

THE MIGRATION CODE OF THE REPUBLIC OF AZERBAIJAN

The Migration Code of the Republic of Azerbaijan shall establish norms on implementation of the state policy in the sphere of migration in the Republic of Azerbaijan, regulation of migration processes and relations arising in this sphere as well as legal status of foreigners and stateless persons in the Republic of Azerbaijan.

SECTION I

GENERAL PROVISIONS

CHAPTER 1

THE MIGRATION LEGISLATION OF THE REPUBLIC OF AZERBAIJAN

Article 1. **The migration legislation of the of the Republic of Azerbaijan**

The migration legislation of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, this Code, the laws of the Republic of Azerbaijan, the international conventions to which the Republic of Azerbaijan is a party and other legal and regulatory acts adopted in conformity with these documents.

Article 2. **The principles of the migration legislation of the Republic of Azerbaijan**

The migration legislation of the Republic of Azerbaijan shall base on the principles of respect to human and civil rights and freedoms, lawfulness, equality before the law and justice, ensuring compliance of the migration legislation of the Republic of Azerbaijan with generally accepted international legal norms, application of innovative methods and ensuring transparency in regulation of migration processes.

Article 3. **Main definitions**

3.0. The following main definitions shall be used this Code:

3.0.1 **foreigner** - a person who is not a citizen of the Republic of Azerbaijan and has a citizen of another state;

3.0.2 **stateless person** - a person who is not considered a citizen by any state according to its law;

3.0.3 **underage person** - a person under 18 years of age;

3.0.4 **passport** - a document, issued by the country of citizenship of a person, which entitles him/her to exit and enter the country and proves his/her identity and citizenship;

3.0.5 **identity card** - a document that proves the identity of its holder in the territory of Republic of Azerbaijan;

3.0.6 **person staying in the Republic of Azerbaijan temporarily** - a foreigner or stateless person who does not possess a permit to reside in the Republic of Azerbaijan, but entered the Republic of Azerbaijan legally for the tourism, private, business purposes and in other similar cases which have temporary nature;

3.0.7 **person residing in the Republic of Azerbaijan temporarily** - a foreigner or stateless person who received a permit to reside in the Republic of Azerbaijan temporarily in the order established by this Code;

3.0.8 **person residing in the Republic of Azerbaijan permanently** - a foreigner or stateless person who received a permit to reside in the Republic of Azerbaijan permanently in the order established by this Code;

3.0.9 **labor migration** - a change of place of residence of a natural person who migrates legally from one country to another with the aim of carrying out paid labor activity;

3.0.10 **migrant worker** - a natural person who migrates legally from one country to another with the aim to carry out paid labor activity;

3.0.11 **family members of a foreigner or stateless person** - the foreigner's or stateless person's wife (husband), children under 18 years of age, disabled children who have reached the age of 18 and parents dependent on him/her;

3.0.12 **close relative** - a father, mother, husband (wife), child, brother, sister and their children, grandfather, grandmother, the father and mother of the grandfather (grandmother), grandchild, the parents, brother and sister of husband (wife);

3.0.13 **work permit** - a permit issued to a foreigner or stateless person in the order established by this Code for carrying out paid labor activity in the territory of the Republic of Azerbaijan;

3.0.14 **place of residence** - a dwelling house, apartment, service place of accommodation, hotel, dormitory, nursing home, home for disabled and other similar dwellings where a person resides permanently or generally on the basis of an excerpt from the state register of real estate on the state registration of property right, warranty of title, a leasing or renting contract or on other grounds provided for by the legislation of the Republic of Azerbaijan;

3.0.15 **place of stay** - a hotel, sanatorium, rest home, boarding house, camping, tourist base, hospital or other similar public places as well an apartment and other dwelling (own or under possession of a relative, friend and etc.) which is not the place of residence of a person, where he/she resides permanently;

3.0.16 **visa** - an official document that entitles a foreigner or stateless person to enter/exit the Republic of Azerbaijan by crossing its state border checkpoints in the established order and to stay in the country temporarily for the period indicated in the visa;

3.0.17 **document for crossing the border** - an international passport, a document issued to stateless persons to exit the country of residence, a seaman's book (identity card), a travel document issued to refugees, certificate of return, *travel document issued to foreigners and stateless persons who are expelled from the Republic of Azerbaijan* and other documents provided for by international treaties.

Article 4. Scope of application of the Migration Code of the Republic of Azerbaijan

4.1. This Code shall regulate the relations in the sphere of exit of citizens of the Republic of Azerbaijan from the country, their entry to the country, exit of foreigners and stateless persons from the Republic of Azerbaijan, their entry to the Republic of Azerbaijan and temporary stay in the Republic of Azerbaijan, issuance of permits for their temporary and permanent residence, their registration, rights and duties of participants of the migration process, labor migration, as well as state control over migration and fight against illegal migration.

4.2. The rules established by this Code shall not be applicable to the internal labor migration.

4.3. Granting, losing, deprivation of refugee status, as well documents issued to persons who were granted refugee status and the basis of the legal status of these persons in the Republic of Azerbaijan shall be regulated by the relevant law.

4.4. The special rules for entering/exiting the Republic of Azerbaijan during mobilization shall be established by the relevant executive authority.

Article 5. Participants of the migration processes

5.0. Participants of the migration processes shall be:

5.0.1. state authorities involved in the management and regulation of migration processes as well as exercising the state control over these processes;

5.0.2. citizens of the Republic of Azerbaijan, who leave for a foreign country, reside there temporarily or permanently and carry out paid labor activity there;

5.0.3. persons who invite foreigners and stateless persons to the Republic of Azerbaijan and participate in process of their registration in the Republic of Azerbaijan;

5.0.4. foreigners and stateless persons who enter the Republic of Azerbaijan on the basis of a visa or visa-free regime, stay in the country temporarily, extend their temporary residence, obtain a permit for temporary or permanent residence and a permit for carrying out paid labor activity in the Republic of Azerbaijan;

5.0.5. departments, enterprises and organizations, branches and representations of the foreign legal entities, natural persons dealing with entrepreneurial activities irrespective of their organizational and legal forms who invited foreigners and stateless persons to the Republic of Azerbaijan and participate in processes of their temporary stay in the country, extension of temporary stay, registration and labor migration, issuance of permits for their temporary and permanent residence;

5.0.6. Legal entities that passed state registration in the Republic of Azerbaijan and carry out intermediary activity in employment of citizens of the Republic of Azerbaijan in foreign countries.

CHAPTER 2

MIGRATION REGISTRATION OF FOREIGNERS AND STATELESS PERSONS

Article 6. Objectives of migration registration

6.1. The migration registration of foreigners and stateless persons (hereinafter referred to as the “the migration registration”) shall be an activity in the sphere of registration and generalization of information on foreigners and stateless persons as well as on their movement as it is provided for by this Code;

6.2. The migration registration shall be one of the forms of managing migration processes and shall be aimed at providing each foreigner and a stateless person who stays legally in the territory of the Republic of Azerbaijan with the rights established by the Constitution of the Republic of Azerbaijan for free movement, stay in the country and choice of residence and other rights and freedoms, as well as at securing the national interests of the Republic of Azerbaijan in the sphere of migration and preventing illegal migration.

6.3. The migration registration shall be carried out for the following purposes:

6.3.1. Creating the necessary conditions for the realization by foreigners and stateless persons of their rights and freedoms, as well as the fulfillment of the obligations imposed on them;

6.3.2. Developing and implementing the state policy in the sphere of migration;

6.3.3. Designing complete, accurate and timely information on movement of foreigners and stateless persons in order to forecast the results of such movement, as well as conducting statistical observations in the sphere of migration;

6.3.4. Providing management in cases of natural disaster, emergency situation, martial law and other circumstances of similar nature;

6.3.5. Ensuring public order and national security of the Republic of Azerbaijan by combating illegal migration and other unlawful acts;

6.3.6. Systemizing the information on foreigners and stateless persons staying in the Republic of Azerbaijan as well as on their movement.

Article 7. Grounds for conducting migration registration

7.1. Grounds for migration registration of the person shall be as follows:

7.1.1. Entry of a foreigner or stateless person to the Republic of Azerbaijan;

7.1.2. Registration of birth of the foreigner in the Republic of Azerbaijan;

7.1.3. Discontinuation of citizenship of the Republic of Azerbaijan of a person staying in the territory of the Republic of Azerbaijan.

7.2. Grounds for migration de-registration of the person shall be as follows:

7.2.1. Death of a foreigner or stateless person in the Republic of Azerbaijan;

7.2.2. Enactment of the court decision recognizing a foreigner or stateless person dead or missing in the Republic of Azerbaijan;

7.2.3. Granting a citizenship of the Republic of Azerbaijan to a foreigner or stateless person staying in the Republic of Azerbaijan.

Article 8. Conducting migration registration

8.1. While conducting the migration registration the following information on foreigners and stateless persons shall be collected, registered, generalized and used:

8.1.1. type and details of the document proving identity of foreigners and stateless persons (name, serial number, date and place of issue, validity of the document and biometric data if it is available in the document);

8.1.2. type and details of the document confirming the right of stay and residence in the Republic of Azerbaijan;

8.1.3. last name, first name and patronymic (if there is any information about the latter in the document);

8.1.4. date and place of birth;

8.1.5. sex;

8.1.6. citizenship;

8.1.7. purpose of visit to the Republic of Azerbaijan;

8.1.8. occupation (if any);

8.1.9. declared duration of stay or residence in the Republic of Azerbaijan;

8.1.10. date of registration at the last place of residence or stay in the Republic of Azerbaijan and its address;

8.1.11. information on legal representatives (parents, adoptive or foster parents, guardians);

8.1.12. information on expulsion from the country (whether it was applied or not, if it was applied - by whom and when);

- 8.1.13. information on consideration undesirable the stay in the country;
- 8.1.14. information on bringing to criminal or administrative responsibility in the Republic of Azerbaijan;
- 8.1.15. date of death or enactment of the court decision recognizing a person died or missing in the Republic of Azerbaijan and name and location of the court;
- 8.2. The migration registration shall be conducted by the relevant executive authority through the Unified Migration Information System.
- 8.3. For the migration registration purpose the state authorities concerned shall transmit the relevant information to the relevant executive authority through the information resources and systems that they use.
- 8.4. Rules of formation and use of information resources of the Unified Migration Information System shall be established under the Regulations approved by the relevant executive authority.

SECTION II

ENTRY TO AND EXIT FROM THE REPUBLIC OF AZERBAIJAN

CHAPTER 3

EXIT OF CITIZENS THE REPUBLIC OF AZERBAIJAN FROM THE COUNTRY AND THEIR ENTRY TO THE COUNTRY

Article 9. Right of citizens of the Republic of Azerbaijan to exit and enter the country

9.1. A citizen of the Republic of Azerbaijan (hereinafter referred to as the "citizen") shall have a right to exit and enter the Republic of Azerbaijan freely by crossing its state border checkpoints.

9.2. The citizen can not be deprived a right to exit and enter the country.

9.3. A right of the citizen to exit the country can be temporarily restricted in the following cases only:

9.3.1. when he/she is arrested or any measure of restraint is applied to him/her in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan - until release, expiration or cancellation of the measure of restraint;

9.3.2. when he/she is convicted – until completion of the major punishment established by the Criminal Code of the Republic of Azerbaijan, or exemption from punishment, except for the case provided for in Article 9.3.4 of this Code;

9.3.3. when compulsory medical measures are applied to him/her in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan - until cancellation of applying compulsory medical measures;

9.3.4. when he/she is convicted conditionally or exempted from punishment conditionally earlier by imposing obligations provided for in the Criminal Code of the Republic of Azerbaijan - until expiration of the probation period or non-served part of the sentence or until complete early cancellation of the conditional conviction or the obligations imposed;

9.3.4-1. when punishment against pregnant women and persons who have young children was postponed – until exemption from non-served part of a penalty under the court decision or termination of the remaining part of major punishment;

9.3.5. when he is called for active military service – until completion of the active military service or release from that service in conformity with the law;

9.3.6. when there is a valid court decision on temporary restriction of the right of a citizen to exit the country due to the reason of unjustified non-execution in the time limit set for voluntary execution of the writ issued on the basis of the *court judgments, orders and administrative acts of the tax authorities to meet timely monetary requirements* - until a decision is made to lift the restriction;

9.3.6-1. When there is a valid court decision on temporary restriction of the citizen's right to exit the country due to the failure of the citizen to pay to the state budget the arrears and interest on the assessed taxes, the financial sanctions applied, the taxpayer's failure to fulfill the tax obligation within the timeframe established by the Tax Code of the Republic of Azerbaijan - until a decision is made to lift the restriction;

9.3.7. During entry/exit the countries where preventive vaccinations are required according to international health and sanitation rules or the international treaties to which the Republic of Azerbaijan is a party – until preventive vaccination is made.

9.4. Servicemen who serve in the Armed Forces of the Republic of Azerbaijan and other military units (except for the military attachés, military representatives and their assistants) provided for by law, as well as servicemen in the active military service who are involved in international military exercises, antiterrorist, rescue and other activities related to official duty or operations outside the Republic of Azerbaijan can exit the Republic of Azerbaijan if they have official permit issued by relevant executive authorities.

9.5. The right of persons admitted to work with a state secret to leave for a foreign country for permanent residence can be temporarily restricted until the confidentiality period of the information to which they have been admitted expires, however for a period of not more than 5 years.

9.6. Information on the citizens whose right to exit and enter the country is restricted shall be entered into the restrictions lists of the interdepartmental automated data

research system "Entry-exit and registration", and after the elimination of the relevant grounds, the active status of that information shall be changed.

9.7. If an emergency situation or a danger to life, health and freedom of the person arises in any country, the relevant executive authority notifying immediately the population of the Republic of Azerbaijan shall recommend the citizens to refrain from traveling to that country.

9.8. During the martial law under the Law of the Republic of Azerbaijan "On Martial Law" special rules for exit of citizens from the Republic of Azerbaijan and their entry to the country can be applied.

Article 10. Exercise of the right of the citizen to exit and enter the country

10.1. The right of the citizen to exit and enter the country shall be exercised on the basis of passport of the citizen of the Republic of Azerbaijan. The order of issuing a passport shall be regulated by the relevant law.

10.2. The right to exit and enter the country of the citizen working at any position of seaman at ship registered in the Republic of Azerbaijan and used for the navigation purpose shall be exercised on the basis of the identity card of a seaman. When passing the border control the citizen who exits the country individually to get to the ship where he/she works abroad shall present together with the identity card of a seaman, the document confirming his/her entry in a crew of the ship (an excerpt from the compiled crew list of the ship). The order of issuing the identity card of a seaman shall be regulated by the relevant law.

10.3. The right of the citizen of the Republic of Azerbaijan, who lost his/her passport, whose passport was stolen, became useless or expired in a foreign country to return to the country together with his/her child, citizen of the Republic of Azerbaijan, who has not reached the age of 18 or who has reached the age of 18 in a foreign country shall be exercised on the basis of the certificate of return to the Republic of Azerbaijan. The order of issuing a certificate of return to the Republic of Azerbaijan shall be regulated by the relevant law.

Article 11. The order of exiting from the country of the citizen who is an underage person

11.1. Except for cases provided for in Article 11.2 of this Code the citizen who is an underage person can exit the country with his/her parents, adoptive parents, foster parents or guardians.

11.2. When the citizen who is an underage person exits the country with one of the parents, notarized consent of other parent shall be required. When the citizen who is an underage person exits the country alone the consent of his/her parents, and in case of

deprivation of parental right, the adoptive parent, foster parent or guardian's notarized consent shall be required. In case of lack of the written consent of any of these persons, the issue of exiting of the citizen who is an underage person from the country shall be resolved on the basis of the court decision.

11.3. If the death certificate of one of the parents of the citizen who is an underage person or a court decision that recognizes one of the parents as dead or missing or deprives parental rights of one of parents or a certificate issued by the relevant executive authority approving that the data about father was included in the birth records according to the mother's indication is presented the written consent of other parent shall not be required. A citizen who is underage person presenting the written consent of his/her another parent in addition to the documents mentioned above can exit the Republic of Azerbaijan.

11.4. A child who is a citizen of the Azerbaijan Republic adopted by foreigners or stateless persons can exit the country in the order provided for by law only with the provision of the enacted court decision on his/her adoption and the certificate on child adoption.

11.5. Responsibility for life and health, protection of the rights and legitimate interests of the citizen who is an underage person exiting the Republic of Azerbaijan shall rest outside the country with his/her parents, adoptive parents, foster parents or guardians.

11.6. When the citizens who are underage person exit the country in group not accompanied by their parents, adoptive parents, foster parents or guardians the head of the group shall fulfill the duties of legal representative.

Article 12. The order of exiting from the country of the incapacitated citizen

A citizen recognized by the court as incapacitated can exit the country when accompanied by another adult person on the basis of the parents, adoptive parents, foster parents or guardians' notarized application.

Article 13. Registration in consulates of the citizens leaving for temporary or permanent residence in a foreign country

13.1. Citizens leaving for temporary or permanent residence in a foreign country shall be registered by the consulates of the Republic of Azerbaijan abroad through interdepartmental automated data research system "Entry-exit and registration". The citizens residing in the foreign countries (territories) where consulates of the Republic of Azerbaijan do not exist can transfer information on their places of residence to the relevant executive authority electronically.

13.2. The citizens who de-register from their place of residence in a foreign country and return to the Republic of Azerbaijan shall be removed from the register in the consulate

of the Republic of Azerbaijan through the interdepartmental automated data research system “Entry-exit and registration”.

Article 14 . Protection of the rights of citizens residing outside the Republic of Azerbaijani by the Azerbaijani state

Relevant state authorities, diplomatic representations and consulates of the Republic of Azerbaijan as well as its officials shall be obliged to take measures that will enable the citizens of the Republic of Azerbaijan who reside abroad temporarily or permanently to enjoy all of their rights provided in conformity with the international treaties to which the Republic of Azerbaijan is a party, the legislation of the relevant foreign state and international customary law, to protect their legal rights and interests in the order established by legislation and to take measures to restore the violated rights of citizens of the Republic of Azerbaijan.

CHAPTER 4

ENTRY OF FOREIGNERS AND STATELESS PERSONS TO THE REPUBLIC OF AZERBAIJAN, THEIR EXIT FROM THE REPUBLIC OF AZERBAIJAN AND TEMPORARY STAY IN THE REPUBLIC OF AZERBAIJAN

Article 15 . Entry, exit of foreigners and stateless persons the Republic of Azerbaijan

15.1. Foreigners and stateless persons can enter and exit the Republic of Azerbaijan by crossing the state border checkpoints on the basis of their passports or other documents for crossing the border.

15.2. In cases when visa is required to enter the Republic of Azerbaijan, foreigners and stateless persons shall obtain a visa in the order established by this Code.

15.3. In cases when international treaties were concluded with foreign states, *as well as in cases established by the relevant executive authority* foreigners and stateless persons can enter the Republic of Azerbaijan without visa.

15.4. Foreigners and stateless persons who obtained permits to reside in the Republic of Azerbaijan temporarily or permanently can exit the Republic of Azerbaijan and return to the Republic of Azerbaijan without visa on the basis of their passports or other documents for crossing the border and permit cards for temporary or permanent residence issued by the relevant executive authority of the Republic of Azerbaijan.

15.5. Foreigners and stateless persons who were granted refugee status in the Republic of Azerbaijan can exit the Republic of Azerbaijan and return to the Republic of Azerbaijan without visa on the basis of the travel document issued to them to exit the Republic of Azerbaijan.

15.6. *In cases stipulated by international treaties to which the Republic of Azerbaijan is a party and when it is impossible to get for foreigners and stateless persons in their countries of origin the documents for crossing the border, the travel document issued to these persons expelled from the Republic of Azerbaijan and do not possess documents for crossing the border shall be recognized as a basis to exit the country.*

15.7. *During the martial law under the Law of the Republic of Azerbaijan "On Martial Law" special rules for entry of foreigners and stateless persons to the Republic of Azerbaijan and their exit from the Republic of Azerbaijan can be applied.*

Article 16. Prohibitions and restrictions for entry of foreigners and stateless persons to the Republic of Azerbaijan

16.1. Entry of foreigners and stateless persons to the Republic of Azerbaijan shall be prohibited in the following cases:

16.1.1. when it is required for national security or protection of public order or of the rights and legitimate interests of citizens of the Republic of Azerbaijan and other persons;

16.1.2. when information is available that a person committed a crime against peace and humanity, act of terrorism, financing of terrorism, or she/he is a member of a transnational organized criminal group;

16.1.3. when a person was convicted for committing a crime against the citizens or interests (benefits) of the Republic of Azerbaijan, if his/her conviction was not served or withdrawn in the order established by law;

16.1.4. when a person was expelled from the Republic of Azerbaijan previously, if the period of restriction to enter the country did not expire;

16.1.5. when stay of a person in the Republic of Azerbaijan is considered undesirable;

16.1.6. when a person violated the declared purpose of visit during previous stay in the Republic of Azerbaijan;

16.1.7. when a person gave wrong information about him/herself or purpose of his/her visit while submitting an application for entry to the Republic of Azerbaijan;

16.1.8. *When a person fails to pay a fine (including the fee calculated) as an administrative sanction without expulsion from the territory of the Republic of Azerbaijan which is applied for violation of rules of stay and residence of foreigners and stateless persons in the Republic of Azerbaijan;*

16.2. In cases provided for in Articles 16.1.6 and 16.1.7 of this Code, entry of foreigners and stateless persons to the Republic of Azerbaijan shall be prohibited for 5 years.

16.3. In cases provided for in Article 16.1 of this Code, the information on foreigners and stateless persons shall be entered in the established order into the restrictions lists of the interdepartmental automated data research system "Entry-exit and registration" and

after the elimination of the relevant grounds, the active status of that information shall be changed.

16.4. If persons indicated in Article 16.1.8 of this Code paid a fine (including the fee calculated) prohibition on their entry to the Republic of Azerbaijan shall be immediately lifted.

Article 17. Temporary restriction for exit of foreigners and stateless persons from the Republic of Azerbaijan

17.1. Exit of foreigners and stateless persons from the Republic of Azerbaijan can be temporarily restricted in the following cases:

17.1.1. when their exit is in conflict with the interest of ensuring national security – until this ground is eliminated;

17.1.2. when they are arrested or any measure of restraint is applied to them in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan – until release, expiration or cancellation of the measure of restraint;

17.1.3. when they are convicted – until completion of the major punishment established by the Criminal Code of the Republic of Azerbaijan, or exemption from punishment, except for the case provided for in Article 17.1.5 of this Code;

17.1.4. when compulsory medical measures are applied to them in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan – until cancellation of applying compulsory medical measures;

17.1.5. when they are convicted conditionally or exempted from punishment conditionally earlier by imposing obligations provided for in the Criminal Code of the Republic of Azerbaijan - until expiration of the probation period or non-served part of the sentence or until complete early cancellation of the conditional conviction or the obligations imposed;

17.1.5-1. when punishment against pregnant women and persons who have young children was postponed – until exemption from non-served part of a penalty under the court decision or termination of the remaining part of major punishment;

17.1.6. when there is a valid court decision on temporary restriction of their right to exit the country due to the reason of unjustified non-execution in the time limit set for voluntary execution of the writ issued on the basis of the *court judgments, orders and administrative acts of the tax authorities to meet timely monetary requirements* - until a decision is made to lift the restriction;

17.1.6-1. when there is a valid court decision on temporary restriction of their right to exit the country due to their failure to pay to the state budget the arrears and interest on the assessed taxes, the financial sanctions applied, the taxpayer's failure to fulfill the tax obligation within the timeframe established by the Tax Code of the Republic of Azerbaijan - until a decision is made to lift the restriction;

17.1.7. when they committed administrative offences – until implementation of administrative penalties applied to them.

17.2. Lack of preventive vaccinations in the order provided for by the legislation shall result in restriction of entry/exit of foreigners and stateless persons residing in the Azerbaijan Republic permanently to/from countries where preventive vaccinations are required in accordance with international health and sanitation rules or international treaties to which the Republic of Azerbaijan is a party.

17.3. In cases provided for in Articles 17.1 and 17.2 of this Code, the information on foreigners and stateless persons shall be entered in the established order into the restrictions lists of the interdepartmental automated data research system “Entry-exit and registration” and after the elimination of the relevant grounds, the active status of that information shall be changed.

Article 18. Foreigners and stateless persons who arrive in the Republic of Azerbaijan without a passport or visa

18.1. Foreigners and stateless persons who attempted to cross the state border of the Republic of Azerbaijan without a passport, visa or with an invalid passport or other document thus violating the requirements of this Code shall not be admitted to the territory of the Republic of Azerbaijan and returned to the country from which they arrived.

18.2. Foreigners and stateless persons who attempted to cross the state border with fraud documents or with documents that belong to others shall be made liable in the order established by law.

Article 19. Transit passage of foreigners and stateless persons through the territory of the Republic of Azerbaijan

19.1. The entry of a foreigner or stateless person to the territory of the Republic of Azerbaijan from any state and exit following the route established in the territory of the Republic of Azerbaijan to move to the third country shall be considered as his/her transit passage through the territory of the Republic of Azerbaijan.

19.2. A foreigner or stateless person who is in transit passage through the territory of the Republic of Azerbaijan shall be issued a transit visa in the order provided for in Articles 34-37 of this Code.

19.3. A transit visa shall not be required for the transit passage of foreigners and stateless persons in the following cases:

19.3.1. when foreigners or stateless persons were issued other visas that enable them to cross the state border of the Republic of Azerbaijan;

19.3.2. when passengers of air transport have a transit flight through the territory of the Republic of Azerbaijan with no plane change;

19.3.3. when foreigners or stateless persons go to the country of destination by plane with a transfer at the airport of the Republic of Azerbaijan, providing that the passengers have documents that permit them to enter the country of destination, airline tickets confirming their departure time from the airport where they landed to change a plane and duration of their stay in the territory of the Republic of Azerbaijan shall not exceed 24 hours. In this case, the passengers can not leave the special area designated in the territory of the airport.

19.3.4. when the citizens of a country that has an agreement on visa-free regime with the Republic of Azerbaijan have a transit passage through its territory;

19.4. During transit passage the forced stay of foreigners and stateless persons in the territory of the Republic of Azerbaijan longer than the period specified in their visas shall be possible in the following cases:

19.4.1 when a natural disaster, which becomes an obstacle to traffic occurs;

19.4.2 when there is a need for repair as a result of the failure of a vehicle (its parts) or a traffic accident (upon presentation of the relevant document);

19.4.3 when the persons travelling through the territory of the Republic of Azerbaijan get diseased (in this case an opinion of a doctor about threat of continuation of the travel for the health of the diseased person shall be required);

19.5. If in the case provided for in Article 19.4.3 of this Code the diseased person travels with his/her relatives the forced stop shall also be applicable to them.

19.6. If during the transit passage the forced stop occurs duration of the temporary stay of foreigners and stateless persons in the Republic of Azerbaijan shall be extended until elimination of reasons of the forced stop in conformity with Articles 41-43 of this Code.

19.7. Foreigners and stateless persons in transit passage through the territory of the Republic of Azerbaijan by railway or auto transport shall not be allowed to stop over in frontier zone.

19.8. Transit passage of foreigners and stateless persons involved in international carriage through the territory of the Republic of Azerbaijan shall be carried out via state border checkpoints and highways designated for international and interstate carriage.

19.9. Control over transit passage of foreigners and stateless persons through the territory of the Republic of Azerbaijan shall be exercised by relevant executive authorities.

19.10. Foreigners and stateless persons shall be made liable in order provided by the law for violation of rules of the transit passage through the territory of the Republic of Azerbaijan.

Article 20. Temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

20.1. Duration of temporary stay of foreigners and stateless persons who enter the Republic of Azerbaijan on a visa basis shall not exceed duration of stay indicated in the visa and that one of foreigners and stateless persons who enter the Republic of Azerbaijan on a visa-free basis shall not exceed 90 days except for cases provided for in the international treaties to which the Republic of Azerbaijan is a party.

20.2. If duration of temporary stay of foreigners and stateless persons in the country was not extended before its expiration, they were not issued temporary residence permits and they did not apply for extend duration of temporary stay or to obtain temporary residence permits they shall leave the territory of the Republic of Azerbaijan.

Article 21. Registration of foreigners and stateless persons at place of stay in the Republic of Azerbaijan

21.1. Foreigners or stateless persons who stay in the Republic of Azerbaijan temporarily for more than 15 days have to register at their place of stay (*to this end relevant notice in Azerbaijani, Russian and English languages shall be issued at the state border checkpoints to foreigners and stateless persons entering the country*).

21.2. For this purpose, the management of the place of stay of the foreigner or stateless person (hotel, sanatorium, rest home, boarding house, camping, tourist base, hospital or other similar places) or the owner of the apartment or other place of accommodation where the foreigner or stateless person stays (hereinafter referred to as the “receiving party”) has to submit the application and a copy of the passport (another document for crossing the border) of the foreigner or stateless person for the registration at the place of stay to the relevant executive authority through its *information resource*, an e-mail or personally within 15 days since the date of his/her entry to the country.

21.3. Foreigners and stateless persons can also apply themselves for registration at place of stay in the order established by Article 21.2 of this Code.

21.4. After submission of the application the relevant executive authority shall immediately register the foreigner or stateless person at his/her place of stay by entering the information on him/her into the Unified Migration Information System and shall inform applicant about it within 1 working day.

21.5. Foreigners and stateless persons shall be registered for following periods:

21.5.1. persons entering the country on a visa basis – for the duration of stay indicated in the visa;

21.5.2. persons entering the country on a visa-free basis – for 90 days.

21.6. Registration of foreigners and stateless persons who are under protection of the Office of the United Nations High Commissioner for Refugees in the Republic of Azerbaijan at their places of stay for the protection period shall be conducted by the relevant executive authority on the basis of information provided by the Office.

21.7. A state fee shall not be charged for registration of the foreigners and stateless persons at their places of stay.

21.8. When the foreigners and stateless persons leave their places of stay, the receiving party or the persons themselves shall inform the relevant executive authority about it and on the basis of that information they shall be de-registered from their places of stay. When the registration period expires the foreigners and stateless persons shall be considered de-registered ones.

21.9. When a foreigner or stateless person changes his/her place of stay, he/she has to register at new place of stay in the order provided for in Articles 21.2 – 21.4 of this Code. *If foreigner or stateless person stays temporarily at other apartment (dwelling) of the owner of apartment (dwelling) where he/she is registered, his/her re-registration at new place of stay shall not be required.*

Article 22. Foreigners and stateless persons whose registration is conducted by the relevant executive authority

22.1. Registration of officers of the diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, as well as officers of representations of international organizations, their administrative and technical staff and family members and foreigners who visit the Republic of Azerbaijan with diplomatic mission or a special mission in cases provided for by the international treaties that the Republic of Azerbaijan is a party shall be conducted by the relevant executive authority.

22.2. In connection with this they shall be issued the relevant identity card specimen of which was approved by the relevant executive authority.

22.3. The relevant executive authority shall submit the information on persons specified in Article 22.1 of this Code to the relevant executive authority within 10 days for the purpose of the migration registration.

Article 23. The consideration of stay of foreigners and stateless persons in the territory of the Republic of Azerbaijan undesirable

23.1. If the entry of foreigners and stateless persons to the Republic of Azerbaijan, their stay or residence in the Republic of Azerbaijan can harm the sovereignty, territorial integrity and secular nature of the Republic of Azerbaijan, unity of the Azerbaijani people, national security of the country, public order or health of the population and when protection of the rights and legitimate interests of citizens of the Republic of Azerbaijan and other persons requires it, the stay of these foreigners and stateless persons in the country can be considered undesirable by the relevant executive authority.

23.2. The consideration of a person as undesirable shall be provided for a period of 5 years and can be extended for the same period, if the relevant grounds are not eliminated. The number of the extensions shall not be limited.

23.3. When a foreigner or stateless person staying temporarily, residing temporarily or permanently in the territory of the Republic of Azerbaijan on a legal basis is considered undesirable he/she shall lose the right to stay or reside in the country since adoption of the decision about it.

23.4. The information on person considered undesirable in the country shall be entered into the interdepartmental automated data research system "Entry-exit and registration" by relevant executive authorities.

23.5. When stay of person in the territory of the Republic of Azerbaijan is considered undesirable relevant executive authorities shall submit the information about it to the relevant executive authority for the purposes of conducting registration of foreigners and stateless persons as well as making a decision about expulsion of those persons from the Republic of Azerbaijan in conformity with Article 79 of this Code.

SECTION III

DOCUMENTS ENTITLING FOREIGNERS AND STATELESS PERSONS TO ENTER THE REPUBLIC OF AZERBAIJAN, STAY TEMPORARILY, RESIDE AND WORK IN THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN AND THE RULES OF THEIR ISSUANCE

CHAPTER 5

VISAS

Article 24. **Visas issued to foreigners and stateless persons**

24.1. Visas issued to foreigners and stateless persons shall be of entry and transit type.

24.2. According to the number of entries the entry visa shall be single and multiple one and the transit visa - single and double entries one.

24.3. Entry visa shall be of diplomatic, service and ordinary category.

24.4. The entry visas of diplomatic and service category shall be issued to foreigners and stateless persons who visit the Republic of Azerbaijan with the official purpose only.

24.5. The entry visas of the ordinary category shall be issued to foreigners and stateless persons who visit the Republic of Azerbaijan with business, scientific, educational, labor, tourist, cultural, sports, humanitarian, medical treatment and for the purpose of a private visit.

24.6. Validity of the entry visa for single entry/exit shall be set up to 90 days and for multiple entry/exit - up to 2 years.

24.7. Foreigners and stateless persons can stay in the territory of the country according to the duration and purpose indicated on the visa.

24.8. The period of stay in the country indicated in the visa shall be used during the validity of the visa itself. A visa that was not used for a given period of time loses its validity.

24.9. The rules (terms) on visas stipulated in the international treaties, to which the Republic of Azerbaijan is party can differ from those ones provided for in this Code.

Article 25. An entry visa issued for the purpose of official visit

25.1. A visa for official visit shall be issued to officers of the diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, including officers of representations of international organizations, their administrative and technical staff and family members and to foreigners and stateless persons who visit the Republic of Azerbaijan with diplomatic mission or a special mission in cases provided for by the international treaties to which the Republic of Azerbaijan is a party. Duration of stay in the country under these visas shall be established on the basis of validity period of the visas issued.

25.2. A visa for official visit can also be issued to foreigners and stateless persons who shall participate in official events and conferences to be held in the Republic of Azerbaijan and duration of stay in the country on the basis of this visa shall be up to 180 days.

25.3. An official note verbal of the country or international organization that a foreigner or stateless person represents or the application of relevant entities of the Republic of Azerbaijan and the documents specified in Article 36 of this Code shall be required to process a visa for official visit.

Article 26. An entry visa issued for the purpose of business visit

26.1. A visa for business visit shall be issued on the basis of application of state authorities of the Republic of Azerbaijan, legal entities functioning in the Republic of Azerbaijan or natural persons dealing with entrepreneurial activity without establishing a legal entity, as well as of branches and representations of foreign legal entities to establish business relations or cooperation in the Republic of Azerbaijan or to foreigners and stateless persons arriving with a document confirming that he/she is dealing with entrepreneurial activity in the Republic of Azerbaijan.

26.2. Duration of stay in the country on the basis of the visa for business visit shall be up to 180 days.

26.3. Documents specified in Article 36 of this Code shall be required to process a visa for business visit.

Article 27. An entry visa issued for the purpose of science or education

27.1. A scientific or educational visa shall be issued to foreigners and stateless persons who arrive to deal with scientific activity, participate in relevant conferences, seminars and other scientific events, to study in educational institutions after admission or to upgrade specialty on the basis of application of the state authorities, scientific and research institutes, officially registered educational institutions functioning in the Republic of Azerbaijan.

27.2. Duration of stay in the country on the basis of the scientific or educational visa shall be up to 90 days.

27.3. Relevant document confirming that a person has sufficient funds to pay for his/her study and residence in the Republic of Azerbaijan (if study of a foreigner or stateless person in the Republic of Azerbaijan is not funded by the country of his/her citizenship or a permanent residence) and the documents specified in Article 36 of this Code shall be required to process scientific or educational visa.

Article 28. An entry visa issued for the purpose of labor

28.1. A labor visa shall be issued to foreigners and stateless persons who intend to carry out paid labor activity and for this purpose enter the Republic of Azerbaijan, on the basis of application of the state authorities of the Republic of Azerbaijan, legal entities functioning in the Republic of Azerbaijan or natural persons dealing with entrepreneurial activity without establishing a legal entity, as well as of branches and representations of foreign legal entities acting as an employer.

28.2. Duration of stay in the country on the basis of the labor visa shall be up to 90 days.

28.3. The documents specified in Article 36 of this Code shall be required to process a labor visa.

Article 29. An entry visa issued for the purpose of medical treatment

29.1. A medical treatment visa shall be issued to foreigners and stateless persons who arrive to undergo medical examination and treatment in the Republic of Azerbaijan on the basis of application of health institutions in the Republic of Azerbaijan acting as a receiving party.

29.2. Duration of stay in the country on the basis of a medical treatment visa shall be up to 90 days.

29.3. Health certificate about disease of the invited person to be examined and treated and the documents specified in Article 36 of this Code shall be required to process a medical treatment visa.

Article 30. An entry visa issued for the purpose of private visit

30.1. A visa for private visit shall be issued to foreigners and stateless persons who arrive on the basis of *application* of a citizen of the Republic of Azerbaijan, the foreigner or stateless person who resides in the Republic of Azerbaijan permanently, the migrant worker who possesses a permit to reside in the Republic of Azerbaijan temporarily or the foreigner or stateless person who studies in the country (only for family members of the migrant worker or foreigner and stateless person who studies in the country).

30.2. Duration of stay in the country on the basis of a visa for private visit shall be up to 90 days.

30.3. A copy of the identity document of the inviting person, commitment letter to cover all the costs related to the visit of foreigner or stateless person (ticket, daily allowances, medical and etc. costs) or relevant document on availability of funds to cover these costs as well as the document confirming that the invited person is a family member of the migrant worker or the foreigner and stateless person who studies in the country and the documents specified in Article 36 of this Code shall be required to process a visa for private visit.

Article 31. An entry visa issued for the purpose of humanitarian visit

31.1. A visa for humanitarian visit shall be issued to foreigners and stateless persons who arrive to carry out activity of humanitarian nature, hold humanitarian events or participate in such events in the Republic of Azerbaijan on the basis of an application of the state authorities of the Republic of Azerbaijan, legal entities that work in this sphere acting as receiving party.

31.2. Duration of stay in the country on the basis of a visa for humanitarian visit shall be up to 90 days.

31.3. The documents specified in Article 36 of this Code shall be required to process a visa for humanitarian visit.

Article 32. An entry visa issued for cultural and sports purposes

32.1. A cultural and sports visa shall be issued to foreigners and stateless persons to participate in any culture and sports events to be held in the Republic of Azerbaijan on the basis of an application of the of state authorities and legal entities that work in this sphere acting as receiving party.

32.2. Duration of stay in the country on the basis of the cultural and sports visa shall be up to 60 days.

32.3. The documents specified in Article 36 of this Code shall be required to process a cultural and sports visa.

Article 33. An entry visa issued for the purpose of tourism

33.1. A tourist visa shall be issued to foreigners and stateless persons who travel to the Republic of Azerbaijan as tourists.

33.2. Duration of stay in the country on the basis of the tourist visa shall be up to 30 days.

33.3. Document confirming that the travel has a tourism purpose (tourist voucher or a passenger ticket and a document confirming the reservation of a room in the hotel, camping, tourist base or other similar facilities) and the documents specified in Article 36 of this Code shall be required to process a tourist visa.

Article 34. A transit visa

34.1. A transit visa shall be issued to foreigners and stateless persons travelling to a third country to pass through the territory of the Republic of Azerbaijan.

34.2. The validity of a transit visa shall be up to 30 days and duration of stay in the country - up to 5 days. Transit visas shall be issued taking into consideration a travel route by air, maritime, railway and other types of transport and the time spent for it.

34.3. Copies of the visa to travel to the country of destination (except for the countries that have a visa-free regime with the country of destination) and of the tickets (if available) for travel from the country of origin to the country of destination or other information confirming that travel and the documents specified in Article 36 of this Code shall be required to process a transit visa.

Article 35. Information included in a visa sticker

35.1. The words "The Republic of Azerbaijan", the state coat of arms, serial number of the visa, type and category of the visa, purpose of visit to the country, name and surname of the visa holder, his/her passport number, sex, date of birth, citizenship, total number of persons travelling with him/her, place and date of issue of the visa, the signature of the authorized officer who issued the visa and stamp of the relevant state authority, validity dates of the visa, number of entries, total number of days permitted for visa holder to stay in the county irrespective the number of the entries during the validity period of the visa and facial image of the visa holder in accordance with biometric identification requirements shall be included in the visa sticker.

35.2. All the parameters specified in the visa sticker shall be written both in Azerbaijani and English languages.

35.3. The specimen, description and specification of the visa sticker shall be approved by the relevant executive authority.

35.4. Rules of individualization of the visa sticker shall be approved by the relevant executive authority.

Article 36. Documents that are required to apply for visa

36.1. The following documents shall be required to apply for visa:

36.1.1. An application form specimen of which was approved by the relevant executive authority;

36.1.2. A passport or other document for crossing the border (the validity of the passport or other document for crossing the border must be at least three months longer than the expiration date of the visa) and copies of its main pages;

36.1.3. Two color photos (3 x 4 cm) in accordance with biometric identification requirements;

36.1.4. A copy of the health insurance certificate (if an inviting party does not cover costs for any medical services);

36.1.5. A receipt on payment the state fee for visa;

36.1.6. An application of a party inviting the foreigner or stateless person to the Republic of Azerbaijan, sample of which was approved by the relevant executive authority (*this documents shall not be required to apply for transit and tourist visas*);

36.1.6-1. *A copy of the state registration certificate if a party inviting a foreigner or stateless person to the Republic of Azerbaijan is a non-governmental organization;*

36.1.6-2. *A document confirming the reason of the invitation (this document shall not be required to apply for transit, tourist, official and private visas).*

36.1.7. Relevant documents specified in Articles 25-34 of this Code, depending on the purpose of a visit.

36.2. In addition to the documents specified in Article 36.3 of this Code, a notarized copy of the birth certificate, written consent of parents or a legal representative and copies of their identity documents shall be required to apply for visa for foreigners and stateless persons who are under 18 years of age, but possess a passport and do not travel with their parents or legal representatives.

36.3. The amount of the state fee charged for issuing a visa shall be established by the relevant law of the Republic of Azerbaijan. The state fee paid for issuing a visa, irrespective of the outcome of processing of the application, shall not be returned.

Article 37. Order of visa processing

37.1. Foreigner and stateless person shall submit personally or through his/her legal representative a visa application form to the diplomatic representation or consulate of the Republic of Azerbaijan in the country of his/her residence or in third country.

37.2. In cases established by the relevant executive authority, foreigners and stateless persons can apply for a visa in the territory of the Republic of Azerbaijan.

37.3. Visa application form can also be submitted electronically.

37.4. A list of the documents that are required to apply for a visa, a specimen of an application form, information on amount of state fee for visa and order of its payment, and information on the diplomatic representations and consulates of the Republic of Azerbaijan in third countries where foreigners and stateless persons can apply for visa if such diplomatic representations and consulates are not available in their countries of residence shall be posted on the websites of the relevant executive authority, diplomatic representations and consulates of the Republic of Azerbaijan in foreign countries and in front of their administrative buildings on well visible boards.

37.5. Visa application form shall be processed through the interdepartmental automated data research system "Entry-exit and registration".

37.6. Visa applications of foreigners and stateless persons shall be processed within fifteen days since the date of submission the application but in cases established by the relevant executive authority, as well as when travel of foreigners and stateless persons is reasoned by their urgent medical treatment or a serious disease or death of their relatives residing in the Republic of Azerbaijan their applications shall be processed within two days latest (upon submission of a document confirming such facts).

37.7. After checking by diplomatic representation or consulate the accuracy of the visa application form and availability of all necessary support documents this information shall be immediately entered into the interdepartmental automated data research system "Entry-exit and registration" and endorsed by enforceable electronic signature.

37.8. While processing the visa application form the relevant executive authority shall verify the accuracy and completeness of the information, make cross-checking against the restrictions lists of the interdepartmental automated data research system "Entry-exit and registration", get the feedback of the relevant executive authority for the purpose of general agreement and present its final conclusion made depending on the results of these actions above to the diplomatic representation or consulate.

37.9. If it is considered reasonable to issue a visa a diplomatic representation or consulate shall ensure that the visa sticker is individualized, issued and registered.

37.10. In cases provided for in Article 16.1 of this Code the visa application shall be rejected and a visa issued before - cancelled. The repeated application shall be processed after elimination of grounds that caused its previous rejection.

37.11. Foreigners and stateless persons can complain against “red tape” involved in processing visa application or against its rejection in an administrative and/or judicial order according to the legislation of the Republic of Azerbaijan.

37.12. *The order of issuance of the electronic visas to foreigners and stateless persons, travelling to the Republic of Azerbaijan shall be established by Article 38 of this Code.*

Article 38. Electronic visas

38.1. *Foreigners and stateless persons travelling to the Republic of Azerbaijan can obtain e-visas through the “ASAN Visa” system. Duration of stay in the country on the basis of single e-visa shall be up to 30 days and of multiple one – up to 90 days.*

38.2. *Organization of the “ASAN Visa” system operation, information to be included in e-visa application form, description and specimen of the e-visa sticker shall be specified in regulations approved by the relevant executive authority.*

38.3. *E-visa shall be issued to citizens of the countries the list of which is approved by the relevant executive authority and to stateless persons residing in those countries permanently.*

38.4. *In order to obtain an e-visa foreigners and stateless persons shall enter into the “ASAN Visa” system information specified in e-visa application form available in that system, and after getting relevant confirmation make e-payment of a state fee for visa in the amount established by the law of the Republic of Azerbaijan “On state fee”.*

38.5. *The e-visa application form shall be checked against the restrictions lists of the interdepartmental automated data research system “Entry-exit and registration” within 3 working days latest since its submission and in case of speeded-up e-visa application within 3 hours latest and in the absence of grounds for refuse the e-visa shall be issued and sent to the e-mail address of the applicant. The information on the e-visa refusal shall be sent to the e-mail address of the applicant.*

38.7. *The “ASAN Visa” system shall send information on e-visa issuance or refusal, as well as the information provided in e-visa application form to the relevant executive authority through the “Visa” subsystem of interdepartmental automated data research system “Entry-exit and registration”.*

38.8. *E-visa shall not be glued into the passport and while crossing the state border checkpoint of the Republic of Azerbaijan a foreigner or a stateless person shall present a printed e-visa or data on this visa along with a document for crossing the border. While crossing the state border checkpoint an endorsement on entry to and exit from the territory of the Republic of Azerbaijan shall be made in the passport of the person. Information about it shall be transmitted in real time to the “ASAN Visa” system through interdepartmental automated data research system “Entry-exit and registration”.*

38.9. *In cases provided for in Article 16.1 of this Code the e-visa application shall be rejected, issued visa – cancelled and person not admitted to the country. The repeated e-application shall be processed after elimination of grounds that caused its previous rejection.*

38.10. *Foreigners or stateless persons can apply for a new e-visa only after they will leave the territory of the Republic of Azerbaijan.*

38.11. *Foreigners or stateless persons (except for the persons whose temporary stay in the Republic of Azerbaijan was extended or who obtained a temporary residence permit) shall exit the territory of the Republic of Azerbaijan on the basis of an e-visa which they presented while entering the country.*

CHAPTER 6

EXTENSION OF TEMPORARY STAY OF FOREIGNERS AND STATELESS PERSONS IN THE REPUBLIC OF AZERBAIJAN

Article 39. Decision on extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

39.1. In cases provided for in Article 40 of this Code temporary stay of foreigners and stateless persons in the Republic of Azerbaijan can be extended by the relevant executive authority and appropriate decision shall be made in this regard.

39.2. The decision on extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan shall be an official document that entitles foreigners and stateless persons to stay in the Republic of Azerbaijan temporarily.

39.3. The foreigners and stateless person whose temporary stay in the Republic of Azerbaijan was extended can leave the country by presenting their passports or other documents for crossing the border and the decision on extension of temporary stay while crossing the state border checkpoints.

39.4. The description, specifications and specimen of the decision on extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan shall be approved by the relevant executive authority.

Article 40. Cases of extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

40.0. Except for cases provided for in Article 43 of this Code temporary stay of foreigners and stateless persons in the Republic of Azerbaijan shall be extended in the following cases:

40.0.1 when urgent medical treatment of foreigners and stateless persons in the Republic of Azerbaijan is required;

40.0.2. when the foreigners' and stateless persons' close relative residing in the Republic of Azerbaijan has a serious disease or dies;

40.0.3. when a justified letter on non-completion of the work designated to the person who arrived in the Republic of Azerbaijan with service needs is submitted by the organization that invited foreigner or stateless person to the country;

40.0.4. In cases provided for in Article 19.4 of this Code.

Article 41 . Documents that are required to extend temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

41.1. Foreigners and stateless persons shall submit the following documents to extend their temporary stay in the Republic of Azerbaijan:

41.1.1. An application form, specimen of which was approved by the relevant executive authority;

41.1.2. A copy of the passport or other document for crossing the border;

41.1.3. A notarized copy of the birth certificate or other equivalent document (for persons under 18 years of age without passport);

41.1.4. A document confirming the existence of any case that justifies extension of temporary stay provided for in Article 40 of this Code;

41.1.5. Two photos (3.5 x 4.5 cm);

41.1.6. The document of a dwelling where a person will be registered (excerpt from the state register of real estate on the state registration of property right, warranty of title, a leasing or renting contract or other document provided for in the legislation of the Republic of Azerbaijan);

41.1.7. An application letter of the person who provides a foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of a place of residence);

41.1.8. A copy of the identity document of the person who provides a foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of a place of residence);

41.1.9. A receipt on payment of the state fee.

41.2. A receipt on payment of the state fee shall be presented when the decision on extension of temporary stay is issued to foreigner or stateless person.

Note: Copies of the documents specified in Articles 41.1.2, 41.1.6 and 41.1.8 of this Code shall be submitted with their originals that will be returned after comparison to the person who submitted them.

Article 42 . Order of extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

42.1. Temporary stay of foreigners and stateless persons entering the Republic of Azerbaijan can be extended up to 60 days on the basis of their application or that one of their legal representatives in cases provided for in Article 40 of this Code.

42.2. Temporary stay of a foreigner or stateless person under 18 years of age in the Republic of Azerbaijan shall be extended on the basis of an application of his/her parent or other legal representative.

42.3. An application form for extension of a temporary stay in the Republic of Azerbaijan and other necessary documents can be submitted electronically.

42.4. Foreigners and stateless persons shall apply to the relevant executive authority and submit the documents that are required to extend temporary stay in the Republic of Azerbaijan at least 3 working days before the termination of their temporary stay (except for cases of forced stop during transit passage).

42.5. A relevant decision regarding the applications of foreigners and stateless persons for extension of temporary stay in the Republic of Azerbaijan shall be made within 3 working days.

42.6. While considering the issue of extension the temporary stay of foreigners and stateless persons in the Republic of Azerbaijan in every particular case the relevant executive authority shall examine the reasons of their stay in the Republic of Azerbaijan, refuse to extend duration of stay in cases provided for in Article 43 of this Code and provide the foreigners and stateless persons with written information on refusal or present to foreigners and stateless persons whose applications for extension of temporary stay was supported the decision on extension of temporary stay in the Republic of Azerbaijan.

42.7. Foreigners and stateless persons whose application for extension of temporary stay was rejected shall leave the territory of the country until expiration of their temporary stay in the Republic of Azerbaijan. If temporary stay of foreigners and stateless persons expires while their applications for extension of temporary stay are being considered they shall leave the territory of the country within 48 hours since the time of getting the decision on rejection.

42.8. The work for collection of relevant information with regard to extension of temporary stay in the Republic of Azerbaijan, individualization of decisions on extension of temporary stay and presenting it and keeping records on foreigners and stateless persons whose applications for extension of temporary stay in the Republic of Azerbaijan were rejected shall be implemented through the Unified Migration Information System.

42.9. Temporary stay of officers of the diplomatic representations and consulates of foreign countries in the Republic of Azerbaijan, as well as officers of representations of the international organizations, their administrative and technical staffs and family members and foreigners who visit the Republic of Azerbaijan with a special mission in cases provided for by the international treaties to which the Republic of Azerbaijan is a

party, shall be extended by issuing new visa by relevant executive authority in conformity with this Code.

Article 43. Cases of non-extension of temporary stay of foreigners and stateless persons in the Republic of Azerbaijan

43.1. Temporary stay of foreigners and stateless persons in the Republic of Azerbaijan shall not be extended and decision on extension of temporary stay made previously shall be cancelled in the following cases:

43.1.1. when their temporary stay in the Republic of Azerbaijan can harm the national security of the Republic of Azerbaijan;

43.1.2. when their temporary stay in the Republic of Azerbaijan can harm the public order;

43.1.3. when they submit fraud documents or wrong information to extend their temporary stay in the Republic of Azerbaijan;

43.1.4. when they do not possess identity documents;

43.1.5. when their entry to the Republic of Azerbaijan is prohibited;

43.1.6. when the cases that served as a basis for their temporary stay in the Republic of Azerbaijan were eliminated;

43.1.7. When their stay in the Republic of Azerbaijan is considered undesirable;

43.2. Temporary stay of foreigners and stateless persons shall not be extended less than 1 month before expiration of their passports or other documents for crossing the border.

CHAPTER 7

A PERMIT FOR TEMPORARY RESIDENCE IN THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN

Article 44. A permit issued to foreigners and stateless persons for temporary residence in the territory of the Republic of Azerbaijan and a document confirming it

44.1. Foreigners and stateless persons who wish to reside in the territory of the Republic of Azerbaijan temporarily shall obtain a relevant permit for it.

44.2. Permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan shall be issued by the relevant executive authority.

44.3. When foreigners and stateless persons are provided with permit to reside in the territory of the Republic of Azerbaijan temporarily the relevant executive authority shall issue to them a permit card for temporary residence in the territory of the Republic of Azerbaijan.

44.4. The permit card for temporary residence in the territory of the Republic of Azerbaijan shall be a document that entitles during its validity period foreigners and stateless persons to reside in the territory of the Republic of Azerbaijan temporarily and exit/enter the Republic of Azerbaijan without visa as well as proves their identities and registration at place of residence.

44.5. If any information in the identity documents of foreigners and stateless persons was changed or their permit cards lost they shall inform about it the relevant executive authority within 10 working days and submit application for re-issuance or cancellation of the permit card.

44.6. The description, specifications and specimen of the permit card for temporary residence in the territory of the Republic of Azerbaijan shall be approved by the relevant executive authority.

Article 45. Cases of issuance to foreigners and stateless persons of a permit for temporary residence in the territory of the Republic of Azerbaijan

45.0. Except for cases provided for in Article 50 of this Code, foreigners and stateless persons shall be issued a permit for temporary residence in the territory of the Republic of Azerbaijan in the following cases:

45.0.1. when they are in close family relationships with a citizen of the Republic of Azerbaijan;

45.0.2. when they invest at least AZN 500,000 in the economy of the country;

45.0.3. when they possess in the territory of the Republic of Azerbaijan the real estate that costs at least AZN 100,000 or have the same amount in the banks of the Republic of Azerbaijan;

45.0.4. when they are high level specialists in the economic, industrial, *military*, scientific, cultural, sports and other spheres;

45.0.4-1. *when they are specialists specified in Article 64.0.8-1 of this Code;*

45.0.5. when they are family members of foreigners and stateless persons who reside in the territory of the Republic of Azerbaijan temporarily or permanently;

45.0.6. when they hold a position of head or deputy head of the branch or representation of a foreign legal entity in the Republic of Azerbaijan;

45.0.6-1. *when they hold a position of head or deputy head of the legal entity founded in the Republic of Azerbaijan and its founder or at least one of the founders is a foreign legal entity or natural person;*

45.0.7. when they deal with entrepreneurial activity in the Republic of Azerbaijan;

45.0.8. when they obtained a work permit in the order established by this Code to carry out paid labor activity in the territory of the Republic of Azerbaijan;

45.0.9. when they study full-time in higher and vocational education institutions and secondary schools in the Republic of Azerbaijan;

45.0.10. when they carry out professional religious activities at religious associations registered by state;

45.0.11. when there are grounds provided for by the international treaties to which the Republic of Azerbaijan is a party.

NOTE: The case specified in Article 45.0.7 of this Code shall be considered as a basis for issuing a permit for temporary residence in the territory of the Republic of Azerbaijan only if these persons carry out actual labor activity by concluding an employment contract with at least five persons in full time or with ten persons in part-time work. In this case, it shall be required that at least 80 percent of employees are citizens of the Republic of Azerbaijan.

Article 46 . Documents that are required to apply for issuance (extension) of a permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

46.1. Foreigners and stateless persons shall submit the following documents to obtain (to extend) the permit for temporary residence in the territory of the Republic of Azerbaijan:

46.1.1. An application form specimen of which was approved by the relevant executive authority;

46.1.2. A copy of the passport or other document for crossing the border (with a period of validity at least three months longer than the date of expiry of the temporary residence permit);

46.1.3. A notarized copy of the birth certificate or other equivalent document (for persons under 18 years of age without passport);

46.1.4. A document confirming the existence of any case that serves as a basis for issuance of temporary residence permit, approved in the notarial or equivalent order;

46.1.5. A reference paper certifying that the person is not a carrier of a virus of any disease that is on the list of dangerous infectious diseases approved by the relevant executive authority;

46.1.6. A copy of the document that entitles to stay or reside temporarily in the territory of the Republic of Azerbaijan;

46.1.7. A justified application of the department, enterprise or organization that invites to the Republic of Azerbaijan the foreigners and stateless persons who are high level specialists in the economic, *military*, scientific, cultural, sports and in other spheres;

46.1.8. Two photos (3.5 x 4.5 cm);

46.1.9. The document of a dwelling where a person will be registered (excerpt from the state register of real estate on the state registration of property right, warranty of title, a leasing or renting contract or other document provided for in the legislation of the Republic of Azerbaijan)

46.1.10. An application of the person who provides foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of the place of residence);

46.1.11. A copy of the identity document of the person who provides a foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of a place of residence);

46.1.12. A receipt on payment of the state fee;

46.2. Receipt on payment of the state fee shall be presented when the permit card for temporary residence in the territory of the Republic of Azerbaijan is issued to foreigner or stateless person.

46.3. Handprints and fingerprints of the person who applied to obtain a temporary residence permit (except for the children under 15 years of age) shall be taken in accordance with biometric identification requirements.

46.4. *Application specified in Article 54.11-1 of this Code shall be processed on the basis of application form indicated in Article 46.1.1 of this Code and documents submitted to obtain (to extend) permanent residence permit. When this application is processed it shall not be required to get again the feedback of the relevant executive authority.*

Note: Copies of the documents indicated in Articles 46.1.2, 46.1.9 and 46.1.11 of this Code shall be submitted with their originals that will be returned after comparison to the person who submitted them.

Article 47. Order of issuance (extension) of a permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

47.1. When cases that serve as a basis for issuance of a permit for temporary residence in the territory of the Republic of Azerbaijan exist, the foreigners and stateless persons shall apply to the relevant executive authority to obtain a permit for this at least 30 days before expiration of their temporary stay or residence.

47.2. Foreigners and stateless persons shall apply to obtain a permit for temporary residence in the territory of the Republic of Azerbaijan personally or through their legal representatives.

47.3. A permit for temporary residence of a child under 18 years of age in the territory of the Republic of Azerbaijan shall be obtained on the basis of application of his/her parent or other legal representative.

47.4. An application form for obtaining a permit for temporary residence in the territory of the Republic of Azerbaijan and other necessary documents can be submitted electronically.

47.5. Applications of foreigners and stateless persons to obtain permit for temporary residence in the territory of the Republic of Azerbaijan shall be processed within 20 working days taking into consideration the feedback of the relevant executive authority.

47.6. Within 10 working days the relevant executive authority shall provide its feedback on foreigners and stateless persons who applied to obtain a permit for temporary residence in the territory of the Republic of Azerbaijan.

47.7. Lack of feedback from the relevant executive authority within 10 working days shall be considered as non-objection for issuance of a permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan.

47.8. A permit for temporary residence in the territory of the Republic of Azerbaijan shall be extended in the same order as it is issued.

47.9. If before its expiration a permit for temporary residence in the territory of the Republic of Azerbaijan was not extended or application for its extension was not accepted by the relevant executive authority foreigners and stateless persons shall leave the territory of the Republic of Azerbaijan.

47.10. The work for collection of relevant information and getting feedback in regard with issuance of a permit for temporary residence in the territory of the Republic of Azerbaijan, individualization and issuance of the permit card for temporary residence as well as keeping records on foreigners and stateless persons who applied to obtain a permit for temporary residence in the territory of the Republic of Azerbaijan, obtained a permit for temporary residence in the territory of the Republic of Azerbaijan or were refused in issuance of such a permit including those ones whose permits for temporary residence in the territory of the Republic of Azerbaijan were cancelled shall be implemented through the Unified Migration Information System.

Article 48. Refusal to issue (to extend) a permit for temporary residence in the territory of the Republic of Azerbaijan

48.1. In cases provided for in Article 50 of this Code the foreigners and stateless persons shall be refused to obtain (to extend) a permit for temporary residence in the territory of the Republic of Azerbaijan.

48.2. The relevant executive authority shall justify its refusal to issue (to extend) a permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan and inform them in written form.

48.3. When foreigners and stateless persons were refused to obtain (to extend) a permit for temporary residence in the territory of the Republic of Azerbaijan, the repeated application shall be processed after elimination of the grounds that caused previous refusal.

48.4. If persons indicated in Article 48.3 of this Code re-apply to the relevant executive authority during the period of their legal stay or residence in the country, they shall submit only the document confirming that the ground to refuse to issue (to extend) temporary residence permit was eliminated.

Article 49 . Duration of a permit for temporary residence in the territory of the Republic of Azerbaijan

49.1. Except for the case specified in Article 45.0.2 of this Code a permit for temporary residence in the territory of the Republic of Azerbaijan shall be issued for the period indicated in application, but not more than for 1 year and can be extended each time for the period not exceeding 2 years, if there is a relevant ground for it.

49.2. A permit for temporary residence in the territory of the Republic of Azerbaijan shall be issued to foreigners and stateless persons specified in Article 45.0.2 of this Code for the period indicated in their application, but not more than for 3 years and can be extended each time for the period not exceeding 3 years, if there is relevant ground for it.

49.3. When a permit for temporary residence in the territory of the Republic of Azerbaijan is extended, a permit card shall be replaced with a new one.

Article 50 . Cases of non-issuance (non-extension) of a permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

50.0. A permit for temporary residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan shall not be issued (extended) and permit issued before shall be cancelled in the following cases:

50.0.1. when it can harm the national security of the Republic of Azerbaijan and the public order;

50.0.2. when they submit fraud documents or wrong information to obtain a permit for temporary residence in the Republic of Azerbaijan;

50.0.3. when they do not possess the identity documents or do not submit one or more of the documents specified in Article 44 of this Code;

50.0.4. when their passports or other document for crossing the border expires less than in 3 months;

50.0.5. when they are carriers of a virus of any disease that is on the list of dangerous infectious diseases approved by the relevant executive authority (except for the who are married with the citizens of the Republic of Azerbaijan);

50.0.6. when they were expelled from the Republic of Azerbaijan previously with imposing restriction for their entry to the country;

50.0.7. when the case that served as a basis for issuance of a permit for temporary residence in the territory of the Republic of Azerbaijan was eliminated and other cases provided for in this Code to obtain a temporary residence permit do not exist;

50.0.8. when they were outside the territory of the Republic of Azerbaijan more than 90 days within 180 days;

50.0.9. when they left the territory of the Republic of Azerbaijan to reside in foreign state permanently;

50.0.10. when their stay in the Republic of Azerbaijan is considered undesirable;

50.0.11. when a decision on their expulsion from the Republic of Azerbaijan was made;

50.0.12. when they violated the declared purpose of their visit to the Republic of Azerbaijan during their temporary residence in the territory of the Republic of Azerbaijan.

50.0.13. when they failed to pay administrative fine imposed for violation of rules of stay and residence of foreigners and stateless persons in the Republic of Azerbaijan.

Article 51. A work permit

51.1. Foreigners and stateless persons who wish to reside temporarily and to carry out paid labor activity in the territory of the Republic of Azerbaijan shall obtain a work permit in addition to the temporary residence permit.

51.2. Foreigners and stateless persons shall obtain a work permit through the legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities that employ them.

51.3. A work permit shall be an official document that entitles foreigners and stateless persons to carry out paid labor activity in the territory of the Republic of Azerbaijan.

51.4. A work permit shall be issued by the relevant executive authority in the order established by this Code.

51.5. A work permit shall be issued within the labor migration quota approved by the relevant executive authority.

51.6. The quota shall be applied to use local labor resources efficiently and enhance effectiveness of works in the sphere of regulation of the labor migration processes. The quota shall be established taking into consideration the situation of internal labor market, the demand in labor force, the existence of vacancies where citizens of Azerbaijan meeting the requirements of a workplace with regard to professional qualifications and professions do not apply, the capacity of employment service authorities to meet the demands of employers in labor force through local human resources, as well as the necessity to involve highly qualified foreign specialists.

51.7. Rules of establishment of labor migration quota shall be approved by the relevant executive authority.

51.8. A blank of the work permit as a strictly accountable document shall have its registration serial number and security features on the level of security paper. The description, specifications and specimen of a work permit shall be approved by the relevant executive authority.

CHAPTER 8

**A PERMIT FOR PERMANENT RESIDENCE
IN THE TERRITORY OF THE REPUBLIC OF AZERBAIJAN**

Article 52 . Permit issued to foreigners and stateless persons for permanent residence in the territory of the Republic of Azerbaijan and a document proving it

52.1. Foreigners and stateless persons who reside on the basis of relevant permit at least 2 years temporarily in the territory of the Republic of Azerbaijan under the grounds provided for in Articles 45.0.1-45.0.7 of this Code can submit an application to obtain a permit for permanent residence in the territory of the Republic of Azerbaijan.

52.2. A permit for permanent residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan shall be issued by the relevant executive authority.

52.3. When foreigners and stateless persons are provided with permit to reside in the territory of the Republic of Azerbaijan permanently the relevant executive authority shall issue to them a permit card for permanent residence in the territory of the Republic of Azerbaijan.

52.4. A permit card for permanent residence in the territory of the Republic of Azerbaijan shall be a document that entitles during its validity period foreigners and stateless persons to reside in the territory of the Republic of Azerbaijan permanently and exit/enter the Republic of Azerbaijan without visa as well as proves their identities and registration at place of residence.

52.5. The description, specifications and specimen of the permit card for permanent residence in the territory of the Republic of Azerbaijan shall be approved by the relevant executive authority.

Article 53 . Documents that are required to apply for (to extend) a permit for permanent residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

53.1. Foreigners and stateless persons shall submit the following documents to obtain (to extend) a permit for permanent residence in the territory of the Republic of Azerbaijan:

53.1.1. An application form specimen of which was approved by the relevant executive authority;

53.1.2. A copy of the passport or other document for crossing the border;

53.1.3. A notarized copy of the birth certificate or other equivalent document (for persons under 18 years of age without passport);

53.1.4. A reference paper certifying that the person is not a carrier of a virus of any disease that is on the list of dangerous infectious diseases approved by the relevant executive authority;

53.1.5. A document confirming availability of funds required to meet minimum needs of foreigners and stateless persons and family members staying with them (except for cases when they have a close relative, the citizen of the Republic of Azerbaijan or a person who possesses a permit for permanent residence in the Republic of Azerbaijan who undertake a commitment to maintain them when they stay in the country);

53.1.6. A copy of the permit card for temporary or permanent residence in the Republic of Azerbaijan;

53.1.7. Notarized copies of the documents confirming that the grounds for issuance of a permit for temporary residence in the Republic of Azerbaijan were eliminated;

53.1.8. Two photos (3.5 x 4.5 cm);

53.1.9. A notarized consent of children who are 14-18 years old;

53.1.10. The document of a dwelling where a person will be registered (excerpt from the state register of real estate on the state registration of property right, warranty of title, a leasing or renting contract or other document provided for in the legislation of the Republic of Azerbaijan);

53.1.11. An application of the person who provides foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of the place of residence);

53.1.12. A copy of the identity document of the person who provides a foreigner or stateless person with a place of residence (except for cases when foreigner or stateless person is an owner of a place of residence);

53.1.13. A receipt on payment of the state fee;

53.2. A receipt on payment of the state fee shall be presented when the permit card for permanent residence in the territory of the Republic of Azerbaijan is issued to foreigner or stateless person.

53.3. Handprints and fingerprints of the person who applied to obtain a temporary residence permit (except for the children under 15 years of age) shall be taken in accordance with biometric identification requirements.

Note: Copies of the documents indicated in Articles 53.1.2, 53.1.13 and 53.1.15 of this Code shall be submitted with their originals that will be returned after comparison to the person who submitted them.

Article 54. Order of issuance (extension) of a permit for permanent residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

54.1. When cases that serve as a basis for issuance of a permit for permanent residence in the territory of the Republic of Azerbaijan exist, the foreigners and stateless persons

shall apply to the relevant executive authority to obtain a permit for this at least 3 months before expiration of their permit for temporary residence in the territory of the Republic of Azerbaijan.

54.2. Foreigners and stateless persons shall apply to obtain a permit for permanent residence in the territory of the Republic of Azerbaijan personally or through their legal representatives.

54.3. A permit for permanent residence of a child under 14 years of age in the territory of the Republic of Azerbaijan shall be obtained on the basis of application of his/her parent or other legal representative and that one for a child between 14-18 years old shall be obtained after getting his/her consent on the basis of application of his/her parent or other legal representative.

54.4. An application form for obtaining of a permit for permanent residence in the territory of the Republic of Azerbaijan and other necessary documents can be submitted electronically.

54.5. When applications of foreigners and stateless persons for obtaining of a permit for permanent residence in the Republic of Azerbaijan are processed their knowledge of rights and obligations provided for by the laws of the Republic of Azerbaijan and of state language shall be checked by a commission consisting of experts of the relevant executive authorities. This case does not apply to children under the age of 18, foreigners or stateless persons who are over the age of 65 or disabled persons of group I (if the relevant confirming document is submitted).

54.6. The relevant executive authority shall forward the documents of applicants to the relevant executive authority for further review and giving feedback.

54.7. After verification of these documents conducted within 1 month the relevant executive authority shall return them to the relevant executive authority. Lack of feedback from the relevant executive authority within 1 month shall be considered as non-objection for the issuance of a permanent residence permit.

54.8. With regard to issuance of a permanent residence permit the relevant executive authority shall send relevant inquiries to the relevant executive authority and other agencies concerned and obtain official reference papers from them.

54.9. The relevant executive authorities shall process the application of person for obtaining a permit for permanent residence in the Republic of Azerbaijan within 2 months and make an appropriate decision.

54.10. The support or rejection of the application of the person for obtaining permanent residence permit shall be justified in the decision copy of which shall be shared with applicant.

54.11. If the foreigners and stateless persons were refused to obtain a permit for permanent residence in the Republic of Azerbaijan and the ground to refuse was eliminated within one month since the date of giving that refusal they can re-apply to the relevant executive authority. In this case, only the document confirming elimination of the ground to refuse shall be submitted.

54.11-1. *If a ground to refuse to issue (to extend) the permanent residence permit was not eliminated but it was not a ground to refuse to issue (to extend) the temporary residence permit, within a period specified in Article 54.11 of this Code foreigners and stateless persons can apply to the relevant executive authority for obtaining (extending) a permit for temporary residence in the territory of the country.*

54.12. A permit for permanent residence in the Republic of Azerbaijan shall be issued for 5 years. The permanent residence permit can be extended for the next 5 years on the basis of an application of a foreigner or stateless person submitted at least 3 months before its expiration. The number of extensions shall not be limited. In this case the documents specified in Article 53 of this Code shall be re-submitted.

54.13. The work for collection of relevant information and getting feedback in regard with issuance of a permit for permanent residence in the territory of the Republic of Azerbaijan, individualization and issuance of the permit card for permanent residence as well as keeping records on foreigners and stateless persons who applied to obtain a permit for permanent residence in the territory of the Republic of Azerbaijan, obtained a permit for permanent residence in the territory of the Republic of Azerbaijan or were refused to obtain such a permit including those ones whose permits for permanent residence in the territory of the Republic of Azerbaijan were cancelled shall be implemented through the Unified Migration Information System.

Article 55 . Cases of non-issuance (non-extension) of a permit for permanent residence of foreigners and stateless persons in the territory of the Republic of Azerbaijan

55.0. A permit for permanent residence of foreigners and stateless persons in the Republic of Azerbaijan shall not be issued (extended) and permit issued previously shall be cancelled in the following cases:

55.0.1. when it can harm the national security of the Republic of Azerbaijan and the public order;

55.0.2. when they are carriers of a virus of any disease that is on the list of dangerous infectious diseases approved by the relevant executive authority (except for the who are married with the citizens of the Republic of Azerbaijan);

55.0.3. when they do not possess the identity documents or do not submit one or more of the documents specified in Article 53 of this Code;

55.0.4. when they submit fraud documents or wrong information to obtain a permit for permanent residence in the Republic of Azerbaijan;

55.0.5. when they were convicted for deliberate commission of a serious or aggravated crime, if the penalty was not served or withdrawn in the order established by law;

55.0.6. when they do not have funds required to meet their minimum needs and needs of the family members staying with them (except for cases when they have a close

relative, the citizen of the Republic of Azerbaijan or a person who possesses a permit for permanent residence in the Republic of Azerbaijan who undertake a commitment to maintain them when they stay in the country);

55.0.7. when they left the territory of the Republic of Azerbaijan to reside in the foreign state permanently;

55.0.8. when total number of days of their stay outside the territory of the Republic of Azerbaijan in any year since the date of issuance of a permanent residence permit exceeds 180 days;

55.0.9. when the case that served as a basis to issue a permit for temporary residence in the territory of the Republic of Azerbaijan was eliminated;

55.0.10. when they do not know rights and obligations of a foreigner or stateless person residing in the territory of the Republic of Azerbaijan permanently as it is provided for by the laws of the Republic of Azerbaijan and do not speak the state language;

55.0.11. when their stay in the Republic of Azerbaijan is considered undesirable;

55.0.12. when a decision on their expulsion from the Republic of Azerbaijan was made;

55.0.13. when they violated the declared purpose of their visit to the Republic of Azerbaijan during their permanent residence in the territory of the Republic of Azerbaijan.

55.0.14. *when they failed to pay administrative fine imposed for violation of rules of stay and residence of foreigners and stateless persons in the Republic of Azerbaijan.*

Article 56. Filing of a complaint against the decision to refuse to issue (to extend) a permit for permanent residence in the Republic of Azerbaijan or to cancel a permit for permanent residence

A complaint against a decision to refuse to issue (to extend) a permit for permanent residence in the Republic of Azerbaijan or to cancel a permit for permanent residence can be filed in administrative and/or judicial order in accordance with the legislation of the Republic of Azerbaijan.

SECTION IV

LABOR MIGRATION

CHAPTER 9

REGULATION OF THE LABOR MIGRATION BY THE STATE

Article 57. Regulation of the labor migration by the state and control in this sphere

57.1. The state shall regulate the labor migration through applying a labor migration quota, issuing work permits and providing special permission for the facilitation activity in employment of citizens of the Republic of Azerbaijan abroad.

57.2. The relevant state authorities shall exercise control over the lawfulness of employment of foreigners and stateless persons in the Republic of Azerbaijan, provision their social protection and activities of legal entities and natural persons in the sphere of labor migration.

CHAPTER 10

REGULATION OF LABOR ACTIVITY OF CITIZENS OF THE REPUBLIC OF AZERBAIJAN IN FOREIGN COUNTRIES

Article 58. Labor activity of citizens of the Republic of Azerbaijan in foreign countries

58.1. Citizens of the Republic of Azerbaijan who reached the age of 18 can carry out paid labor activity in foreign countries.

58.2. Citizens of the Republic of Azerbaijan can be employed in foreign countries under the direct invitation of foreign legal entities or natural persons, with facilitation of legal entities officially registered in the Republic of Azerbaijan or in individual manner.

58.3. Citizens of the Republic of Azerbaijan who carry out paid labor activity in foreign countries shall be registered at the diplomatic representation or consulate of the Republic of Azerbaijan in that country within 1 month after arrival in the country of destination and present an official document on employment in the given country in order to ensure full protection of their rights by the state.

58.4. Diplomatic representations and consulates of the Republic of Azerbaijan shall forward the information about registered citizens of the Republic of Azerbaijan to relevant executive authority within 1 month. Relevant executive authority shall regularly inform relevant executive authorities on this matter.

58.5. In case of absence of the diplomatic representations or consulates of the Republic of Azerbaijan in the countries where citizens of the Republic of Azerbaijan carry out paid labor activity they shall send an official document on their employment in the foreign countries to the relevant executive authority of the Republic of Azerbaijan within 1 month.

Article 59. Facilitation in employment of citizens of the Republic of Azerbaijan in foreign countries

59.1. Legal entities officially registered in the Republic of Azerbaijan can facilitate in employment of citizens of the Republic of Azerbaijan in foreign countries. In order to work in this sphere the legal entities shall get in the established order a special permission from the relevant executive authority.

59.2. Special permission for facilitation activity in employment of citizens of the Republic of Azerbaijan in the foreign countries shall be given by the relevant executive authority taking into consideration the feedback from the relevant executive authority. The relevant executive authority shall give its feedback about it within 5 working days.

59.3. Legal entities that received a special permission entitling to implement facilitation activity can engage citizens of the Republic of Azerbaijan to paid labor activity in foreign countries under the agreements signed with legal entities and natural persons of foreign countries and approved by the relevant executive authority of the Republic of Azerbaijan.

59.4. The social protection of citizens of the Republic of Azerbaijan in conformity with international norms shall be provided for in the agreements signed between legal entities carrying out facilitation activity and legal entities and natural persons of foreign countries and in employment contracts offered.

59.5. Legal entities carrying out facilitation activity shall ensure that before departure from the Republic of Azerbaijan a migrant worker is provided with a copy of the employment contract offered. Payment from migrant workers for the services provided by legal entities carrying out facilitation activity shall not be allowed.

59.6. Legal entities that carry out facilitation activity shall inform relevant executive authorities about citizens of the Republic of Azerbaijan whom they engaged in paid labor activity in foreign countries.

59.7. Facilitation activity of natural persons in employment of citizens of the Republic of Azerbaijan in foreign countries shall be prohibited.

59.8. The relevant executive authority shall exercise state control over activity of legal entities that carrying out facilitation activity in this sphere.

59.9. The duration of a special permission for mediation activity can be extended, terminated temporarily or cancelled by the relevant executive authority in the established order.

59.10. The state fee amount of which is provided for by law shall be paid to give special permission for carrying out facilitation activity.

Article 60. Registration of citizens of the Republic of Azerbaijan with a view of their employment in foreign countries

60.1. Only the legal entities provided with special permission to carry out relevant facilitation activity shall register citizens of the Republic of Azerbaijan with a view of their employment in foreign countries and publish announcements and advertisements in this regard.

60.2. Legal entities shall bear responsibility in the order established by law for dissemination of wrong information in mass media about employment of citizens of the Republic of Azerbaijan in foreign countries.

CHAPTER 11

REGULATION OF LABOR ACTIVITY OF FOREIGNERS AND STATELESS PERSONS IN THE REPUBLIC OF AZERBAIJAN

Article 61. Labor activity of foreigners and stateless persons in the Republic of Azerbaijan

61.1. Every able-bodied foreigner and stateless person who has reached the age of 18 can work in the Republic of Azerbaijan after obtaining working permit through legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities that employ him/her in the order and under conditions established by this Code.

61.2. Principal conditions for carrying out paid labor activities by foreigners and stateless persons in the Republic of Azerbaijan shall include the availability of a vacancy that cannot be filled by a citizen of the Republic of Azerbaijan who has the professional skills or qualifications required for such job and the inability of employment services to meet employers' needs in labor force at the cost of local labor resources.

Article 62. Restrictions on labor activity of foreigners and stateless persons

Taking into consideration the demand of the local labor market, the relevant executive authority can impose restrictions on labor migration of foreigners and stateless persons to the Republic of Azerbaijan in some spheres of activity.

Article 63. Employment of foreigners and stateless persons in the Republic of Azerbaijan

63.1. Legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities can employ foreigners and stateless persons in the Republic of Azerbaijan.

63.2. Except for cases provided for in Article 64 of this Code, legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities shall obtain a work permit for every foreigner or stateless person whom they wish to employ.

63.3. Legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities can apply for work permit for a foreigner and stateless person while he/she is still outside the territory of the Republic of Azerbaijan.

63.4. Foreigners and stateless persons can carry out paid labor activity in the Republic of Azerbaijan after legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities obtain work permit for them.

63.5. Legal entities, physical persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities shall employ foreigners and stateless persons only in their own workplaces and shall sign employment contracts with them for the validity period of their working permits. It shall not be allowed to sign employment contracts without obtaining work permits.

63.6. It shall be prohibited for legal entities, natural persons dealing with entrepreneurial activity without establishing a legal entity and branches and representations of foreign legal entities to collect and keep passports or other identity documents of foreigners and stateless persons whom they employ.

Article 64. Cases when obtaining a work permit is not required

64.0. It shall not be required to obtain a work permit for the following categories of foreigners and stateless persons:

64.0.1. those who possess a permit for permanent residence in the territory of the Republic of Azerbaijan;

64.0.2. those who are dealing with entrepreneurial activity in the territory of the Republic of Azerbaijan;

64.0.3. those who work for diplomatic representations and consulates;

64.0.4. those who work for international organizations;

64.0.5. heads and deputy heads of organizations established under international treaties;

64.0.6. those who are employed by relevant executive authorities;

64.0.6-1. *military servicemen and experts invited to the serve or work for the Armed Forces of the Republic of Azerbaijan and other armed units, established according to the legislation of the Republic of Azerbaijan;*

64.0.7. the mass media employees accredited in the Republic of Azerbaijan;

64.0.8. those who have seconded missions in the Republic of Azerbaijan for no more than 90 days per year in the spheres of activity specified by the relevant executive authority;

64.0.8-1. in order to perform some works or provide services in the spheres of activity specified by the relevant executive authority category of specialists determined by the relevant executive authority and invited by citizens of the Republic of Azerbaijan or legal entities founded in the Republic of Azerbaijan.

64.0.9. seamen;

64.0.10. professors, teachers and lecturers invited to deliver lectures in higher educational institutions;

64.0.11. art workers, coaches and athletes invited to work for sport clubs officially registered by the relevant executive authority;

64.0.12. those who carry out professional religious activity in religious associations that passed the state registration;

64.0.13. heads and deputy heads of branches and representations of foreign legal entities in the Republic of Azerbaijan;

64.0.13-1. heads and deputy heads of a legal entity founded in the Republic of Azerbaijan when its founder or at least one of its founders is a foreign legal entity or natural person;

64.0.14. those who are married with a citizen of the Republic of Azerbaijan, provided that the said citizen is registered at the place of residence in the territory of the Republic of Azerbaijan;

64.0.15. those, who applied for, obtained refugee status or were granted political asylum;

64.0.16. those who are foster parents of citizens of the Republic of Azerbaijan who are under 18 years of age or disabled persons of group I.

64.0.17. those who are involved in labor activity in cases specified by the relevant executive authority.

Article 65. Documents that are required to apply for work permit

65.0. In order to obtain a work permit the employer shall submit to the relevant executive authority the following documents:

65.0.1. An application form specimen of which was approved by the relevant executive authority;

65.0.2. A copy of passport of a foreigner and stateless person or his/her other document for crossing the border;

65.0.3. A notarized copy of the document confirming that a foreigner and stateless person possess the specialty required to perform the prescribed work;

65.0.4. A reference paper that justifies necessity to employ a foreigner and stateless person for the vacant position;

65.0.5. If employer is a:

65.0.5.1. legal entity – notarized copies of its charter and certificate on state registration;

65.0.5.2. natural person – notarized copies of identity document and certificate of tax payer registration;

65.0.6. A reference paper certifying that the foreigner or stateless person is not a carrier of a virus of any disease that is on the list of dangerous infectious diseases approved by the relevant executive authority;

Article 66. Grounds to refuse to issue a work permit

66.0. It shall be refused to issue a work permit to the foreigners and stateless persons in the following cases:

66.0.1. when documents provided for in Article 65 of this Code were not submitted;

66.0.2. when documents submitted are fraud ones or information in these documents is inaccurate or wrong;

66.0.3. when employer can meet its need in labor force at the cost of local labor resources;

66.0.4. when foreigner and stateless person to be employed is under 18 years of age;

66.0.5. when labor migration quota was filled;

66.0.6. when foreigner and stateless person is a carrier of an infectious disease that is on the list of infectious diseases approved by the relevant executive power;

66.0.7. foreigner and stateless person do not have the specialty or work experience required to perform the prescribed work.

Article 67. Processing of application for a work permit

67.1. Documents that are required to apply for work permit can be submitted in written form or electronically.

67.2. The relevant executive authority shall inform the employer in written about any shortcomings, irrelevances or discrepancies found out in the documents submitted.

67.3. Application for a work permit shall be processed within 20 working days.

67.4. The relevant executive authority shall forward the information on the documents specified in Articles 65.0.2, 65.0.3, 65.0.64 and 65.0.7 of this Code to the relevant executive authority to get its feedback.

67.5. Within 5 working days the relevant executive authority shall review the information forwarded and give its feedback to the relevant executive authority whether it is possible to meet the employer's needs in labor force at the cost of local labor resources.

67.6. Lack of feedback from the relevant executive authority within 5 working days shall be considered as non-objection for issuance of a work permit.

67.7. The relevant executive authority shall justify its decision to refuse to issue a working permit referring to Article 66 of this Code and share a copy of the decision with the employer.

67.8. In accordance with this Code an employer can re-apply for a work permit after elimination of the cases that served as a basis to refuse to issue a work permit.

67.9. If an employer re-applies to the relevant executive authority during the period when the subject of application stays or resides in the country legally, he shall submit only the document that confirms elimination of the ground to refuse to issue a work permit.

67.10. When a decision to issue a work permit was adopted, the relevant executive authority shall ensure that a working permit is individualized and presented to the employer in the established order within 3 working days.

67.11. A work permit shall be signed by the authorized official of the relevant executive authority and endorsed by seal of that authority.

67.12. A work permit shall be issued to the employer after presenting the receipt on payment of the state fee to obtain this permit.

67.13. The relevant executive authority shall cancel a work permit if the state fee to obtain this permit was not paid within 30 days or if foreigner or stateless person was refused to obtain a permit for temporary residence in the territory of the Republic of Azerbaijan.

67.14. The work for collection of relevant information and getting feedback in regard with issuance of a work permit, its individualization and issuance as well as keeping records on foreigners and stateless persons who obtained a work permit or were refused to obtain such a permit including those ones whose work permits were cancelled shall be implemented through the Unified Migration Information System.

Article 68. Re-issuance of a work permit

68.1. If any data in the identity document of a foreigner or stateless person or the name of the legal entity that employs him/her was changed or a work permit lost, his/her employer shall inform about it the relevant executive authority within 5 working days and submit the application for re-issuance or cancellation of the permit.

68.2. If in cases provided for in Article 68.1 of this Code the employer does not submit the relevant application within 10 working days, a permit issued to foreigner or stateless person shall be considered invalid.

68.3. If a work permit was re-issued, foreigner or stateless person shall be provided with its copy and the document on reasons of its re-issuance.

68.4. The state fee shall not be paid for re-issuances of the work permit.

Article 69. Duration of a work permit and its extension

69.1. A work permit shall be issued for 1 year or for a lesser period of signing of the employment contract. The duration of a working permit can be extended each time for 1 year maximum.

69.2. In order to extend duration of a work permit the employer shall apply to the relevant executive authority at least 30 days before its expiration.

69.3. In order to extend duration of a work permit the employer should submit the documents specified in Articles 65.0.1, 65.0.3, 65.0.4 and 65.0.7 of this Code.

69.4. Duration of a work permit shall be extended in the order established by Article 67 of this Code.

69.5. An extended work permit shall be issued to the employer after presenting a receipt on payment of the state fee for extension of a work permit.

69.6. The relevant executive authority shall cancel a work permit if the state fee to obtain this permit was not paid within 30 days or if foreigner or stateless person was refused to obtain a permit for temporary residence in the territory of the Republic of Azerbaijan.

Article 70. Transfer of foreigner or stateless person to another job by the employer

70.1. A new work permit shall be obtained for foreigner or stateless person if he/she was transferred to another job within the same employer. A new work permit shall also be obtained for foreigner or stateless person if a legal entity was reorganized (merged, accessed, divided, separated, transformed).

70.2. When foreigner or stateless person is issued a new work permit in connection with his/her transfer within the same employer, duration of a new work permit shall not be longer than the valid remaining part of the previous work permit.

70.3. When foreigner or stateless person is transferred to another job within the same employer the documents specified in Articles 65.0.1 and 65.0.3 of this Code and when a legal entity was reorganized (merged, accessed, divided, separated, transformed) the documents specified in Articles 65.0.1 and 65.0.6 of this Code shall be submitted to the relevant executive authority.

70.4. Additional fee shall not be paid if a new work permit is issued in connection with transfer of foreigner and stateless person to another job within the same employer.

70.5. When a work permit of foreigner and stateless person expired or the employment contract was terminated earlier another employer can employ him/her after obtaining a new work permit.

70.6. It shall be prohibited for employer to obtain simultaneously two work permits for one foreigner and stateless person.

Article 71. Loss of validity of a working permit in case of termination of the employment contract

71.1. In case of early termination of the employment contract between foreigner or stateless person and the employer, the latter shall inform about it the relevant executive authority within 5 working days. In case of early termination of the employment contract a work permit issued to that person shall lose its validity.

71.2. When the employment contract was terminated earlier and a migrant worker does not have other grounds to stay in the Republic of Azerbaijan, he/she shall leave the territory of the Republic of Azerbaijan within 10 working days.

Article 72. Controlling the order of validity of a work permit

72.1. The relevant executive authority shall exercise control the order of validity of a work permit.

72.2. Within the control the relevant executive authority shall:

72.2.1. inspect compliance with requirements of this Code and the legal and regulatory acts governing use of foreigners and stateless persons as a labor force;

72.2.2. receive information or a reference paper from the employer as well as from the foreigner or stateless person in case of issues that arise during inspection;

72.2.3. cancel a working permit in the order provided for in Article 73 of this Code;

72.2.4. make liable foreigners and stateless persons, who were employed without a work permit, as well their employers in the order established by law.

72.3. Employers shall be obliged to provide normal conditions and documents required to conduct inspection.

72.4. If as a result of inspection the law violations were detected a protocol in two copies shall be prepared, if no law violations were detected, an act shall be prepared. The protocol (act) shall be signed by the authorized representatives of the relevant executive body and by the employer. If it is refused to sign the protocol (act) the note about it shall be made on the same document. A letter of explanation of the employer shall be attached to the protocol (act). A copy of the protocol (act) shall remain with the employer.

72.5. Representatives of other state agencies can be involved in inspections for control purposes.

Article 73. Grounds for cancellation of a work permit

73.0. The relevant executive authority shall cancel a work permit in the following cases:

73.0.1. when application from a foreigner and stateless person or an employer was submitted for this purpose;

- 73.0.2. when employment contract between an employer and foreigner or stateless person was terminated earlier;
- 73.0.3. when wrong information was found in the documents submitted to obtain a work permit;
- 73.0.4. in cases provided for in Articles 67.13, 68.2 and 69.6 of this Code;
- 73.0.5. when the legal entity acting as an employer was liquidated;
- 73.0.6. when the relevant decision was made by court.

SECTION V

THE LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS IN THE REPUBLIC OF AZERBAIJAN

CHAPTER 12

BASIS OF THE LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS

Article 74. **The rights of foreigners and stateless persons**

74.1. The foreigners and stateless persons who stay in the Republic of Azerbaijan shall enjoy all the rights equally with the citizens of the Republic of Azerbaijan unless otherwise provided by law or international treaties to which the Republic of Azerbaijan is a party.

74.2. The rights and freedoms of the foreigners and stateless persons who reside or stay temporarily in the territory of the Republic of Azerbaijan shall be restricted only in conformity with norms of the international law or the laws of the Republic of Azerbaijan.

74.3. If a foreign state imposes on its territory restriction for realization the rights and freedoms by the citizens of Azerbaijan Republic, equal restrictions can be imposed for the citizens of that state in the territory of the Republic of Azerbaijan under its law.

74.4. Irrespective of their social and property status, race and ethnic origin, sex, language, religion, , nature and type of activities and other circumstances foreigners and stateless persons shall be equal before the law and courts in the Republic of Azerbaijan.

74.5. Foreigner or stateless person detained or arrested in the order established by the laws of the Republic of Azerbaijan shall be immediately informed about the reasons of such a measure and his/her rights.

74.6. The agency that detained or arrested a foreigner or stateless person, who enjoys privileges and immunities defined by the international agreements that the Republic of

Azerbaijan is a signatory, shall immediately inform about it the relevant executive authority in the order established by the Code of Criminal Procedure of the Republic of Azerbaijan.

74.7. When convicted foreigners or stateless persons were released from serving a penalty, the relevant executive authority based on the information provided by agency implementing this penalty shall solve the issue of stay of these persons in the Republic of Azerbaijan or their expulsion from the Republic of Azerbaijan in the case specified in Article 79.1.3 of this Code.

Article 75. The rights of migrant workers

75.1. Except for cases provided for in the Labor Code of the Republic of Azerbaijan, migrant workers shall enjoy the same rights with the citizens of the Republic of Azerbaijan in terms of applying working conditions created and fixing wages paid in the order established by the legislation of the Republic of Azerbaijan.

75.2. Other issues concerning labor activity of the migrant workers that were not envisaged in this Code shall be regulated by the Labor Code of the Republic of Azerbaijan.

75.3. In case of death of a migrant worker, the legal entity or natural person that employed him/her shall ensure that the body is sent to his/her country of permanent residence.

75.4. Control over the provision of the rights of migrant workers by employers shall be exercised by the relevant executive authority.

Article 76. The duties of foreigners and stateless persons

76.1. During their stay in the Republic of Azerbaijan the foreigners and stateless persons shall fulfill all duties along with citizens of the Azerbaijan Republic unless otherwise provided by law or international treaties to which the Republic of Azerbaijan is a party.

76.2. The rights and freedoms shall be realized by foreigners and stateless persons in the manner that does not contradict the national interests of the Republic of Azerbaijan. Foreigners and stateless persons shall not violate the requirements of the Constitution, laws of the Republic of Azerbaijan and other legislative acts, respect the customs and traditions of the Azerbaijani people.

76.3. Foreigners and stateless persons who stay in the territory of the Republic of Azerbaijan shall comply with the declared purposes of their visit to the country and leave the territory of the country after the expiration of the established period.

76.4. Based on the lawful requests of representatives of the relevant executive authority foreigners and stateless persons shall present their identity documents, as well as

documents confirming their stay or residence in the territory of the Republic of Azerbaijan on legal grounds.

76.5. Foreigners and stateless persons shall not be appointed to certain positions or engage in certain activities, if the appointment to these positions and involvement in these activities is related to the citizenship of the Republic of Azerbaijan.

76.6. It shall be prohibited for foreigners and stateless persons to conducting religious propaganda.

Article 77 . Adaptation of foreigners and stateless persons residing in the Republic of Azerbaijan permanently to local conditions

77.1. Measures to adapt foreigners and stateless persons residing in the Republic of Azerbaijan permanently to local conditions shall be conducted at their own will.

77.2. Measures to adapt foreigners and stateless persons to local conditions shall be coordinated by the relevant executive authority.

77.3. Measures to adapt foreigners and stateless persons residing in the Republic of Azerbaijan permanently to local conditions shall be jointly conducted by the relevant executive authorities.

77.4. International and non-government organizations can be involved in the process of adapting of foreigners and stateless persons to local conditions.

77.5. Foreigners and stateless persons residing in the Republic of Azerbaijan can apply to the training and education centers of the relevant executive authorities for the purpose of studying the Azerbaijani language, the history of Azerbaijan, its culture, legislation concerning the rights and duties of foreigners and stateless persons.

SECTION VI

FINAL PROVISIONS

CHAPTER 13

EXPULSION OF FOREIGNERS AND STATELESS PERSONS FROM THE REPUBLIC OF AZERBAIJAN

Article 78 . Grounds for expulsion of foreigners and stateless persons from the Republic of Azerbaijan

78.1. Foreigners and stateless persons can be expelled from the Republic of Azerbaijan in the following cases:

78.1.1. when a penalty of forced expulsion from the Republic of Azerbaijan for the commission of a crime was designated;

78.1.2. when a measure of expulsion from the Republic of Azerbaijan in the administrative order for the commission of an administrative offense was applied;

78.1.3. when a decision on expulsion of foreigners and stateless persons (hereinafter referred to as the "decision on expulsion") from the Republic of Azerbaijan in accordance with Article 79 of this Code was made;

78.2. A measure of forcible punishment - expulsion from the Republic of Azerbaijan shall be applied to foreigners or stateless persons convicted for the commission of a crime, in cases provided by the Criminal Code of the Republic of Azerbaijan and shall be implemented in the order established by the Code on the Enforcement of Sentences of the Republic of Azerbaijan. Other issues arising from expulsion of such persons from the Republic of Azerbaijan shall be resolved under this Code.

78.3. Foreigners and stateless persons who committed an administrative offence in cases and in the manner provided by the Code on Administrative Offences of the Republic of Azerbaijan shall be expelled from the Republic of Azerbaijan in the administrative order. Other issues arising from the expulsion of such persons from the Republic of Azerbaijan shall be resolved under this Code.

78.4. The decision on expulsion shall be adopted and implemented in the order established by this Code.

Article 79. The decision on expulsion

79.1. The relevant executive authority shall make a decision on expulsion of foreigners and stateless persons in the following cases:

79.1.1. when a visa or decision to extend temporary stay, or a permit for temporary or permanent residence was cancelled;

79.1.2. when stay in the territory of the Republic of Azerbaijan was considered undesirable;

79.1.3. when grounds established in Article 45 of this Code for residing of foreigners and stateless persons released from punishment in the Republic of Azerbaijan were absent;

79.1.4. *when it was refused to grant refugee status.*

79.2. The decision on expulsion shall also limit the entry of foreigners and stateless persons to the country for up to 5 years. *In case of elimination of the grounds which caused the cancellation of the documents specified in Article 79.1.1 of this Code, restrictions on entry of foreigners and stateless persons to the territory of the country shall be lifted.*

79.3. The decision on expulsion shall not be made about foreigners and stateless persons, who were granted refugee status, as well as political asylum in the Republic of Azerbaijan.

79.4. The decision on expulsion of foreigners and stateless persons who are considered victims of human trafficking shall not be made within one year and on foreigners and stateless persons assisting the criminal investigative bodies - until the end of the criminal prosecution. The decision on expulsion shall not be made about children who are victims of human trafficking.

79.5. Since the time of presenting to foreigners and stateless persons the decision on expulsion they shall be obligated to leave the country within the following terms:

79.5.1. persons released from punishment, persons whose visa or a decision on the extension of temporary stay was cancelled, as well as those whose stay in the territory of the Republic of Azerbaijan was considered undesirable – within 48 hours;

79.5.2. persons, whose temporary or permanent residence permit was cancelled, as well as *who were refused to obtain refugee status* – within 10 days.

79.6. The expulsion of foreigners and stateless persons from the Republic of Azerbaijan shall be justified in the decision on expulsion.

79.7. A person about whom a decision on expulsion was made shall be acquainted with this decision and its copy shall be given to him/her. If that person does not know the Azerbaijani language, the interpreter shall be involved in this process.

79.8. The decision on expulsion can be appealed in court. The filing of a complaint shall not suspend the implementation of the decision on expulsion.

79.9. The decision on expulsion shall be implemented by a relevant executive authority.

Article 80. General rules of expulsion of foreigners and stateless persons from the Republic of Azerbaijan

80.1. In cases provided for in Article 78.1 of this Code, foreigners and stateless persons about whom a decision was made to expel from the Republic of Azerbaijan shall leave the territory of the Republic of Azerbaijan within the time limits established in the Codes on Administrative Offenses and On the Enforcement of Sentences of the Republic of Azerbaijan as well as in Article 79.5 of this Code. Departure from the territory of the Republic of Azerbaijan in the specified period shall be provided by the relevant executive authority.

80.2. If foreigners or stateless persons evade departure from the territory of the Republic of Azerbaijan or if there are sufficient grounds to presume such evasion, then they shall be placed in detention centers for illegal migrants of the relevant executive authority in the manner and terms established by this Code according to the decision of the court on the basis of a request from the relevant executive authority.

80.3. Foreigners or stateless persons who have to be expelled from the country in accordance with international agreements on the readmission of persons residing without permit to which the Republic of Azerbaijan is a party, shall be placed in detention centers for illegal migrants of the relevant executive authority in the manner and within the time limits established by this Code

according to the decision of the court on the basis of a request from the relevant executive authority.

80.4. In case of delay in documenting of expulsion from the Republic of Azerbaijan or other valid reasons preventing the timely implementation of the decision on expulsion, the court of first instance at the location of the relevant executive authority shall consider extending the expulsion period on the basis of a reasoned request of that authority.

80.5. If there is a need to clarify information on identity of foreigners and stateless persons about whom a decision was taken to expel from the Republic of Azerbaijan, inquiries shall be made and appropriate information is obtained through relevant information systems.

80.6. In the absence (loss, concealment, etc.) of identity documents of foreigners and stateless persons, the relevant documentation work and activities shall be carried out to identify them directly if there is a relevant agreement of the relevant executive authority with authorized state bodies of foreign countries in the areas indicated in Article 81.1 of this Code, in all other cases - by means of the relevant executive authority.

80.6-1. In cases stipulated by international treaties to which the Republic of Azerbaijan is a party, as well as when it is impossible to obtain documents for crossing the border from the countries of origin the relevant executive authority shall issue a travel document to foreigners and stateless persons who do not possess documents for crossing the border.

80.7. Handprints and fingerprints of foreigners and stateless persons who are expelled from the Republic of Azerbaijan shall be taken in accordance with biometric identification requirements.

80.8. The relevant executive authority shall inform in written form in advance the relevant executive authority on expulsion of foreigners and stateless persons from the Republic of Azerbaijan. When foreigners and stateless persons are expelled from the Republic of Azerbaijan, they shall be escorted by the officers of the relevant executive authority to the state border checkpoint of the Republic of Azerbaijan and handed over there to the officers of the relevant executive authority.

80.9. Expulsion of foreigners and stateless persons from the Republic of Azerbaijan shall be carried out at their own expense. If these persons have no funds for expulsion, payment of these costs shall be assigned to persons, entities, companies or organizations that received them and in case of absence of the receiving party - to the relevant executive authority of the Republic of Azerbaijan.

80.10. Information on foreigners or stateless persons who were expelled from the Republic of Azerbaijan shall be entered into the interdepartmental automated data research system "Entry-exit and registration".

80.11. The registration of foreigners and stateless persons who were expelled from the Republic of Azerbaijan shall be carried out through the Unified Migration Information System.

Article 81. Directions of expulsion from the Republic of Azerbaijan

81.1. Foreigners and stateless persons shall be expelled from the Republic of Azerbaijan in the following directions:

81.1.1. a foreigner – to the country of citizenship and if this is not possible to the country from which he/she came directly to the Republic of Azerbaijan;

81.1.2. a stateless person – to the previous country of permanent residence, to the country from which he/she came directly to the Republic of Azerbaijan, to the country that wishes to receive him/her and applied for it;

81.1.3. a person with dual citizenship – to the country of permanent residence or the country which he/she has more close ties with.

81.2. The relevant executive authority shall inform above directions about expulsion by the relevant executive authority.

CHAPTER 14

ORDER OF PLACEMENT AND HOLDING OF FOREIGNERS AND STATELESS PERSONS IN DETENTION CENTERS FOR ILLEGAL MIGRANTS

Article 82. Grounds and terms for placement of foreigners and stateless persons in detention centers for illegal migrants

82.1. *Foreigners and stateless persons shall be voluntarily placed in detention centers for illegal migrants (hereinafter referred to as the "Center") in the following cases and for the following terms:*

82.1.1. *when a person (along with the family members who arrived with him) applies for refugee status - until resolving the issue of granting refugee status;*

82.1.2. *when a person was granted refugee status - until employment or getting residence, but not more than for 3 months;*

82.1.3. *when a person is expelled from the Republic of Azerbaijan - within the period established for the expulsion under the Code on Administrative Offenses and the Code on the Enforcement of Sentences of the Republic of Azerbaijan as well as by Article 79.5 of this Code*

82.2. *Foreigners and stateless persons shall be forcibly placed in the Center in the following cases and for the following terms:*

82.2.1. *when there is a decision of relevant executive authority on detention in administrative order - up to 24 hours;*

82.2.2. *when there is a court decision on detention in administrative order - up to three days;*

82.2.3. *when there is a relevant court decision in cases provided for in Articles 80.2 and 80.3 of this Code - for the period indicated in the decision, but not more than for 6 months.*

82.3. The cases specified in Article 82.1.3 of this Code shall be applied to persons who do not have a place of residence in the territory of the Republic of Azerbaijan or funds to meet their minimum needs and the minimum needs of their family members.

Article 83. Procedure of placement of foreigners and stateless persons in the Center

83.1. Foreigners and stateless persons shall apply to the relevant executive authority for voluntary placement in the Center. An identity document (if available) shall be attached to the application.

83.2. Having considered the application the relevant executive shall make a decision on placing the person in the Center or refusing to do so.

83.3. A decision of relevant executive authority on detention or a relevant court decision shall be required for forcible placement of foreigners and stateless persons in the Center.

Article 84. Conditions of holding of foreigners and stateless persons in the Center

84.1. Foreigners and stateless persons shall be held in special residential rooms for 2, 6 or more persons, taking into consideration the requirements stipulated by the internal regulations of the Center.

84.2. Foreigners and stateless persons shall be held in residential premises, taking into consideration belonging to one family, age, sex, conviction, health status.

84.3. The following foreigners and stateless persons shall be held in the Center separately:

84.3.1. forcibly placed persons from voluntarily placed ones;

84.3.2. women from men (except for family members);

84.3.3. underage persons from adults (except for family members);

84.3.4. foreigners and stateless persons held in the Center from other foreigners and stateless persons held in the Center who threaten their life and health (upon the decision of the Head of the Center).

84.4. Women can hold with them their male children under 12 years of age.

84.5. Pregnant women or women with children, underage persons, as well as persons in need of medical care shall be provided with improved material and living condition, special medical care and special dietary norms.

Article 85. Regime in the Center

98.1. A regime that provides rules aimed at protection of rights and legitimate interests of persons placed in the Center, at fulfillment of the duties and detention conditions provided for by this Code and other legislative acts of the Republic of Azerbaijan shall be established in the Center.

98.2. In order to maintain the regime in the Center, the relevant executive authority shall approve the internal regulations of the Center (hereinafter referred to as the “the internal regulations”).

98.3. The regime in the Center shall be provided by the head and staff of the Center.

98.4. The list of prohibited items, the cases of taking appropriate measures if those items were found from persons held in the Center and their destruction shall be established by internal regulations.

98.5. When placing a person in the Center, the staff of the Center shall familiarize him/her with the provisions of this Code and the internal regulations and explain him/her all the requirements.

98.6. A person held in the Center shall be informed that the manufacture, storage, carrying, transportation or use of prohibited items entails the application of enforcement measures and sign a written commitment.

Article 86 . The internal regulations

86.0. The internal regulations shall establish the order of:

86.0.1. receiving and placing a person in the Center, registering and conducting of personal search, checking items, conducting a medical examination and releasing (or issuing) from Center;

86.0.2. maintaining of situation and conditions for holding a person in the Center, his/her protection and escorting, including transfer from one to another Center;

86.0.3. carrying out hand- and fingerprint registration of a person held in the Center

86.0.4. delivering of parcels, transfers and pouches to the Center and their reception, as well as receiving or sending remittances through personal accounts of person held in the Center;

86.0.5. informing a person immediately after the forcibly placement in the Center to notify about it by phone his/her close relatives or other persons contact with whom is of legitimate interest to him/her;

86.0.6. contacting a person with the diplomatic representation or consulate of his/her state in the Republic of Azerbaijan, or with national or international organizations that took him/her under its guardianship;

86.0.7. getting by the person held in the Center of food and essential goods, correspondence, using of telephone;

86.0.8. taking out for a walk of a person placed forcibly in the Center;

86.0.9. regulating entry to and exit from the Center;

86.0.10. doing sport, playing table games and watching TV by the person held in the Center;

86.0.11. arranging the meeting of the person held in the Center with his/her lawyer, legal representative, relatives and other persons who provide legal assistance or contact with whom is of legitimate interest to him/her;

86.0.12. meeting the person with the head of the Center;

86.0.13. practicing the religious rites by the person held in the Center;

- 86.0.14. *providing the person held in the Center with meal, material support and norms;*
- 86.0.15. *submitting proposals, complaints and applications by the person held in the Center;*
- 86.0.16. *providing medical and psychological care to person held in the Center, as well as ensuring his/her health and sanitation support, medical examination, placing or staying in medical institutions;*
- 86.0.17. *participating of the person held in the Center in civil law and family law relationships and using the services of a notary;*
- 86.0.18. *delivering the body of a person who died during the period of detention in the Center;*
- 86.0.19. *other issues that relate to maintaining of the regime in the Center.*

Article 87. *The rights of foreigners and stateless persons placed forcibly in the Center*

87.1. *A person placed forcibly in the Center shall have the following rights:*

- 87.1.1. *Immediately after being brought to the Center, to be provided with opportunity to inform about it by phone close relatives and other persons, contact with whom is of legitimate interest to him/her;*
- 87.1.2. *To be placed by ensuring personal security;*
- 87.1.3. *To learn about his/her rights and duties and internal regulations in writing in a language that he/she understands clearly, keep with him/her written information about it;*
- 87.1.4. *Not to be subjected to torture, inhumane and degrading treatment or punishment;*
- 87.1.5. *To meet with a lawyer, legal representative, relatives and other persons who provide legal assistance or contact with whom is of legitimate interest to him/her;*
- 87.1.6. *To contact immediately with the diplomatic representation and consulate of his/her state in the Republic of Azerbaijan, or with national or international organizations that took him/her under its guardianship;*
- 87.1.7. *To be provided with free meal, material, health and sanitation services;*
- 87.1.8. *To get literature, newspapers or magazines using the library of the Center, as well as to purchase at own expense writing materials, literature, newspapers or magazines;*
- 87.1.9. *To practice religious rites, use religious accessories and literature;*
- 87.1.10. *To participate in civil law and family law relationships and use the services of notary;*
- 87.1.10. *To be treated ethically;*
- 87.1.12. *To get acquainted with the proceeding of his/her case, keep documents related to the exercise of his/her rights and legitimate interests, or records resulting from intellectual activity, or copies thereof, including copies of responses to proposals, applications and complaints, with the exception of documents and records that can be used for illegal purposes or reflect state secrets and other secrets protected by law;*
- 87.1.13. *To submit proposals, applications and complaints in connection with issues of legality, validity of his/her detention in the Center, or violation of rights and legitimate interests;*
- 87.1.14. *To do sport and to play table games;*

- 87.1.15. To use personal items;
 - 87.1.16. To use own clothes and shoes, to be provided with clothes according to climate in case of absence of suitable clothes;
 - 87.1.17. To receive psychological assistance;
 - 87.1.18. To subscribe at own expense to newspapers and magazines;
 - 87.1.19. To receive remittances and send remittances to close relatives through personal accounts;
 - 87.1.20. To use telephone;
 - 87.1.21. To watch TV;
 - 87.1.22. To purchase at own expense food and essential goods from shops with help of the staff of the Center;
 - 87.1.23. To be out on a daily walk.
- 87.2 The rights of the person placed forcibly in the Center listed in Article 87.1 of this Code shall be provided by the internal regulations in the amount not less than minimum provisions specified in the Law of the Republic of Azerbaijan "On Ensuring the rights and freedoms of persons held in detention facilities".

Article 88. The rights of foreigners and stateless persons placed voluntarily in the Center

- 88.0. A person voluntarily placed in the Center shall have the following rights in addition to the rights specified in Articles 87.1.2 - 87.1.21 of this Code:
- 88.0.1. To leave the Center and return there;
 - 88.0.2. To move freely in the territory of the Center (except for territories designated for official use);
 - 88.0.3. To purchase freely at own expense food and essential goods from the shops.

Article 89. The duties of foreigners and stateless persons held in the Center

- 89.0. A person held in the Center shall have the following main duties:
- 89.0.1. To comply with the rules established by this Code and the internal regulations;
 - 89.0.2. To follow the lawful requirements of the head of the Center;
 - 89.0.3. To observe hygiene and sanitation rules;
 - 89.0.4. To observe fire safety rules;
 - 89.0.5. To handle with care the property of the Center;
 - 89.0.6. To clean (to sweep, wash and wipe) in order of priority the room where he/she stays;
 - 89.0.7. To treat with respect the staff of the Center, as well as other persons held in the Center;
 - 89.0.8. Do not interfere with the staff of the Center when they perform their duties;
 - 89.0.9. Do not allow actions that may pose a threat to his/her or others life and health.

Article 90. Disciplinary measures applied in the Center

90.1. The following disciplinary measures shall be applied to foreigners and stateless persons placed forcibly in the Center who violate the internal regulations:

90.1.1. Restriction of the right to walk;

90.1.2. Restriction of the right to use telephone;

90.1.3. Restriction of the right to watch TV programs;

90.1.4. Restriction of the right to do sport and play table games;

90.1.5. Restriction of the right to meet with close relatives;

90.1.6. Detention in a single special room.

90.2. The following disciplinary measures shall be applied to foreigners and stateless persons placed voluntarily in the Center who violated the internal regulations:

90.2.1. Disciplinary measures provided for in Articles 90.1.2 - 90.1.4 and 90.1.6 of this Code;

90.2.2. Removal from the Center.

90.3. The disciplinary measure shall be applied on the basis of the justified decision of the head of the Center chief. A copy of the decision shall be immediately presented to a foreigner and stateless person and his/her right to appeal shall be explained. A relevant record shall be made about this.

90.4. Only one disciplinary measure shall be applied for one violation.

90.5. The disciplinary measure shall be applied taking into consideration the circumstances of the violation of rules established in the Center and behavior of the detained person. The disciplinary measure shall be applied not later than in 5 days from the moment of the violation detection, and during the inspection in connection with the violation - upon completion of the inspection, but not later than in 1 month from the date of the violation.

90.6. A person who violated internal regulations shall have the following rights:

90.6.1. To get immediately information about acts considered as a violation of internal regulations;

90.6.2. To defend himself in person or, if necessary, by lawyer;

90.6.3. To use free assistance of interpreter;

90.6.4. To demand to get explanation from witnesses and participate in getting their explanation.

90.7. Before application of the disciplinary measure the explanation shall be got from foreigner or stateless person held in the Center. If the person refuses to give an explanation, an act shall be drawn up with an indication of the reasons for refusal.

90.8. A person can appeal a disciplinary measure with a superior official or in court. Except for cases when a decision is made to suspend the application of a disciplinary measure pursuant to Article 90.9 of this Code, filing a complaint does not suspend application of the disciplinary measure.

90.9. In case of filing a complaint, the complaint instance, according to the application of the person concerned or on its own initiative of the complaint instance in connection with its official

duties shall immediately consider the issue of suspension of the application of the disciplinary measure and take an appropriate decision in this connection.

Article 91. Protection of foreigners and stateless persons held in the Center and control over them

91.1. Foreigners and stateless persons shall be protected and held under control in the Center. Persons held in the Center shall move in the territory of the Center under the control of its staff.

91.2. When exercising control the photo-video and other technical means can be used.

91.3. The hand- and fingerprint registration of persons held in the Center shall be made, photos taken, personal search and that one in place of their detention conducted, their items, parcels, transfers and pouches checked.

91.4. Health and hygiene measures with or a personal search of persons placed forcibly in the Center shall be conducted by the staff of the Center of the same sex.

91.5. If prohibited items were found from persons placed forcibly in the Center, these items shall be taken with the drawing up of an appropriate protocol and handed over to the warehouse or destroyed in accordance with the justified decision of the head of the Center. In this regard one of the disciplinary measures provided for in Articles 90.1 and 90.2 of this Code shall be applied to a foreigner or stateless person.

91.6. If the person held the Center brings with him/her any medications, decision whether to use them shall be made by the doctor.

91.7. During the entry to and exit from the territory of the Center its staff shall check items, clothes of incoming and outgoing people, including vehicles entering and exiting and seize the prohibited items detected. If prohibited items are found from the persons or vehicles entering the Center and the law does not provide liability for this act, these items shall be returned to the persons who brought them.

91.8. If foreigners or stateless persons held in the Center are transferred to another Center, prohibited items seized from them shall be included in a list and forwarded to the receiving Center.

Article 92. The duties of the staff of the Center

92.1. The staff of the Center shall have the following duties:

92.1.1. To receive in the appropriate order the persons who arrived in or were brought to the Center;

92.1.2. To provide the opportunity to the person placed forcibly in the Center to communicate by phone or other means and inform about it his/her close relatives or other persons contact with whom is of legitimate interest to him/her (the staff of Center staff cannot give such information on their own initiative, except for cases related to old age, underage, health and psychological condition of the person placed forcibly in the Center);

92.1.3. To inform immediately diplomatic representation or consulate of the country of citizenship or permanent residence of the person in the Republic of Azerbaijan about his/her holding in the Center (and in relation to the persons who were brought after the detention about the place of their detention) and to register the transfer of this information;

92.1.4. To ensure conducting immediate medical examination of the person admitted to the Center;

92.1.5. To acquaint the person held in the Center with his/her rights and duties, internal regulations and to give him/her explanation in this regard;

92.1.6. To arrange meetings of the person held in the Center with his/her lawyer, legal representative, relatives, as well as other persons who provide this person with legal assistance or contact with whom is of legitimate interest to him/her;

92.1.7. To ensure security of the persons held in the Center;

92.1.8. To register proposals, complaints and applications of persons held in the Center;

92.1.9. To ensure sending of letters, telegrams, proposals, applications and complaints of persons held in the Center;

92.1.10. In accordance with the appeal of the body conducting the criminal procedure, with notification to the relevant executive authority, to create conditions for conducting in the Center investigative or other procedural actions involving the person held in the Center;

92.1.11. To transfer persons held in the Center to another Center in accordance with the decision of the relevant executive authority;

92.1.12. To create condition for ensuring the right of a person held in the Center to use telephone;

92.1.13. To inform the relevant executive authority about expiration of the period of holding the person in the Center not later than 1 working day before it;

92.1.14. To create condition for the person held in the Center to use notary services.

92.2. The staff of the Center shall ensure that the results of medical examination of a person, conducted after his/her admission to the Center are included into his/her health records.

Article 93. The use of physical force and special means in the Center

93.1. Physical force can be used if it is not possible to ensure preventing the preparation or commission of a crime or other offenses, as well as removing resistance to the legitimate demands of the staff of the Center by other means.

93.2. Special means can be used in the Center in the following cases:

93.2.1. when repelling attacks by persons held in the Center on the staff of the Center or other persons;

93.2.2 when preventing mass disorders or group violation of the regime of detention in the Center;

93.2.3. *when preventing illegal actions of persons held in the Center who do not comply with the lawful requirements of or physically resist the staff of the Center or employees of relevant executive authority involved to maintain regime in the Center;*

93.2.4. *when releasing the persons taken hostage, the occupied buildings, places, facilities and vehicles;*

93.2.5. *when preventing attempt to escape from the Center of persons placed forcibly in the Center;*

93.2.6 *when preventing attempts of persons held in the Center to harm themselves and others;*

93.3. *When using physical force and special means, the following conditions shall be observed:*

93.3.1. *Physical force and special means shall be used against a person only as a last resort or in a situation of necessary defense, depending on the severity of the offense or the personality of those who committed it if use of all the other means of influence did not produce the proper result;*

93.3.2. *Except for cases of group attack, including armed resistance, special means shall not be used against women, underage persons, persons with minor children next to them, persons with obvious signs of disability or other physical or mental disabilities, as well as in crowded places or where other people can be harmed;*

93.3.3. *Special means can be used to prevent a real danger only;*

93.3.4. *The use of physical force, special means shall be proportional to the emerging threat;*

93.3.5. *Depending on the nature, character and degree of danger of the offense, as well as the strength of the resistance shown, efforts shall be made to minimize the harm caused;*

93.3.6. *First medical aid shall be provided to the persons who were physically injured.*

93.4. *The use of physical force and special means shall be registered accordingly. In each case of use of physical force or special means by the staff of the Center, the head of the Center shall immediately inform about it in writing the relevant executive authority.*

93.5. *In each case of use of physical force, special means by the staff of the Center the relevant executive authority shall conduct a service inspection and prepare an appropriate conclusion on legality of the use of physical force, special means.*

Article 94. Control over the activity of the Center

94.1. *Control over the activity of the Center shall be exercised by the relevant executive authority.*

94.2. *The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and the members of the National Preventive Group shall have the right to enter the Center, alone or, if necessary, with the participation of a specialist or an interpreter at any time, without any hindrance and prior notification, to meet and to communicate with foreigners or stateless persons who were placed there voluntarily or forcibly, as well as with any other person who can provide relevant information, to get acquainted with all the documents confirming the legality of placement and holding in these places, including those concerning the treatment of these*

foreigners or stateless persons and their conditions of detention, and to obtain copies of them, draw up an act, record the course and results of the measures taken, to be immediately received by the head of the Center, and the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan shall also have the right to give appropriate recommendations to the Center and receive in due time a response to these recommendations.

CHAPTER 15

LIABILITY

Article 95. Liability for violation of the migration legislation

95.1. Legal entities and natural persons who violated the rules established by this Code for entry to/exit from the Republic of Azerbaijan, temporary stay, temporary or permanent residence and employment of foreigners and stateless persons in the territory of the Republic of Azerbaijan, as well as for employment of the citizens of the Republic of Azerbaijan in foreign countries shall be made liable in the order provided for by law.

95.2. Officials of state authorities who violated the requirements of this Code shall be made liable in the order provided for by law

95.3. Persons who were found guilty for organizing the illegal entry of foreigners and stateless persons to the territory of the Republic of Azerbaijan, their illegal stay, residence in the territory of the Republic of Azerbaijan, illegal transit passage through the territory of the Republic of Azerbaijan as well as their illegal employment shall be made liable in the order provided for by law.

95.4. Foreigners and stateless persons who were previously expelled from the Republic of Azerbaijan in administrative or forced manner and whose entry is restricted for a certain period of time shall be made liable in the order provided for by law if they deliberately make changes to their documents and enter the country again within that period.

95.5. Persons who took away, held or hid passports or other identity documents of foreigners and stateless persons with the aim of bringing them to work shall be made liable in the order provided for by law.

THE LIST OF SOURCE DOCUMENTS USED

1. The law of the Republic of Azerbaijan № 1071-IVQD dated of October 17, 2014 (The “Respublika” newspaper № 256 23 November, 2014; The Collection of Legislative Acts of the Republic of Azerbaijan № 11, 2014, Article 1351).
2. The law of the Republic of Azerbaijan № 1079-IVQD dated of October 6, 2014 (The “Azerbaijan” newspaper № 242, November 6, 2014; The Collection of Legislative Acts of the Republic of Azerbaijan № 11, 2014, Article 1357).
3. The law of the Republic of Azerbaijan № 1143-IVQD dated of December 16, 2014 (The “Respublika” newspaper № 288, December 31, 2014; The Collection of Legislative Acts of the Republic of Azerbaijan № 12, 2014, Article 1539).
4. The law of the Republic of Azerbaijan № 1207-IVQD dated of February 24, 2015 (The “Azerbaijan” newspaper № 58, March 14, 2015; The Collection of Legislative Acts of the Republic of Azerbaijan № 3, 2015, Article 259).
5. The law of the Republic of Azerbaijan № 1295-IVQD dated of May 29, 2015 (The “Respublika” newspaper № 131, 20 June, 2015; The Collection of Legislative Acts of the Republic of Azerbaijan № 06, 2015, Article 689).
6. The law of the Republic of Azerbaijan № 1387-IVQD dated of October 20, 2015 (The “Respublika” newspaper № 271, 9 December, 2015; The Collection of Legislative Acts of the Republic of Azerbaijan № 12, 2015, Article 1436).
7. The law of the Republic of Azerbaijan № 118-VQD dated of February 1, 2016 (The “Respublika” newspaper № 38, 19 February, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 02, Book II, 2016, Article 214).
8. The law of the Republic of Azerbaijan № 223-VQD dated of May 6, 2016 (The “Azerbaijan” newspaper № 119, 4 June, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 6, 2016, Article 970).
9. The law of the Republic of Azerbaijan № 244-VQD dated of May 17, 2016 (The “Azerbaijan” newspaper № 139, 30 June, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 6, 2016, Article 988).
10. The law of the Republic of Azerbaijan № 280-VQD dated of June 14, 2016 (The “Azerbaijan” newspaper № 139, 30 June, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 6, 2016, Article 1008).
11. The law of the Republic of Azerbaijan № 299-VQD dated of June 24, 2016 (The “Respublika” newspaper № 155, 21 July, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 7, 2016, Article 1246).

12. The law of the Republic of Azerbaijan № 406-VQD dated of November 11, 2016 (The "Azerbaijan" newspaper № 257, 20 November, 2016; The Collection of Legislative Acts of the Republic of Azerbaijan № 11, 2016, Article 1794).
13. The law of the Republic of Azerbaijan № 761-VQD dated of June 30, 2017 (The "Azerbaijan" newspaper № 156, 22 July, 2017; The Collection of Legislative Acts of the Republic of Azerbaijan № 7, 2017, Article 1312).
14. The law of the Republic of Azerbaijan № 810-VQD dated of October 20, 2017 (The "Azerbaijan" newspaper № 244, 5 November, 2017; The Collection of Legislative Acts of the Republic of Azerbaijan № 11, 2017, Article 1963).
15. The law of the Republic of Azerbaijan № 852-VQD dated of October 31, 2017 (The "Azerbaijan" newspaper № 269, 6 December, 2017; The Collection of Legislative Acts of the Republic of Azerbaijan № 12, Book I, 2017, Article 2218).
16. The law of the Republic of Azerbaijan № 902-VQD dated of December 1, 2017 (The "Azerbaijan" newspaper № 279, 17 December, 2017).
17. The law of the Republic of Azerbaijan № 965-VQD dated of December 29, 2017 ("Azerbaijan" newspaper № 7, 12 January, 2018).
18. The law of the Republic of Azerbaijan № 1015-VQD dated of February 23, 2018 (The "Azerbaijan" newspaper № 61, 18 March, 2018).
19. The law of the Republic of Azerbaijan № 1097-VQD dated of May 1, 2018 (The "Azerbaijan" newspaper № 141, 29 June, 2018).
20. The law of the Republic of Azerbaijan № 1218-VQD dated of June 29, 2018 ("Azerbaijan" newspaper № 154, 14 June, 2018).