

**CABINET OF MINISTERS OF
THE REPUBLIC OF AZERBAIJAN**

D E C I S I O N

№ 267

December 3, 2008

On confirmation of “The Rules on voluntary placement of foreigners and stateless persons who are subject to expulsion out of the boundaries of the Republic of Azerbaijan in the custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants”

On confirmation of “The Rules on voluntary placement of foreigners and stateless persons at the custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants who are subject to expulsion out of the boundaries of the Republic of Azerbaijan”

«Cabinet of Ministers of the Republic of Azerbaijan ENACTS for the purpose of warranting the implementation of Clause 4.9 of Decree 805 of the 5th of August, 2008, issued by the President of the Republic of Azerbaijan “On invocation of Law 658-IIIQD of the 24th of June, 2008 of the Republic of Azerbaijan” on development of the system of managing the migration and “Making annexes and amendments to some legislative acts of the Republic of Azerbaijan:

1. To confirm “The Rules voluntary placement of foreigners and stateless persons at the custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants who are subject to expulsion out of the boundaries of the Republic of Azerbaijan”. (enclosed)
2. This ordinance is effective from the date of its signing.

Prime Minister of the Republic of Azerbaijan Arthur Rasizade

Confirmed by Ordinance 267 of the 3rd of December, 2008 of Cabinet of Ministers of the Republic of Azerbaijan.

The Rules on voluntary placement of foreigners and stateless persons at the custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants who are subject to expulsion of the boundaries of the Republic of Azerbaijan

1. These Rules have been prepared in pursuance of the implementation of the implementation of Clause 4.9 of Decree 805 of the 5th of August, 2008, issued by the President of the Republic of Azerbaijan "On invocation of Law 658-IIIQD of the 24th of June, 2008 of the Republic of Azerbaijan" on development of the system of managing the migration and "Making annexes and amendments to some legislative acts of the Republic of Azerbaijan and fixes the rules on voluntary placement of foreigners and stateless persons (hereinafter referred to as "foreigners and stateless persons") at the custody centers (hereinafter referred to as "custody centers") of State Migration Service of the Republic of Azerbaijan for illegal migrants who are subject to expulsion out of the boundaries of the Republic of Azerbaijan.

2. The foreigners and stateless persons who are subject to expulsion out of the boundaries of the Republic of Azerbaijan can be accommodated voluntarily at custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants in an order fixed by law and during the period stipulated in the Codes of Administrative Infraction, Execution of Criminal Penalties and Migration of the Republic of Azerbaijan:

2.1 The foreigners and stateless persons evading to leave the territory of the Republic of Azerbaijan are detained according to the decision of court on the ground of appeal of State Migration Service of the Republic of Azerbaijan and are accommodated at the custody centers of State Migration Service of the Republic of Azerbaijan for illegal migrants in an order fixed by law until their departing out of the boundaries of the Republic of Azerbaijan.

3. The foreigners and stateless persons can be accommodated and kept under custody voluntarily at custody centers of State Migration Service of the Republic of Azerbaijan in the following cases:

- in the case of lawsuit or conforming legal decision in regard to them on going out of the boundaries of the Republic of Azerbaijan;

- if a decision on consideration of petition for granting the status of "refugee";

- in the case of revealing by the officers of State Migration Service of the Republic of Azerbaijan the illegal entrance of foreigners and stateless persons to the territory of the country:

- in the other cases envisaged by the legislation.

4. The foreigners and stateless persons accommodated and deployed voluntarily at custody centers are registered at custody centers.

5. Welfare supporting (the rooms equipped with household appliances, three-time nutrition during a day, as well as creating inland and international telephone communication) of foreigners and stateless persons accommodated and deployed voluntarily at custody centers of State Migration Service of the Republic of Azerbaijan is carried out by the State Migration Service of the Republic of Azerbaijan pursuant to the applicable law.

6. The free movements of foreigners and stateless persons accommodated and deployed voluntarily at custody centers are secured. These persons have a right to go out and enter the custody centers within a defined period during a day.

7. The foreigners and stateless persons accommodated and deployed voluntarily at custody centers are provided with free legal service and updated about the legislation of the Republic of Azerbaijan in the field of migration.

8. A necessary medical care is provided to the foreigners and stateless persons accommodated and deployed voluntarily at custody centers for protecting their health in an order, stipulated by the legislation, and the foreigners and stateless persons being the victims of human trafficking are provided with medical, psychological or other necessary assistance.

9. The information about the foreigners and stateless persons accommodated and deployed voluntarily at custody centers is entered in Integrated Migration Information System of State Migration Service of the Republic of Azerbaijan.