

Approved by Decree of the President of the  
Azerbaijan Republic dated November 13, 2000

## **RULES TO EXAMINE APPLICATIONS FOR REFUGEE STATUS**

These rules are prepared in accordance with the Constitution of the Azerbaijan Republic, the Law of the Azerbaijan Republic “On Status of Refugees and Internally Displaced People (persons that have been displaced within the country)”, the UN Convention 1951 On Refugee Status and its Protocol dated 1967, the Presidential Decree # 148 dated July 8, 1999, as well as with other legislative acts of the Azerbaijan Republic. These rules establish arrangements for examination of applications for refugee status in the Azerbaijan Republic.

1. A foreign citizen or a stateless person who intend to get refugee status in the Azerbaijan Republic shall apply at checking points, as well as in the territory of the country, directly or through state bodies (Ministry of Internal Affairs, Ministry of National Security, State Border Service and their structural subdivisions, as well as local executive authorities) to the State Migration Service.

A person who does not have appropriate identification documents or grounds for legal entry into the territory of the Azerbaijan Republic and intends to get refugee status shall pass the procedures of identification and dactyloscopy, if needed, to be organized by bodies of internal affairs in accordance with international legal norms, and shall remain in a temporary settlement center until the information provided by such person is verified. The Ministry of Foreign Affairs of the Azerbaijan Republic shall be immediately informed about such persons.

Structural subdivisions of the Ministry of Internal Affairs, Ministry of National Security and the State Border Service, as well as local executive authorities shall within three days send an application of a person intending to get refugee status to the State Migration Service.

A person who applies for refuge status shall:

- fill out special form pointing out the reasons of his/her request for refugee status;
- provide the information about his/her country, place of birth, marital status pointing out personal information, as well as the information about family members (including persons under his/her custody or guardianship); and
- submit a travel document and identification document (passport, travel ID etc.) to the State Migration Service.

Absence of the above-mentioned documents shall not affect a decision to be made on provision of a refugee status.

If a person is not able to apply on his/her own due to health or other reasons, he/she may submit the application together with relevant medical documents through his/her authorized representative (guardian, lawyer etc.).

2. A person, who intends to get refugee status, shall be familiarized with the Law of the Azerbaijan Republic “On the Status of Refugees and Internally Displaced People” and with these rules to be presented by the state body he/she has applied to.

3. The State Migration Service that receives application of a person intending to get refugee status, shall immediately register the application and make a decision on examination or rejection of the application, based on results of an interview with that person.

Decision to examine the application serves as a ground for legal temporary stay of a person within the Azerbaijan Republic.

The information on the persons recognized as a refugee is included into the entry-exit and registration inter structural search-information database.

4. In case if a person’s application for refugee status is rejected from examination, the State Migration Service or its local bodies shall within 5 days provide such person with written notice about this, which shall also describe arrangements for appeal against the decision.

The notice about rejection shall be at the same time sent to the Ministry of Internal Affairs, the Ministry of National Security and the State Border Service.

5. When taking decision to examine a person’s application for refugee status, the State Migration Service shall, within 24 hours prior to examination of the application, give the applicant and members of his/her family temporary identification certificates of special type.

Information about family members under the age of 16 shall be pointed in the identification certificate of one of the parents. If parents are absent, such information shall be pointed in the identification certificate of custodian, or of one of the relatives, who is 18 and who voluntarily undertakes responsibility for behavior, care and custody.

A person under 16, who intends to get refugee status and arrives to the Azerbaijan Republic without parents and custodian, shall also be given the temporary certificate.

6. A person who applied for refugee status and members of his/her family who arrived together with the applicant shall – upon request of health and sanitary-epidemiological control agencies – pass obligatory medical examination and, if necessary, sanitary procedures, laboratory examination and vaccination free of charge.

7. Authorized employees of the State Migration Service shall interview a person who applies for refugee status.

The interview shall be conducted individually and its content shall not be disclosed.

8. During an interview a person has to inform about facts that reveal the reasons of his/her request for refugee status, as well as about places of his/her residence, travel routes, reasons for stops in the territories of other states and whether he/she applied for refugee status in those states or not, and other necessary facts.

9. If a person, who intends to get refugee status, refuses to provide information about himself/herself or gives false information about reasons of his/her request for refugee status, then the examination of his/her application shall be seized at different stages, and such person shall be rejected a refugee status in accordance with existing legislation.

10. All information provided by an applicant about himself/herself and his/her family, as well as everything said during an interview shall be pointed in the questionnaire.

11. Application and questionnaires of a person who applied for refugee status, his/her medical document about preventive examination, as well as other documents shall constitute an aggregate package of documents in his/her personal file.

12. The State Migration Service shall review personal file of a person intending to get refugee status and send a copy of the personal file to the Ministry of Internal Affairs and the Ministry of National Security within one month from registration of the application.

The Ministry of Internal Affairs and the Ministry of National Security shall within one month undertake relevant verifications upon the personal file and inform the State Migration Service about results.

13. The State Migration Service shall, within 3 months from registration of an application, decide whether an applicant shall be given or rejected a refugee status, and send a written notice to the applicant and to the Ministry of Internal Affairs within 5 days after decision is made. In case of rejection a written notice shall point at the right to appeal against such decision in administrative procedure and/or in court.

14. The State Migration Service shall send a copy of decision to the Resident Representation of UNHCR in the Azerbaijan Republic not later than within 5 days.

15. The State Migration Service shall provide a person, who acquired refugee status, as well as members of his/her family with "Refugee ID" and travel document, which allows traveling outside the Azerbaijan Republic.

When providing a person with "Refugee ID", the State Migration Service shall take from him/her the temporary certificate about examination of his/her application for refugee status, and incorporate it in this person's personal file.