

**The Law of the Republic of Azerbaijan**  
**On Legal Status of Foreigners and Stateless persons**

**Chapter I. General Provisions**

**Article 1. The objective of the Law .**

The present Law regulates public relations, arising in connection with legal status of Foreigners and stateless persons.

**Article 2. Principal Concepts**

**Foreigners** - persons who are not citizens of the Republic of Azerbaijan but who possess citizenship of another country

**Stateless persons** - persons who are not citizens of the Republic of Azerbaijan and who do not have citizenship of other countries.

**Immigration** – admission of foreigners and stateless persons to the Republic of Azerbaijan for permanent residence in the order established by the Law on Immigration.

**Immigrant** - is a foreigner or stateless persons who was issued a permanent residence permit in order established by the Law on Immigration.

Foreigners or stateless persons who were issued permission for temporary residence in the Republic of Azerbaijan shall be recognized as **persons temporarily residing** in the Republic of Azerbaijan.

Foreigners and stateless persons arriving in the Republic of Azerbaijan for other purposes (tourism, private business, business mission or similar trips of temporary nature) are considered **persons temporarily sojourning** in the Republic of Azerbaijan.

**Article 3. Legislation on Legal Status of Foreigners and Stateless Persons**

Legal status of foreigners and stateless persons is defined by the Constitution of the Republic of Azerbaijan, the present Law, the Law of "On Entry/Exit and on Passports" and by other legislative acts of the Republic of Azerbaijan adopted in relation with these laws, as well as by international treaties of the Republic of Azerbaijan.

**Article 4. Principles of Legal Status of Foreigners and Stateless Persons**

Foreigners and stateless persons enjoy all rights and freedoms and perform all duties on equal basis with citizens of the Republic of Azerbaijan, if other isn't foreseen by the Constitution of the Republic of Azerbaijan, by present Law and by other legislative acts of RA, and international treaties of the Republic of Azerbaijan.

Realization of rights and freedoms of foreigners and stateless persons shall not contradict to national interests of the Republic of Azerbaijan. Foreigners and stateless persons shall observe

requirements of the Constitution of the Republic of Azerbaijan, laws and other legislative acts of the Republic of Azerbaijan, respect customs and traditions of the Azerbaijan people.

In case if a foreign country restricts the rights and freedoms of citizens of the Republic of Azerbaijan on its territory, adequate restrictions could be established by the Republic of Azerbaijan in relation to citizens of this country on the territory of the Republic of Azerbaijan. These restrictions shall be abrogated in case of elimination of causes which served as a ground for adoption of such restrictions.

Foreigners and stateless persons are equal before the Law and Court of the Republic of Azerbaijan, irrespective of their social, property status, their racial and national affiliation, sex and language, attitude towards region, type and nature of business and other circumstances.

Rights and freedoms of foreigners and stateless persons residing on the territory of the Republic of Azerbaijan can be restricted only according to the order established by Part 2, article 69 of the Constitution of the Republic of Azerbaijan.

#### **Article 5. Temporary or permanent residence and temporary sojourn of foreign citizens and stateless persons on the territory of the Republic of Azerbaijan.**

Foreigners and stateless persons can be admitted to the Republic of Azerbaijan for **permanent or temporary residence** as well **for temporary sojourn** in the order established by the legislation of the Republic of Azerbaijan.

Foreigners and stateless persons shall obtain permission for temporary residence in the Republic of Azerbaijan from the relevant executive body in the order established by the legislation of the Republic of Azerbaijan.

Temporary residence permit is issued to foreigners and stateless persons in the following cases:

- if these individuals are in close family relationship with the citizens of the Republic of Azerbaijan;
- if these individuals are married to nationals of the Republic of Azerbaijan;
- if these individuals make an investment to the state economy in the amount determined by the relevant executive body;
- if these individuals make deposits to banks of the Republic of Azerbaijan in the amount determined by the relevant executive body;
- if these individuals receive individual permits for employment, in an established order, in the Republic of Azerbaijan;
- if these individuals are studying in the educational institutions (full time resident basis) of the Republic of Azerbaijan;
- if these individuals are high skilled specialists in the sphere of economy, industry, defence; science; culture; sport or other spheres

- other cases provided by the legislation

In the following cases, permission for the temporary residence can be denied to foreigners or stateless persons or earlier issued permission can be cancelled:

- If their temporary residence in the Republic of Azerbaijan may constitute threat to the national security and to the public order of the Republic of Azerbaijan
- If these individuals provide false documents or false evidences to obtain permissions for the temporary residence in the Republic of Azerbaijan;
- If these individuals lack documents certifying their identity;
- If these persons are infected with diseases envisaged in the list of serious infectious diseases approved by the Cabinet of Ministers;
- If these individuals were earlier deported from the Republic of Azerbaijan;
- If marriages of these individuals which served a basis for obtaining permission for the temporary residence were proved illegal;
- If these individuals left the Republic of Azerbaijan for residence in another state;
- If residence of these individuals in the Republic of Azerbaijan is not desirable.
- Other cases established by the Law

Temporary residence permit is valid for 1 year and can be cancelled or extended for the term not more than one year, for up to 4 times by the relevant executive body, provided there are valid reasons for extensions.

Rules for permission for temporary residence on the territory of the Republic of Azerbaijan are established by the relevant executive body.

Foreigners or stateless persons temporary residing on the territory of the Republic of Azerbaijan not less than for 2 years can be issued permanent residence permit in the order established by the Law of the Republic of Azerbaijan on Immigration. (immigrant status)/

Foreigners and stateless persons, permanently or temporary residing in the Republic of Azerbaijan, shall be registered according to the place of residence in the order established by the legislation.

Foreigners or stateless persons staying in the Republic of Azerbaijan on other legal basis shall be considered as temporary sojourning in the Republic of Azerbaijan.

Foreigners or stateless persons, temporary sojourning on the territory of the Republic of Azerbaijan, shall be registered according to the place of their residence or sojourn in the legislative order, and shall leave the territory of the Republic of Azerbaijan upon the expiration of their terms of stay.

The right for permanent residence on the Republic of Azerbaijan shall not be granted to foreigners or stateless persons who are victims of trafficking and whose identity cannot be established. The indicated persons shall be expelled from the territory of the Republic of Azerbaijan in the administrative order.

#### **Article 6. Provision of Political Asylum**

The Republic of Azerbaijan grants political asylum to foreigners or stateless persons in accordance with its Constitution and legislation.

#### **Article 7. Provision of Refugee Status**

Foreigners and stateless persons are entitled to Refugee Status by the Law of the Republic of Azerbaijan "On the Status of Refugees and Displaced Persons" (persons displaced within the country) and international treaties adherent to the Republic of Azerbaijan.

#### **Article 8. Acquisition of the Citizenship of the Republic of Azerbaijan**

Foreigners and stateless persons can obtain the citizenship of the Republic of Azerbaijan in the order established by the Constitution of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan "on Citizenship of the Republic of Azerbaijan".

### **Chapter II. Rights, Freedoms and duties of foreigners and stateless persons**

#### **Article 9. Right of Inviolability.**

Foreigners and stateless persons residing on the territory have the rights of personal and housing inviolability in compliance with the Constitution of the Republic of Azerbaijan and other legislative acts of the Republic of Azerbaijan.

Foreigners and stateless persons arrested in compliance with the order established by Laws of the Republic of Azerbaijan, shall immediately be informed on the circumstances which became the cause of these actions and on their rights.

A body or official arresting an Foreigner or a stateless person who temporarily is on the territory of the Republic of Azerbaijan, must immediately inform the Ministry of Foreign Affairs of the Republic of Azerbaijan on this fact.

#### **Article 10. Right to move and choose the place of residence on the territory of the Republic of Azerbaijan**

Foreigners and stateless persons can move and choose the place of residence on the territory of the Republic of Azerbaijan in the order established by the Law of the Republic of Azerbaijan.

#### **Article 11. Right to Work**

Foreigners and stateless persons have similar rights and bear analogous duties in labor relations along with citizens of the Republic of Azerbaijan, if otherwise is not qualified by the legislation of the Republic of Azerbaijan and international treaties of the Republic of Azerbaijan.

Foreigners and stateless persons arriving in the Republic of Azerbaijan for labor activity for definite time can be engaged in labor activity in compliance with the established order.

In cases, if occupation of definite positions and definite types of activity shall be stipulated by the citizenship of the Republic of Azerbaijan. Foreigners and stateless persons can not occupy such positions and deal with such business.

#### **Article 12. Right of Investment and Entrepreneur Activity**

Foreigners and stateless persons can deal with investment and entrepreneur activity according to the order established by the legislation of the Republic of Azerbaijan. In that case they have rights and duties established for the citizens of the Republic of Azerbaijan, if otherwise is not qualified by the legislation of the Republic of Azerbaijan.

#### **Article 13. Right to Marriage and Family Relations**

Foreigners and stateless persons can get married and dissolve their marriages with citizens of the Republic of Azerbaijan and other persons.

Foreigners and stateless persons in marital and family relations have rights and duties on equal grounds with citizens of the Republic of Azerbaijan.

#### **Article 14. Right to Rest**

Foreigners and stateless persons have a right to rest on equal grounds with citizens of the Republic of Azerbaijan.

#### **Article 15. Right to Health Protection**

Foreigners and stateless persons have a right to health protection according to the order established by the legislation of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

#### **Article 16. Right to Social Security**

Foreigners and stateless persons have a right to social security according to the legislation of the Republic of Azerbaijan and international treaties of the Republic of Azerbaijan.

In case if a record of service is required to determine an amount of pension, work of foreigners and stateless persons abroad can be entered in a record of service in the order established by the legislation of the Republic of Azerbaijan and international treaties adherent of the Republic of Azerbaijan

#### **Article 17. Right to Lodging**

Foreigners and stateless persons permanently residing in the Republic of Azerbaijan have a right to get a lodging from the state, department and public funds on the grounds and according to the order, established for citizens of the Republic of Azerbaijan, if other is not established by the legislation of the Republic of Azerbaijan.

### **Article 18. Freedom of Conscience**

Foreigners and stateless persons are entitled to have freedom of conscience on equal grounds with citizens of the Republic of Azerbaijan.

Foreigners and stateless persons are not allowed to carry out religious propaganda.

### **Article 19. Right to Education**

Foreigners and stateless persons permanently residing in the Republic of Azerbaijan have a right to get education on the equal grounds with citizens of the Republic of Azerbaijan. For foreigners and stateless persons residing in the Republic of Azerbaijan on other grounds, education is paid (except for mandatory secondary education), if other is not envisaged by laws of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

### **Article 20. Right to Join Public Unions**

Foreigners and stateless persons permanently residing in the Republic of Azerbaijan have a right to join public unions on equal grounds with citizens of the Republic of Azerbaijan, if other wise is not qualified by laws of the Republic of Azerbaijan and by Charters of relevant unions.

Foreigners and stateless persons can't be members of political parties of the Republic of Azerbaijan.

### **Article 21. Participation in Elections and National Voting (Referendums)**

Foreigners and stateless persons do not have passive or active voting rights, except otherwise is provided by the legislation of the Republic of Azerbaijan

### **Article 22. Attitude to Military Service**

Foreigners and stateless persons do not bear military duties.

### **Article 23. Tax and Customs Levy on Foreigners and Stateless Persons**

Tax and Customs levy on foreigners and stateless persons is fulfilled on the ground of laws of the Republic of Azerbaijan and international agreements of the Republic of Azerbaijan.

## **Chapter III. Responsibilities of Foreigners and Stateless Persons**

### **Article 24. Principles of Responsibility of Foreigners and Stateless Persons**

Foreigners and stateless persons committing a criminal offence and other delinquencies bear responsibility according to the order established by the legislation of the Republic of Azerbaijan.

### **Article 25. Responsibility for Infringement of Rules of Stay (Sojourn) and Transit through the territory of the Republic of Azerbaijan**

When Foreigners and stateless persons commit the following infringements of stay on the territory of the Republic of Azerbaijan, they bear a responsibility according to the order established by the legislation of the Republic of Azerbaijan:

- unavailability of appropriate documents for the stay on the territory of the Republic of Azerbaijan;
- residence on the territory of the Republic of Azerbaijan on the basis of invalid documents;
- non-observance of the Regulations of movement, selection of the place of residence and registration;
- infringement of regulations when getting an employment;
- ill-timed leaving the territory of the Republic of Azerbaijan on expiring the time of their stay;
- non-observance of regulations of transit through the territory of the Republic of Azerbaijan.

#### **Article 26. Reduction of Terms of Sojourn in the territory of the Republic of Azerbaijan**

When foreigners and stateless persons infringe the requirements of the legislation of the Republic of Azerbaijan, terms of their sojourn on the territory of RA can be reduced.

Decisions on reduction of terms of presence of foreigners and stateless persons in the Republic of Azerbaijan shall be adopted by the relevant state bodies.

#### **Article 27. Expelling of foreigners and stateless Persons out of the boundaries of the Republic of Azerbaijan**

In cases of harsh infringement of the requirements of the legislation of the Republic of Azerbaijan on legal status of foreigners and stateless persons, as well as in other cases envisaged by the legislation of the Republic of Azerbaijan, foreigners and stateless persons, not possessing immigrant status, can be expelled out of the boundaries of the Republic of Azerbaijan in the order established by the legislation of the Republic of Azerbaijan based on decision of the relevant executive bodies and of the court.

The rules for expelling of foreigners and stateless persons, not possessing immigrant status, are established by the relevant executive body.

Foreigners or stateless persons, not possessing immigrant status, shall leave the territory of the Republic of Azerbaijan within the period indicated in the decision on their expelling from the territory of the Republic of Azerbaijan. Foreigners or stateless persons, not holding immigrant status, deviating from leaving the territory of the Republic of Azerbaijan, shall be apprehended on the basis of the decision of the relevant court (judge) and forcibly expelled out of the boundaries of the Republic of Azerbaijan.

Decision on expelling of foreigner or stateless person, not holding an immigrant status, can be appealed in the court. Appeal does not suspend the execution of the decision.

Foreigners and stateless persons, who are subject to expelling from the Republic of Azerbaijan on the basis of the established rules, must undergo finger-print registration.

In accordance with the article 52 of the Penal Code of the Republic of Azerbaijan, foreigners and stateless persons can be forcibly expelled out of boundaries of the Republic of Azerbaijan.

If foreigner or stateless person, not having an immigrant status, are recognized as victims of trafficking, the rule on expelling out of the boundaries of the Republic of Azerbaijan in administrative order, shall not apply against them during one year. If the victim of trafficking is involved in provision of assistance relating to investigation of crimes related to criminal prosecution of traffickers, he/she shall be not be expelled out of the boundaries of the Republic of Azerbaijan upon expiration of this period until the end of the criminal investigation. Expelling procedure shall not apply against children – victim of trafficking.

Foreigners or stateless persons who are subject to expelling out of the boundaries of the Republic of Azerbaijan, can be voluntarily settled in centers for illegal migrants of the relevant executive body, until the execution of the decision on their expelling.

#### **Article 27.1 Expelling of immigrant out of the boundaries of the Republic of Azerbaijan**

Expelling of immigrants out of the boundaries of the Republic of Azerbaijan shall be executed in the order established by the Law on Immigration of the Republic of Azerbaijan.

### **Chapter IV. Final Provisions.**

#### **Article 28. International Treaties**

If an international treaty of the Republic of Azerbaijan stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply.

#### **Article 29. Use of the Law in regard to persons having diplomatic immunity and privileges**

The present Law shall not regulate rights of persons, who are having diplomatic immunity and privileges under international treaties of the Republic of Azerbaijan.

President of the Republic of Azerbaijan

Heydar Aliyev

Baku, March 13, 1996.

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#### ***With the following amendments:***

5 December 2001 – No 183 IIQD  
12 October 2001 – No 203 IIQD  
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26 April 2002 - No 313 IIQD  
4 June 2002 – No 339 IIQD  
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30 December 2005 – N51 – IIIQD  
27 February 2007 – No 251 IIIQD  
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