

Law of the Republic of Azerbaijan

On approving the Regulations on service in migration bodies

Milli Majlis (Parliament) of the Republic of Azerbaijan **decides:**

Regulations on service in migration bodies (attached) shall be approved.

President of the Republic of Azerbaijan

Ilham ALIYEV

City of Baku, 4 December 2009

№ 930-IIIQ

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With amendments according to Law № 969-IIIGD of 5 March, 2010; 1007-IIIGD of 11 May, 2010; № 98-IVGD of 8 April, 2011; № 344-IVQD of 20 April, 2012; [№ 430-IVGD](#) of 1 October, 2012; [№ 442-IVOD](#) of 16 October, 2012; [№ 581-IVOD](#) of 5 March, 2013; [№ 795-IVOD](#) of 29 October, 2013; [№ 241-VOD](#) of 17 May 2016 («LegalActs» LLC).

*Approved
by Law of the
Republic of Azerbaijan
930-IIIQ of
4 December 2009*

Regulations On service in migration bodies

These Regulations define the rules and conditions of service in migration bodies of the Republic of Azerbaijan as well as the basis of legal status of the employees of these bodies.

Chapter I. General provisions

1. Service in migration bodies is a special type of a public service of citizens of the Republic of Azerbaijan that realizes powers in operational directions envisaged in the legislation of relevant bodies of executive power included into the system of law-enforcement bodies.

2. Service of employees of migration bodies is based on principles of operation of migration bodies provided for by the legislation of the Republic of Azerbaijan. The employees of migration bodies operate within their powers and are guided by the requirements of law during their service.

3. Legal basis for service in migration bodies comprises of the [Constitution of the Republic of Azerbaijan](#), international treaties to which the Republic of Azerbaijan is a party, these Regulations and other normative legal acts of the Republic of Azerbaijan.

4. Admission to service in migration bodies is regulated by these Regulations and other legislative acts of the Republic of Azerbaijan by taking into account the provisions of the Law of the Republic of Azerbaijan ‘On Public Service’ on the right of the citizens to be admitted to public service, recruitment based on competition and transparency, evaluation of performance of state servants and other principles of public service.

5. These Regulations apply to employees who realize powers provided for by the legislation of the Republic of Azerbaijan and work in positions within relevant bodies of executive power that imply special ranks.

5-1. In order to regulate the work relationship between people working in the migration authorities and to determine their qualifications, special ranks and positions, stipulating junior, middle, senior and special titles are established in these authorities.

6. Issues of labour relations that are not covered by these Regulations as well as the service of individuals who hold positions that do not imply special ranks are regulated by relevant provisions of the Law of the Republic of Azerbaijan ‘On public service’ and the [Labour Code of the Republic of Azerbaijan](#).

Chapter II. Admission to service in migration bodies, appointment and dismissal of employees

7. Citizens of the Republic of Azerbaijan who possess relevant qualifications for certain position and speak the state language of the Republic of Azerbaijan shall have the right to join the service in migration bodies irrelevant of race, nationality, religion, language, sex, social origin, property, place of residence, belief, membership in trade unions or other public unions.

7-1. Only people with higher education are hired to the service in the migration authorities to positions involving middle and high special ranks and to serve in the positions involving junior special titles - individuals with at least upper secondary and secondary special education.

8. Persons who have double citizenship, commitments before other states, religious figures, those whose incapability or limited capability is established by a court decision that entered into force, whose conviction is not expunged or cleared, those who are incapable to work in migration bodies for physical and mental disability according to a medical opinion, those who were previously dismissed from other law-enforcement or other state bodies for serious omissions in work shall not be admitted to service in migration bodies.

9. Citizens of conscription age who have not been to statutory active military service are not admitted to service in migration bodies on positions implying special ranks (except those who have lawful right for deferment of statutory active military service or those released from conscription to statutory active military service).

10. Individuals who want to work for migration bodies shall apply to relevant body of executive power with an application in a certain order.

11. Documents of individuals who applied for admission to service in migration bodies shall be checked by the relevant body of executive power in a certain order.

12. Deliberate submission of false information in documents of individuals who applied for admission to service in migration bodies can be the ground for refusal in admission to service or termination of service.

13. Individuals who applied for admission to service in migration bodies and candidates whose documents were admitted shall undertake competition *or interview* in a condition of openness and by ensuring the transparency. The competition shall compose of exam in specialization and an interview. *Persons shall be accepted to positions, stipulating special junior ranks on the basis of the interview.* The rules of conducting of the competition or *the interview* shall be defined by the relevant body of executive power.

14. Admission to service in migration bodies is documented by the order of the chief of the relevant body of executive power and a copy of the order is presented to the employee on the same day and the latter has to sign it.

15. An individual who is admitted to service in migration bodies for the first time before starting his/her work has to take the following oath before the state flag of the Republic of Azerbaijan:

«I swear to be loyal to the Republic of Azerbaijan, to strictly follow the Constitution and other laws of the Republic of Azerbaijan, to respect human rights and freedoms, to

implement the tasks given to me honestly and impartially», to be disciplined, and to preserve state secrets and official secrets».

16. The person taking an oath signs the text of the oath and this document shall be kept in his personal file.

17. Persons who are admitted to migration service for the first time, *depending on the position for which they are hired and the level of training, have to undertake probation period of 3-6 months (for persons who are employed in positions involving junior special ranks - only three-month probation period)*. ~~Once the internship period is over, the issue of intern's appointment to a position with a six month probation period is dealt with in case of a position reference about him/her.~~

18. Once the probation period is over, the employee who successfully passes the attestation is admitted to a permanent service in migration bodies by appointment to a certain position.

19. *Period of probation* shall be reflected in the order on admission to work in a migration body.

20. *An employee who has not passed the attestation during the probation period shall not be admitted to a permanent service.*

21. ~~Internship and~~ Probation period shall not be determined for persons who are appointed to senior positions during recruitment to migration bodies, persons who hold scientific degrees of candidates of sciences or doctors of sciences (hereinafter 'scientific degree') as well as in other cases provided for by the legislation.

22. *Probation period* shall be counted into a work experience in migration bodies and shall be taken into consideration when calculating allowances for years in service and when allocating a pension.

23. The rules on undertaking ~~internship and~~ probation in migration bodies shall be determined by the relevant body of executive power.

24. The human resources service of migration bodies shall maintain a personal file of the employee of migration bodies.

25. The personal file of the employee of migration bodies shall contain information about his/her service in migration bodies and documents reflecting employee's personal and professional qualifications.

26. The employee of migration bodies who is appointed to service shall be provided with official ID in the order, form and validity period determined by the relevant body of executive power. Official ID of an employee of migration bodies confirms his personality, special rank and position held. Official ID shall be prepared in the order

provided for by the relevant body of executive power and shall be submitted to employee after s/he signs in a registrar.

27. The employee shall use the official ID during his/her service in migration bodies. In case of change of surname, position or special rank of the employee of migration bodies as well as in case of expiry of an official ID, s/he shall be provided with a new official ID.

28. When the service of employee of migration bodies is terminated, the official ID shall be returned to the body that issued it.

Chapter III. Rights and duties of employees of migration bodies

29. Employees of migration bodies shall have the following basic rights:

29.1. to demand and receive in certain order necessary information and materials from state bodies, public unions, institutions, departments and organizations in order to realize his/her official duties;

29.2. to request an official who has the power to recruit to and dismiss from migration bodies to describe in writing his/her official responsibilities and request to create conditions for enforcement of these responsibilities;

29.3. to receive salary;

29.4. to demand promotion in service or increase of salary in connection with increase of qualification and realization of official duties;

29.5. to engage in scientific and creative activity and, with the permission of the head of the migration body where s/he works, also in pedagogical activity;

29.6. to gain profit from deposits, securities, rent and lease;

29.7. to familiarize with all materials in his/her personal file including opinions and other documents attached to the personal file as well as to demand inclusion to the personal file of his/her comments.

29.8. to defend his/her rights and lawful interests in relevant bodies and court;

29.9. to join trade unions;

29.10. to request the chief of the migration body where s/he works to give the instruction or task to him/her in writing if the employee is doubtful about lawfulness of such a binding instruction or task;

29.11. to become a member of public unions if otherwise is not provided for by the legislation and if this is not incompatible with realization of functions of the employees of migration bodies;

29.12. to receive education and to undertake training at state expenses in the order provided for by the legislation as well as to take leave for the duration of the studies;

29.13. to enjoy leave in cases and in the order provided for by the legislation and to receive pensions and benefits in connection with personal disability.

29.1. Employees of migration bodies when carrying out their duties in accordance with the procedure and cases stipulated by the law have the right to use physical force and special means. List and standards of special equipment used in the migration bodies are determined by the relevant executive authority.

30. Employees of migration bodies shall have the following duties during their service:

30.1. to observe the Constitution, laws and other normative legal acts of the Republic of Azerbaijan;

30.2. to enforce the legislation and normative legal acts adopted by the relevant body of executive power;

30.3. to enforce the orders, decrees and instructions of their supervisors issued within their powers;

30.4. to refrain from acts that impede the work of other employees or diminishes the reputation of the migration body;

30.5. to deal timely with appeals of citizens, institutions, department and organizations and to decide on them impartially within his/her powers;

30.6. to carry out additional tasks as necessary by the instruction of chief of the migration body within the frames of his/her specialization;

30.7. to keep confidential the state secret and other secrets protected by the law at all times including after leaving the service or retirement;

30.8. to keep confidential the information tied with citizen's private and family life, honour and dignity which is received in course of enforcement of official duties and refrain from demanding to provide such information except for the cases provided for by the law;

30.9. to submit on annual basis the financial information about his/her income and property to the chief of the migration body where s/he works in the order provided for by the legislation;

30.10. to undergo medical commission to verify his/her physical and mental ability or that s/he is fit for carrying out the functions entrusted to him/her in the cases and order provided for by the legislation;

30.11. to observe ethic behaviour rules and disciplinary rules.

31. The employee of the migration bodies can not hold positions in any elected or other appointment based positions and can not engage in any entrepreneur, commercial or other paid activity (except for scientific, pedagogical and creative activity) as well as in political activity and can not join political parties.

32. Employee of the migration bodies shall not have the right to:

32.1. to commit corruption offences provided for by article 9 of the Law ‘On fighting corruption’ of the Republic of Azerbaijan and offences creating conditions for corruption;

32.2. to be defendant of third parties on cases of other state bodies or local self-governed bodies except for the cases provided for by the legislation;

32.3. to use for the benefit of third parties the information relevant to his/her professional activity which constitutes a state secret or other secret protected by the law during the period provided for by the legislation of the Republic of Azerbaijan after s/he leaves the service or retires;

32.4. to travel abroad at expenses of a foreign state without informing the chief of the migration body where s/he works;

32.5. to join strikes and other movements that infringe the work of state bodies;

32.6. to use his status for promotion of religion and to officialise religious ceremonies in the venues under migration bodies.

Chapter IV. Conditions for service in migration bodies

33. Employees of migration bodies shall enjoy working and leisure hours determined by the Labour Code of the Republic of Azerbaijan.

34. If necessary the employees of migration bodies can be attracted to fulfil their official duties after work hours, on week-ends, on holidays that are non-working days and on other days. In this case they receive remuneration or compensatory leisure time in the order provided for by the legislation.

35. Employees of migration bodies shall have a break for rest and lunch during working day.

36. Employees of migration bodies shall have leave provided for by the labour legislation of the Republic of Azerbaijan.

37. Employee of migration bodies can be promoted in position and transferred to another post.

38. Promotion in position and transfer of an employee of migration bodies is allowed by his/her consent. When promoting an employee of migration bodies, his/her education, work skills, professional level, outcomes of his activity, personal qualifications, family condition when transferring to an equal position, health, age, place of residence and other circumstances are taken into consideration.

39. When it is not possible to have a transfer to an equal position in connection with health (on the basis of opinion of a medical-doctoral commission) or staff reduction as well as disciplinary reprimand or when it is determined that s/he is not fit to the position held by results of attestation, it shall not be required to obtain consent of the employee of migration bodies for transferring him/her to a lower position.

40. Employee of migration bodies who is transferred to a lower position can be appointed later to a higher position by taking into account his special rank, professionalism, successes in fulfilling his tasks and personal qualifications. Transfer of an employee of migration bodies from one position to another shall be documented by an order of the chief of the relevant body of executive power with indication of relevant grounds and such a decision shall be declared to an employee.

~~41. When an employee of migration bodies who has 15 or more years in service is transferred to a position with lower salary as a result of staff reduction or health reasons, his/her previous official salary shall be preserved in a new position.~~

42. When employee of migration bodies joins the position connected with coordination, legislative or organizational support of activity of law-enforcement bodies in the state bodies, s/he can be preserved in reserve in migration bodies.

43. When employee of migration bodies is dismissed because of staff reduction, in the order of disciplinary reprimand and by results of an attestation, s/he can stay at disposal for up to three months. This period includes the period when an employee of migration bodies is on leave. In exceptional cases this period can be extended up to six months by the decision of the relevant body of executive power. When employee of migration service is at disposal his/her monthly salary from previous position is kept for three months.

44. When employee of migration bodies is attracted as a suspect or accused in a criminal case, s/he shall be discharged from execution of the official duties and shall not be given access to execution of duties since that time.

45. When there is a decision on acquittal of an employee of migration bodies who is discharged from execution of official duties or when the criminal case is terminated on acquittal basis, s/he shall again have access to execution of duties.

46. If there are other cases that exclude criminal persecution as well as when court's guilty verdict or court's decision about forcible medical treatment entered into legal force, the service of the employee of migration bodies shall be terminated.

47. The employee of migration bodies can be discharged of execution of duties for two months with an aim to investigate whether s/he committed offences envisaged in article 95 of the present Regulations. Such a discharge can be applied only if continuation of execution of duties by the employee of migration bodies would impede an official investigation in place. Depending on the results of an official investigation, the latest within two months either the decision on allowing employee to continue execution of official duties or the decision of application of a disciplinary measure of reprimand against him/her shall be adopted.

48. The employee shall get full salary during the period when s/he is discharged of execution of official duties.

49. When an employee of migration bodies does not agree with the decision connected with the service, s/he can apply to a relevant superior body or a court.

50. Superior body shall study the appeal in the established order and period of time and shall inform the employee in writing on the decision adopted.

51. *Except where the decision to suspend enforcement of the decision on the application of disciplinary penalty in accordance with Article 51-1 of these Regulations, the filed appeal shall not suspend the decision on execution of application of disciplinary penalty.*

51-1. In case of filing an appeal, the appeal instance, according to the application of the person concerned or on the own initiative of the appeal instance in connection with its official duties, without delay shall consider the issue of suspension of the appealed decision execution on application of a disciplinary penalty and takes the relevant decision in connection with it.

Chapter V. Attestation of employees of migration bodies and evaluation of their performance

52. The attestation shall be carried out in order to determine whether employees of migration bodies fit to positions they hold, to discover the possibility to use their potential, to encourage professional development, to determine how necessary it is to increase their specialization and professional training or to organize additional training as well as to implement the program on promotion of staff.

53. The results of professional evaluation of performance of employees of migration bodies are taken into consideration during the attestation. Attestation and performance evaluation of employees of migration bodies are carried out in the order determined by the Law of the Republic of Azerbaijan 'On public service'.

Chapter VI. The age limit for service in migration bodies

54. The age limit for service in migration bodies is 60 years.

55. The age limit for individuals who are appointed by the relevant body of executive power is not envisaged. The term of service of other employees of migration bodies who reach the age limit can be extended by the chief of the relevant body of executive power. The term of service in migration bodies can be extended for no more than one year at a time. It is not allowed to extend the term of service of employees of migration bodies who reach the age of 65.

56. When individuals who served in migration bodies are admitted to work in other law-enforcement bodies, *including emergency response bodies*, their years in service in migration bodies are included into years in service in those bodies and their special ranks are preserved. Years in service of employees who worked for those bodies as well as employees who held positions connected with coordination of activity, legislative or organization support of law-enforcement bodies shall be included into years in service in migration bodies when they are admitted to work in migration bodies.

Chapter VII. Special ranks and special uniform of employees of migration bodies

57. The following special ranks are determined for employees of migration bodies in accordance with the positions they hold and the length of service in migration bodies:

57.1. Special high ranks:

57.1.1 I degree counsellor of state migration service;

57.1.2 II degree counsellor of state migration service;

57.1.3 III degree counsellor of state migration service;

57.2. Special senior ranks:

57.2.1 senior counsellor of migration service;

57.2.2 counsellor of migration service;

57.2.3 junior counsellor of migration service;

57.3. Special intermediate ranks:

57.3.1 I degree servant of migration service;

57.3.2 II degree servant of migration service;

57.3.3 III degree servant of migration service;

57.3.4 Junior servant of migration service.

57.4. *Junior special ranks:*

57.4.1. *Migration service senior sergeant;*

57.4.2. *Migration service sergeant;*

57.4.3. *Migration service junior sergeant.*

58. Special ranks of employees of migration bodies shall be treated equal to special ranks granted to employees of the relevant bodies of executive power.

59. Special ranks shall be granted individually by taking into account educational background, length of service in a particular special rank and work experience, limits of special ranks for positions they hold as well as other conditions provided for by the present Regulations. Special ranks are granted in a consequent order except for cases provided for by article 68 of the present Regulations.

59-1. If officers of migration authorities with junior special ranks are appointed to positions stipulating middle and senior special ranks, they are, regardless of the length of service in the current rank, shall be nominated to the original rank of this position.

60. The following terms of service are determined for holding each special rank:

60.1. counsellor of migration service — 5 years;

60.2. junior counsellor of migration service — 4 years;

60.3. I degree servant of migration service — 3 years;

60.4. II degree servant of migration service — 3 years;

60.5. III degree servant of migration service — 2 years;

60.6. junior servant of migration service — 1 years;

60.7. migration service sergeant - 2 years;

60.8. migration service junior sergeant - 1 year.

61. There are no terms of service for holding special high ranks as well as *special ranks* of senior counsellor of migration service *and* migration service *senior sergeant*.

62. Special high ranks are granted in accordance with item 24 of article 109 of the Constitution of the Republic of Azerbaijan. The list of relevant positions of migration bodies and special high ranks corresponding to them is approved by the relevant body of executive power.

63. Other special ranks are granted in accordance with the list of positions and special ranks corresponding to these positions approved by the chief of the relevant body of executive power. ~~These special ranks are granted by the chief of the relevant body of executive power of the Republic of Azerbaijan on the basis of respective nominations.~~

63-1. Senior and middle special ranks are assigned by the following officials on the basis of the corresponding representations:

63-1.1. employees of the personnel and subordinated structures of the relevant executive authority of the Republic of Azerbaijan - by the head of the relevant executive authority of the Azerbaijan Republic;

63-1.2. employees of the relevant executive authority of the Nakhchivan Autonomous Republic - by the head of the relevant executive authority of the Nakhchivan Autonomous Republic.

63-2. Junior special rank are assigned by the leaders or officials, vested with appropriate powers of the executive authorities of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic.

64. A form for nominations for special ranks shall be determined by the chief of the relevant body of executive power.

65. Subsequent special rank shall be granted by taking into account the terms provided for by article 60 of the Regulations.

66. The following shall be taken into consideration when granting a subsequent special rank to an employee:

66.1. position held;

66.2. efficiency report.

67. Special ranks to employees who joined migration bodies from court, prosecutor's office, law-enforcement, *including emergency response*, military and other state bodies are granted on the basis of the present Regulations by taking into account their positions, previous special, military ranks and professional level.

68. Employees can get a subsequent special rank prematurely than the term envisaged in article 60 of the present Regulations as a reward or they can get out of turn special rank of one step higher than employee holds for exemplary performance of duties and achievements in post.

69. A special rank can be granted to an employee prematurely if at least half of the term of service for special rank that s/he holds passed. Granting of special ranks prematurely and out of turn is allowed only twice during the service of an employee in migration services.

70. When an employee of migration body is promoted in position, s/he can get a special rank of one step higher than s/he holds out of turn.

71. Employees of migration bodies who hold scientific degrees can get a special rank of one step higher than s/he holds on their posts.

72. Employees of migration bodies who are at disposal in migration bodies or received disciplinary reprimand as well as those against whom criminal case or service revision was launched are not nominated for subsequent special ranks unless they are appointed to position, disciplinary reprimand is rolled back, criminal case proceedings annulled in preliminary investigation on grounds of acquittal or when acquitted by court decision or unless the service revision is over.

73. The length of service in a special rank is counted from the day when the order on granting such a special rank is signed.

74. If granting of a subsequent special rank to employees of migration bodies is delayed without good reasons, his/her length of service necessary for receiving subsequent special rank is calculated from the time when the period of service in previous special rank ends.

75. The length of service of employees of migration bodies whose special rank was reduced as a disciplinary reprimand shall not be included into the length of a restored service in special rank.

76. A special rank shall be granted to employee for life and s/he can be deprived of a special rank only in the cases provided for by the law.

77. Depending on the special rank, additional increment in salary in the amount determined by the relevant body of executive power shall be paid to employees of migration bodies.

77-1. Employees with special ranks serving in the migration bodies are provided with special uniforms. The pattern of special uniforms and decorations are determined by the relevant executive authority.

77-2. Special uniforms shall be provided free of charge. Issuance of special uniforms shall be carried out in accordance with the rules established by relevant executive authority.

Chapter VIII. Legal and social protection of employees of migration bodies and their material security

78. An employee of migration bodies can not be discharged of execution of official duties, dismissed from migration bodies and his/her service can not be terminated except for the cases provided for by the present Regulations. It is prohibited to put any limitations, influence and interference with lawful activity of an employee of migration bodies except by persons who have respective powers in accordance with the law.

79. Life and health of employees of migration bodies shall be compulsorily insured at the state budget costs in accordance with the Law of the Republic of Azerbaijan ‘On state compulsory private insurance of employees of court and law-enforcement bodies’.

80. Employees of migration bodies (including those who retired) and their family members shall be insured with state medical service for free. Once a year employees of migration bodies shall receive one-time allowance in the amount of one month salary in connection with their treatment.

80-1. Moving expenses of migration authority officer and his family into the new place of service, as well as for the transportation of property and lump-sum compensation are paid from the state budget in the manner prescribed by the relevant executive authority.

80-2. Migration authorities officers and their families, who do not have residence in connection with a change of place of service in the immigration authorities and residing for this reason in hired apartment, during the period of service, depending on locality, shall receive cash compensation for the hiring of an apartment in the amount and manner established by the relevant executive authority.

81. Employees of migration bodies shall receive an allowance in the amount of two months salary annually when they go on leave.

82. Employees of migration bodies who died in course of execution of official duties or developed a disease hampering continuation of official duties, got injury (wound, trauma, concussion) and incurred damage to property as well as their family members shall get one-time allowance and reimbursement of material damage in accordance with the Law of the Republic of Azerbaijan ‘On state protection of employees of court and law-enforcement bodies’.

83. Employees who served in migration bodies on positions providing for special ranks at least 25 years until the age limit shall have the right to receive pension and their service can be terminated by their own request.

84. Issues of pension provision of persons who used to serve in migration bodies, employees of migration bodies and their family members are regulated by the Law of the Republic of Azerbaijan ‘On labour pension’.

84-1. The employee of migration body, discontinued the service in migration bodies in connection with the submission of a written notice of resignation at his own will because of the organizational and staffing measures, either for retirement or for reasons of health (except as provided in Article 82 hereof) in accordance with articles 111.5 and 111.7 of these Regulations, shall be issued a lump sum benefit in a 6-fold amount of salary. The tax is not withheld from the benefits granted in connection with retirement.

85. Provision of medical service to employees of migration bodies and their family members is carried out by medical institutions of the relevant body of executive power of the Republic of Azerbaijan.

86. Salary of employees of migration bodies shall consist of official salary, allowances for special rank, additional payments for years in service and other allowances provided for by the legislation.

87. The amount of an official salary of employees of migration bodies shall be defined by the relevant body of executive power.

88. Employees of migration bodies for continuous years of service in these organs shall be issued allowance in the amount of premiums paid for a continuous length of service of the police officers of Internal Affairs Authorities of the Azerbaijan Republic.

88-1. The procedure for calculating the continuous years of service of the employees of migration bodies and premiums issued in connection with it are established by the relevant executive authority.

89. Within the frames of funds designed for remuneration of labour, employees can be given additional payments not exceeding 25 per cent of their official salary by the relevant body of executive power for distinction in service and for successful implementation of tasks of particular importance.

90. Employees of migration bodies can receive annual material aid in the amount of their two months salary.

90-1. In order to strengthen social protection and improvement of the material security of employees of migration bodies 25 percent of the funds collected from fines applied by migration bodies under the Code of the Azerbaijan Republic on Administrative Offences for violation of

*legislation on migration are transferred to the account of the relevant executive authority.
Procedure of use of these funds shall be established by the relevant executive authority.*

Chapter IX. Encouragement of employees of migration bodies and their responsibility

91. The following measures of encouragement of employees of migration bodies can be applied for exemplary execution of official duties, long-term faultless activity and other services:

- 91.1. appreciation;
- 91.2. monetary prize;
- 91.3. prize in a form of valuable gift;
- 91.4. premature withdrawal of disciplinary reprimand issued before;
- 91.5. award with honour diploma;
- 91.6. out of turn or premature granting of a special rank;
- 91.7. award with other tools of encouragement.

92. Officers of migration bodies are nominated for orders and titles of honour of the Republic of Azerbaijan for meritorious services, and in case of provision of the power by the relevant executive authority, are awarded with medals by the head of the relevant executive authority.

93. Measures of encouragement shall be carried out by the chief of the relevant body of executive power.

94. Measures of encouragement are document with an order and the latter is included into employee's personal file. The order shall be declared to the relevant employee within 3 days after signing.

95. If employee of migration bodies infringes the requirements of articles 30-32 of the present Regulations as well as fails to observe financial requirements set forth in article 5.1 of the Law of the Republic of Azerbaijan 'On fighting corruption' or commits offences envisaged in article 9 of the said Law (if those offences do not establish administrative or criminal responsibility) then one of the following disciplinary reprimands can be applied to the employee:

- 95.1. pointing out the shortcomings;
- 95.2. reproof;

95.3. strict reproof;

95.4. warning that s/he is not fully fit to the position held;

95.5. downgrading;

95.6. one step demotion in special rank;

95.7. removal from position (in this case the employee of migration bodies with an order of relevant body of executive power can be kept at disposal and during that period if there are no grounds for dismissal of person from migration bodies s/he is appointed to another post in migration bodies);

95.8. dismissal from migration bodies;

95.9. dismissal from migration bodies with deprivation of a special rank in cases and in the order provided for by the legislation.

96. When employee of migration bodies is attracted to disciplinary responsibility his/her professional and personal qualifications, the nature of committed offence, conditions for committing it and other circumstances are taken into account.

97. An employee of migration bodies can undergo one step demotion in special rank for violation of official discipline (except for rank of junior servant of migration bodies and special high ranks).

98. An employee can receive verbal or written warning without application of any other measures envisaged in article 95 of the present Regulations. Warning is not a disciplinary reprimand.

99. Disciplinary reprimand provided for in article 95.8 of the present Regulations can be applied for serious or regular deficiencies in execution of duties or for actions envisaged in articles 31-32 of the present Regulations.

100. Disciplinary reprimand provided for in article 95.9 of the present Regulations can be applied to an employee of migration bodies when court's indictment on committing a crime by employee enters into legal force.

101. The chief of relevant body of executive power shall be responsible for applying disciplinary reprimands.

102. The chief of relevant body of executive power can raise an appeal within his/her powers on attracting an employee of migration bodies to a disciplinary reprimand.

103. In accordance with article 95 of the present Regulations when there are grounds for application of disciplinary reprimand, the investigation shall be conducted by the chief of

migration body and written explanation received from the employee. In case of need the chief of migration body can appoint a service revision. The rules for conducting a service revision shall be determined by the relevant body of executive power. The refusal of employee to give explanation shall be documented and this does not impede the application of a disciplinary reprimand.

104. Disciplinary reprimand of the employee of migration bodies can be issued within two months since the grounds envisaged in article 95 of the present Regulations are discovered. This period does not cover the period when employee of migration bodies is on leave, business trip, when s/he temporarily loses work capacity as well as when there is a service revision or when investigation in criminal case against him/her is ongoing.

105. Only one disciplinary reprimand shall be applied for the action which is a ground for application of a disciplinary reprimand in accordance with article 95 of the present Regulations.

106. Disciplinary reprimand can not be issued to an employee of migration bodies if more than one year passed since the day when an offence establishing a ground for the application of a disciplinary reprimand according to article 95 of the present Regulations took place.

107. Pointing out the shortcomings, reproof and strict reproof shall be valid for one year from the day when disciplinary reprimand is issued.

108. Should there be grounds envisaged in article 91 of the present Regulations, disciplinary reprimand issued to an employee of migration bodies can be withdrawn prematurely.

109. Issuance and premature withdrawal of disciplinary reprimand shall be documented by an order and shall be added to the personal file of the employee of migration bodies. The order shall be declared to the employee within three days and the copy of the order shall be signed by him/her and presented to him/her.

110. An employee of migration bodies shall have the right to appeal to superior state body or court in the order provided for by the legislation against the order on application of a disciplinary reprimand.

Chapter X. Termination of service in migration bodies

111. The service of employee shall be terminated if the following grounds exist:

111.1. if s/he submits a written request for voluntary termination of a service;

111.2. if s/he is not fit with the position s/he holds as a result of attestation;

111.3. if s/he is elected to legislative or local self-governed bodies;

111.4. conducting of organizational-staff measures;

111.5. if there is an opinion of medical-doctoral commission that s/he is unable to fulfil his/her duties in connection with a long-term (more than four months) disease;

111.6. if the circumstances envisaged in article 46 of the present Regulations exist;

111.7. if his/her operational disability or limited operational disability is established by the court;

111.8. if it transpires that s/he does not meet the requirements set forth by the present Regulations for candidates to positions in migration bodies;

111.9. if the circumstances envisaged in article 12 of the present Regulations are discovered;

111.10. if s/he reaches the maximum age limit for being in service;

111.11. if s/he is dismissed from migration bodies;

111.12. in other cases provided for by the law.

112. The service shall be terminated should the transfer of employee to another position for reasons envisaged in articles 111.2, 111.4 and 111.5 of the present Regulations be impossible or should employee refuse to be transferred to another position.

113. Termination of service of employee of migration bodies is documented by the order of the chief of the relevant body of executive power.

114. It shall be prohibited to terminate the service of an employee of migration bodies by the initiative of the chief of the relevant body of executive power during the period when the employee of migration bodies temporarily loses work capacity (except for the case envisaged in article 111.5 of the present Regulations) as well as when s/he is on leave or business trip.

Chapter XI. Restoration of special rank, position and work in migration bodies of employee of migration bodies

115. The issues of restoration of a special rank, position and work in migration bodies of employee of migration bodies shall be dealt with by the relevant body of executive power as well as by courts in the cases provided for by the legislation.

116. The grounds for restoration of a special rank, position and work in migration bodies of employee of migration bodies shall be the following:

116.1. positive reference as a result of service revision;

116.2. court decision.

117. The person restored to migration bodies shall be appointed to a position that s/he occupied before or to other equal position.

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