or the country he/she has closer ties with.

81.2. The relevant executive authority informs abovementioned destinations on the expulsion case through the relevant executive authority.

## **CHAPTER 15**

### **LIABILITY**

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

82.1. Juridical and physical persons violating rules defined by this Code on entry to the Republic of Azerbaijan, exit from the Republic of Azerbaijan, temporary stay, temporary or permanent residence, labor activities of foreigners and stateless persons on the territory of the Republic of Azerbaijan, as well as rules of employment of the citizens of Republic of Azerbaijan in foreign countries bear liability in a way envisaged by the law.

82.2. Officials of state authorities, who violate the requirements of this Code, bear liability in a way envisaged by the law.

82.3. Persons who are guilty for organizing illegal entry of foreigners or stateless persons to the Republic of Azerbaijan, their illegal stay and residence in the Republic of Azerbaijan, illegal transit through the territory of the Republic of Azerbaijan, as well as illegal employment of foreigners or stateless persons bear liability in a way envisaged by the law.

82.4. Foreigners or stateless persons previously expelled from the Republic of Azerbaijan on administrative or compulsory order and whose entry has been restricted for a certain period, and who enter the country intentionally making changes to their documents in that period, bear liability in a way envisaged by the law.

82.5. Persons collecting, holding and hiding passports or other identification documents of foreigners or stateless persons, for the purpose of involving them in labor activity, bear liability in a way envisaged by the law.