

The next meeting of the Appeal Board of the State Migration Service of the Republic of Azerbaijan held on May 24, 2018

The complaint of Farziyev Babek Itizam, the head of “Avanqard Stroy” LLC was considered at the meeting.

Head of “Avanqard Stroy” LLC, Farziyev Babek Itizam noted in his appeal to the Appeal Board of the State Migration Service that LLC invited a citizen of the People's Republic of China, Xu Songzheni to the Republic of Azerbaijan for the installation of equipment for the production of footwear, due to the health problem, his stay in the country was longer than the visa period, therefore the right to come to the country was restricted by imposing an administrative penalty and asked for a permission for foreigner's arrival in the country to complete the unfinished installation indicating that this situation creates serious problems for its entrepreneurial activity.

During the investigation it was determined that citizen of the People's Republic of China, Xu Songzhe (passport number: E61875292) has been brought to administrative responsibility three times during the last three years (Decisions of the State Migration Service of the Republic of Azerbaijan No. 15/7C-6949 dated 02.02.2016, No. 15/6C-3295 dated 11.09.2016 and No. 15/7C-6949 of 26.11.2017) and according to Article 16.1.8 of the Migration Code of the Republic of Azerbaijan, a five-year ban was imposed on entry into the country with Decision No. 15 / 7D-2888 dated 27.11.2017.

At the same time, it was revealed that “Avangard Stroy” LLC purchased 4 pieces of equipment from the People's Republic of China to produce footwear, one of them was installed (operating) and the other 3 equipments are not operating because they were not fully installed. This situation creates a serious obstacle to entrepreneurial activity of the entrepreneur.

It was also clear from the materials of the case that citizen of the People's Republic of China Xu Songzhe, who was involved in the installation of appropriate equipment, fulfilled requirements of the decisions on administrative penalties imposed on the violation of the requirements of migration legislation by paying fines on time, as well as committed the last administrative violation because of the health problem.

The Appeal Board has made a decision to grant the complaint taking into account the acts of the President of the country related to the establishment of favorable conditions for the development of entrepreneurship, the circumstances mentioned

in the appeal which create serious obstacles to the implementation of entrepreneurial activity of the entrepreneur, as well as discussions held at the meeting of the Appeal Board, opinions of the Board members on the issue, the actual circumstances of the case on the complaint, the evidences produced, the collected materials and evidences.