

DECREE
OF THE PRESIDENT OF AZERBAIJAN REPUBLIC
ON ESTABLISHMENT OF STATE MIGRATION SERVICE
OF AZERBAIJAN REPUBLIC

According to the part 7 of the 109th article of Constitution of Azerbaijan Republic in order to implement state policy on migration, to develop the management system, to regulate and prognosticate migration processes, to coordinate activities of proper state organs on this field, I hereby decree:

1. To establish State Migration Service of Azerbaijan Republic.
2. To confirm the regulation on “State Migration Service of Azerbaijan Republic”
3. To charge Cabinet of Ministers during one month with:
 - 3.1. To make proposals on structure of, cost estimation and numerical strength of the staff and submit to the President of Azerbaijan Republic;
 - 3.2. To settle the problems regarding providing an appropriate building, material and technical basis for the organization of activities of State Migration Service;
 - 3.3. To formulate proposals on bringing legislative acts in force to conformity with the present Decree and submit them to the President of Azerbaijan Republic.
 - 3.4. To ensure the correspondence of normative legal acts of Cabinet of Ministers of Azerbaijan Republic and proper central administrative organs to this decree and give information about this to the president of Azerbaijan Republic.
 - 3.5. To solve other issues arising from the present Decree.
4. To define the proper central administrative organs for the execution of duties shown in “Regulation on State Migration Service of Azerbaijan Republic” until State Migration Service of Azerbaijan Republic begins its activities.
5. Present Decree shall come into force from the day of its publication.

Ilham Aliyev
The president of Azerbaijan Republic

Baku, 19 March 2007

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Approved by the President of
Azerbaijan Republic with his
decree on 19 March 2007.

Regulation

on State Migration Service of Azerbaijan Republic

I. General provisions

1. State Migration Service of Azerbaijan Republic (afterwards will be called State Migration Service) is a central executive power organ which realizes its responsibilities on implementation of state migration policy, control and regulation of the migration processes defined by legislation of Azerbaijan Republic.
2. State Migration Service shall be governed in its activity by the Constitution of the Republic of Azerbaijan, Acts of the Republic of Azerbaijan, Decrees and Orders of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, this Regulation.
3. Migration Service cooperate with central and local administrative authorities and local self-government organs as well as international and non-governmental organizations while carrying on its responsibilities and using its rights.
4. State Migration Service sets up its activities on the basis of respect of the rights of people and citizens, legislation and humanism principles.
5. State Migration Service shall be entitled to have its independent balance, state property, treasury and bank accounts, seal bearing the image of the National Emblem of the Republic of Azerbaijan and its name on it, and special papers for official correspondence.
6. State Migration Service shall be funded by the assets of the State Budget of the Republic of Azerbaijan, as well as other sources provided by the legislation of the Republic of Azerbaijan.
7. State Migration Service shall be located in the city of Baku.

II. Activity directions of the State Migration Service

8. Activity directions of the State Migration Service are following:

- 8.1. Participate on formalization of joint state policy on migration and ensure implementation of this policy and coordinate activity of the organs of concern in this field;
- 8.2. Control and regulate migration processes within its authority;
- 8.3. Realize state control over migration processes;
- 8.4. Ensure implementation of legislation of Azerbaijan Republic on immigration and participate in regulation of emigration and internal migration;
- 8.5. Prepare and implement measures for preventing illegal migration together with state organs of concern;
- 8.6. Participate in the issues on granting citizenship of Azerbaijan Republic and political asylum;
- 8.7. Ensure implementation of Azerbaijan legislation on refugees (asylum seekers).
- 8.8. Provide implementation of unified report system and monitoring;
- 8.9. Ensure the implementation of responsibilities undertook by Azerbaijan Republic about the issues regulated according to international treaties those Azerbaijan Republic joined and within authority of State Migration Service;
- 8.10. Realize activities on other directions defined by legislation.

III. Duties of the State Migration Service

9. State Migration Service carries on following duties defined by this Regulation:
 - 9.1. Formulate the main trends of activity of the state policy on migration field and ensure the implementation of them together with state organs of concern;
 - 9.2. Analyze and forecast the immigration, emigration and internal migration processes and take measures for regulating them and prepare proposals;
 - 9.3. Realize monitoring on migration and take measures according to the results;
 - 9.4. Carry on normative regulation on migration sphere within its authorities;
 - 9.5. Coordinate activities of central and local executive organs;
 - 9.6. Register invitations of foreigners and stateless persons who want to live in Azerbaijan Republic more than defined time by the legislation and to solve the issues on prolonging term of temporary living and visas in Azerbaijan Republic if there would be such bases defined by legislation;
 - 9.7. To grant temporary living permission and immigrant status for permanent living to foreigners and stateless persons within the order defined by legislation;
 - 9.8. Take proper measures on depriving immigration status of the foreigners and stateless persons according to the rules defined by legislation;
 - 9.9. Within its authorities to keep control and make sure that temporary stay of the foreigners and stateless persons as well as temporary and permanent living rules are followed;
 - 9.10. Participate in taking measures on regulation of foreign labor migration processes;
 - 9.11. Prepare proposals together with the state organs of concern on immigration quota as well as attraction of foreign labor force into the state territory.
 - 9.12. Carry out verifications at the working places of labor migrants and analyze if they have proper status and individual permissions;

- 9.13. Take measures on providing foreigners and stateless persons with the legal information about staying and living conditions in Azerbaijan Republic.
- 9.14. Establish necessary conditions for social protection of migrants within its authorities and take measures on their adaptation to the local conditions, protect their rights;
- 9.15. Register the citizens of Azerbaijan Republic which for temporary or permanent term moves to foreign countries; in association with state organs of concern cooperate with proper organs of foreign countries for protection their rights and interests, to participate on the implementation of support of state policy directed to citizens of Azerbaijan Republic living in foreign countries;
- 9.16. Define violation cases of the legislation on migration; deliver information about them to the “Enter and Exit” Automatic Information Research System (AIRS) and take measures together with state organs of concern for determination illegal migrants;
- 9.17. Make decision on the expulsion of foreigners and stateless persons out of the borders of Azerbaijan Republic and on the prohibition of return of these persons for certain period within the order and rules defined in the legislation and deliver it state organs of concern for ensuring its implementation, supervise its implementation;
- 9.18. Accept applications of individuals living in Azerbaijan Republic for acquirement, termination and restoration of citizenship; submit gathered documents of the applicants and references of state organs of concern to the president;
- 9.19. Participate in granting political asylum to the foreigners and stateless persons within the order defined by the legislation;
- 9.20. Grant refugee (asylum seeker) status and issue affirmative document for this status within the order defined by the legislation; accept asylum seekers and temporary settle and register them; take measures on revoking refugee status; participate in repartition of refugees;
- 9.21. Establish and apply centralized report system which pertains to the authorities of the State Migration Service as well as joint information system on migration, provide its integration to the AIRS and State Register of the Population of Azerbaijan Republic;
- 9.22. Carry on statistical calculation on the field of migration;
- 9.23. Participate within its authorities in the fulfillment of international treaties on the migration sphere to which Azerbaijan Republic has joined, ensure the fulfillment of international obligations of Azerbaijan Republic;
- 9.24. Participate at the conclusion of international treaties of Azerbaijan Republic on readmission;
- 9.25. Provide application of scientific- technical achievements to the system of State Migration Service by observing international practice;
- 9.26. Ensure efficient utilization of the budget of State Migration Service, credits, grants and other financial sources corresponding their appointments.
- 9.27. Arrange the calculation of material and financial resources in State Migration Service; supervise their application, take measures for improvement of activities of the structural sections;

- 9.28. Take measures for protection of state secret and confidentiality according to legislation as well as security measures regarding activity directions;
- 9.29. Ensure the preservation and protection of archive document in defined order within its authorities;
- 9.30. Arrange the application of new informational and communicational technologies in the system of State Migration Service;
- 9.31. Continuously control the activity of the bodies of the system of State Migration Service and professional trainings of the officers and take necessary measures, ensure the improvement of level of the professionalism of officers, attract and send them to the appropriate courses and trainings;
- 9.32. Take measures on improvement of the structure and activity of the State Migration Service within its authorities;
- 9.33. Control the fulfillment of labor functions of State Migration Service's officers;
- 9.34. Ensure the review and adaptation of the suggestions, applications and complaints of the citizens of Azerbaijan republic as well as foreigners and stateless persons, reply on time and through internet web site to the entered applications, take other measures within the order defined by the legislation;
- 9.35. Fulfill other duties mentioned in the legislation corresponding the directions of activities.

IV Rights of the State Migration Service

- 10. State Migration Service has the following rights for the fulfillment its duties:
 - 10.1. Prepare or participate in preparation process of projects on state programs and legislation acts;
 - 10.2. Make necessary decisions, orders, decrees and accept rules, instructions, regulations about the activities of State Migration Service central body and regional and other agencies under its subjection;
 - 10.3. Investigate the facts and documents of applications of foreigners and stateless persons for temporary staying in Azerbaijan Republic, temporary or permanent living, as well as granting citizenship of Azerbaijan Republic and political asylum, demand additional information from proper state organs in necessary conditions;
 - 10.4. Give individual permissions to the labor migrants for working in the country and provide reference to citizens of Azerbaijan Republic for getting a job abroad;
 - 10.5. Establish migration services in the border check points of Azerbaijan Republic in order to give information to foreigners and stateless persons about the rules of staying and living in Azerbaijan Republic;
 - 10.6. Demand appropriate information from state organs of concern about citizens of Azerbaijan Republic who migrated to foreign countries for registering them;
 - 10.7. Conduct researches, analysis, briefings on migration sphere, prepare analytical and methodical materials, make suggestions;

- 10.8. Take part in arranging training courses on Constitution of Azerbaijan Republic, Azerbaijani language, history and culture in association with state organs of concern for individuals who want to receive immigrant status as well as citizenship of Azerbaijan Republic;
- 10.9. Attract the non-governmental organizations for participation in the adaptation process of migrants to the local conditions;
- 10.10. Get information from state organs of concern about the implementation of the decisions on expulsion of foreigners and stateless persons from the territories of Azerbaijan Republic;
- 10.11. Apply to the court on the issues of deprivation foreigners and stateless persons of the immigrant and refugee status and expulsion from Azerbaijan Republic;
- 10.12. Make suggestions about the joining of Azerbaijan Republic to the international treaties on migration sphere;
- 10.13. Corporate with the appropriate international organizations, state organs of concern of foreign states within the order defined by the legislation, learn from proper experience of foreign countries;
- 10.14. Take measures for preparing specialists on the migration sphere and raising the level of their professional skill ;
- 10.15. Involve independent experts and specialists in its activities within the order defined by the legislation;
- 10.16. Supervise the activity of the agencies of the State Migration Service system and inspect them;
- 10.17. Request the state and local self-government organs on the migration sphere, physical and legal persons about the necessary information (documents) within its competence and get such kind of information from them;
- 10.18. Publish special bulletins and other publications within the order defined by the legislation, establish internet site and use it;
- 10.19. Use the state property rights within its competence within the order defined by the legislation of Azerbaijan Republic;
- 10.20. For the needs of the State Migration Service construct, reconstruct and rebuild the buildings;
- 10.21. Give suggestions on improving working, material conditions and social life of the employees of State Migration Service;
- 10.22. Implement other rights provided by the legislation corresponding the directions of its activities.

V. Organization of the activity of State Migration Service

- 16.1. The joint system of State Migration Service consists of the central body of State Migration Service, regional and other agencies under its authority. State Migration Service the charged duties itself and the agencies under its authority.
12. Structure and common quantity of the stuff of the State Migration Service shall be determined by the president of Azerbaijan Republic.

13. Serving rules and conditions of State Migration Service determined by the legislation of Azerbaijan on state service.
14. State Migration Service is led by the chief which shall be appointed and dismissed from his position by the president of Azerbaijan Republic (afterwards will be called chief of the State Migration Service). The chief of the Migration Service is personally responsible for fulfillment of charged duties and rights to State Migration Service.
15. Chief of the State Migration Service has deputies who are appointed and dismissed from his post by the president of Azerbaijan Republic. Deputy Chiefs of State Migration Service carry out the duties charged by the chief of State Migration Service and personally are responsible for them.
16. Chief of the State Migration Service:
 - 16.1. Organize the work of State Migration Service and leads it;
 - 16.2. Classify positions among his/her deputies, determine their as well as other employee's responsibilities for staff, personnel, financial, production farm and other issues and ensure their mutual action;
 - 16.3. Approve the regulation of the structural bodies and agencies under its responsibility, organize supervising over their activity and ensure the coordination of the work;
 - 16.4. Approve the structure, staff table and expenditure account of central body of the State Migration Service and agencies under its responsibility according to defined structure, labor payment fund and age limit of employees ;
 - 16.5. Appoint to and dismiss from position the officers of the central body of State Migration Service, the heads of the regional and other agencies under its responsibility as well as other employees, take measures for stimulating and discipline reproaching them;
 - 16.6. Submit suggestions about state policy on the migration sphere, projects of the laws and other normative legal acts to the president and Cabinet of Ministers of Azerbaijan Republic;
 - 16.7. Make orders, decrees, instruction about the activity of central body of State Migration Service, regional and other agencies under its responsibility, sign normative-legal acts (approve), arrange and supervise their implementation;
 - 16.8. Cancel the orders of the officers of State Migration Service contradictory to the legislation;
 - 16.9. Represent State Migration Service in relations with state and other agencies of Azerbaijan Republic and foreign countries, conduct negotiations with proper state organs of foreign states and international organizations within its authorities, participate in international, interstate and intergovernmental negotiations, sign international documents within the defined order;
 - 16.10. Give suggestions about common number of the employees and structure of State Migration Service to the president of Azerbaijan Republic;
 - 16.11. Ensure efficient spending of the allowance provided from state budget;
 - 16.12. Make appropriate decisions on establishment, reestablishment, abolition of the agencies under its authority in the order defined within wages and number limit of employees;

- 16.13. Implement other responsibilities corresponding to the legislation of Azerbaijan Republic.
17. Collegium consisting of chief, his/her deputies and other leading officers of State Migration Service is created at State Migration Service. The staff of the collegium is approved by the President of Azerbaijan Republic.
18. At the meetings of the collegium main activity directions of State Migration Service, executive-disciplinary situation, staff issues projects of normative-legal acts are discussed, other important issues are reviewed and proper decisions are made.
19. The meetings of the State Migration Service Collegium have authority if more than half of the members participate. The decisions of State Migration Service Collegium are accepted by majority of voice. If during the decision making process votes are equal then the vote of the chief of collegium is considered as decisive vote.
20. The decisions of State Migration Service Collegium are made official by protocols and implemented by the orders of the chief of State Migration Service.
21. The meetings of the collegium continuously are convened by the chief of State Migration Service.
22. The working order of the collegium is determined by the chief of State Migration Service.
23. In the cases difference of opinions between chief of State Migration Service and members of collegium chief gives information about this to the president of Azerbaijan Republic and then implements his/her own decision.
24. In necessary cases executive organs, heads of organizations as well as the representations of non-governmental organizations, specialists on discussed issues could be invited for participation at the meetings of collegium.