

LAW OF AZERBAIJAN REPUBLIC ON IMMIGRATION

CHAPTER 1

GENERAL PROVISIONS

Article 1. Purpose of the law

The Law shall regulate immigration of aliens or stateless persons to Azerbaijan Republic and relations connected with it.

Article 2. Legislation regulating immigration

In Azerbaijan Republic, the immigration shall be regulated by the Constitution of Azerbaijan Republic, international treaties of which Azerbaijan Republic is a party, present Law and other legislative acts of Azerbaijan Republic.

Article 3. Definition of Terms

The terms used in this law bear following meanings:

Immigration-arrival of aliens or stateless persons at Azerbaijan Republic for the purpose of temporary or permanent residence in the way defined by present Law;

Immigrant-alien or stateless person obtained the right to residence in Azerbaijan Republic in the way defined by present law;

Immigration quota-maximum number aliens or stateless persons allowed to arrive at Azerbaijan Republic from respective countries during one year.

CHAPTER 2

CONSIDERATION OF APPLICATION FOR IMMIGRATION

Article 4. Application for immigration

An adult reached 18 years old and being a capable alien or stateless person shall be entitled to submit an application for immigration to the Republic of Azerbaijan either directly or through diplomatic or consular missions of Azerbaijan Republic to the relevant executive body.

Aliens or stateless persons shall justify their application for immigration to Azerbaijan in application form.

The following documents attested by a notary or in a similar way shall be attached to the application for immigration:

- 1) a copy of his/her birth certificate or an equivalent document
- 2) a certificate on composition of his/her family (with indication of first and family names, dates of birth, employment, place of residence of family members), a copy of his/her marriage, and written contest on immigration of children of 14-18 years old accompanying an alien or stateless person

- 3) a certificate attesting the health of immigrating person
- 4) a document attesting the source of revenue enabling migrant and his/her family arriving for immigration to meet material demands except cases when they will be provided by a citizen of Azerbaijan Republic or a person permanently residing in Azerbaijan Republic
- 5) a document certifying citizenship of an alien and statelessness of a stateless person
- 6) a document attesting professional skills of alien or stateless person

The relevant executive body may request additional documents to define if there is ground for rejection of application for immigration.

Article 5. Consideration of application for immigration

The relevant executive body shall consider and take a decision about application for immigration not later than six month.

The relevant executive body shall define rules for consideration of application for immigration, types of immigration and their length.

Article 6. Immigration duty

When applying for immigration, a foreigner shall pay the state duty in accordance with established order.

Article 7. Grounds for denial of application for immigration to Azerbaijan Republic

A foreigner or stateless person's application for immigration to Azerbaijan Republic may be denied:

- 1) if his/her immigration poses a threat to the state security of Azerbaijan Republic;
- 2) if he/she is infected with virus of dangerous transmissible disease, put in the list defined by the relevant executive body;
- 3) if he/she does not have documents providing his/her identity;
- 4) if for obtaining a permission for permanent residence in Azerbaijan Republic he/she has provided false documents or untrue information;
- 5) if he/she has committed a grave crime during the last 5 years;
- 6) if he/she has been earlier expelled from Azerbaijan Republic;
- 7) if an alien or stateless person and his/her family members arriving for permanent residence do not possess sufficient financial means to meet their minimum demands, except cases when they are provided by citizen of Azerbaijan Republic or person permanently residing in Azerbaijan Republic.

Article 8. Appeal against a decision on denial of immigration

A decision to deny a permission for immigration to Azerbaijan Republic may be appealed against to a court in accordance with laws of Azerbaijan Republic.

Article 9. Reconsideration of an application for immigration

An application for immigration shall be reconsidered not earlier than in one year after the first decision was taken.

CHAPTER 3

LEGAL STATUS OF IMMIGRANTS

Article 10. The status of an immigrant

The status of an immigrant in Azerbaijan Republic shall be regulated by the Constitution of Azerbaijan Republic, international treaties executed by Azerbaijan Republic, Law of Azerbaijan Republic on Legal Status of Aliens and Stateless Persons, present law and other legislative deeds.

Upon observation of immigration quota, the aliens and stateless persons who have obtained a permission for immigration in accordance with terms stipulated in this Law may arrive to reside permanently or temporarily in Azerbaijan Republic and by that they get immigration status.

Immigration status out of quota may be accorded to:

- 1) an alien or a stateless person who has close relations with a citizen of Azerbaijan Republic from whom an alien or stateless person has received an invitation;
- 2) an alien or a stateless person who has got married to a person permanently residing in Azerbaijan Republic;
- 3) an alien or a stateless person who is under guardianship or tutorship of a citizen of Azerbaijan Republic
- 4) an alien or a stateless person who is guardian or a tutor of a citizen of Azerbaijan Republic
- 5) highly qualified experts in the field of science, technics, art and sport.

An immigrant may use the rights and freedoms provided for the aliens and stateless persons and undertake relevant obligations according to legislation of Azerbaijan Republic.

An immigrant is provided with document certifying his/her status. The format of the document certifying status of immigrant is approved by the Parliament of Azerbaijan Republic.

Article 11. Entry of alien or stateless person received permission for immigration to Azerbaijan Republic

Aliens or stateless persons received permission for immigration to Azerbaijan Republic may enter to the territory of Azerbaijan Republic in the order established by provisions of Law of Azerbaijan Republic on Entry and Exit to/from the country and passports.

When entering Azerbaijan Republic, every alien or stateless person (and his/her family members accompanying him/her) shall undergo an obligatory medical control.

An alien or a stateless person may be denied to enter Azerbaijan Republic, if it becomes known that there are circumstances provided for by Article 7 of present Law.

Article 12. Registration of immigrants

An immigrant (and his/her family) arriving at Azerbaijan Republic for residence shall be registered in accordance with legislation of Azerbaijan Republic.

An immigrant shall inform the relevant executive body about the change of his/her residence in three days.

Article 13. Expulsion of immigrant from Azerbaijan Republic

An immigrant shall be expelled from the territory of Azerbaijan Republic if:

- 1) it becomes known that he/she has obtained his/her permission for residence in Azerbaijan Republic upon presentation false documents and untrue information;
- 2) he/she has committed grave crime specified in the criminal law and there is a court decision on it;
- 3) there is need to ensure national security of Azerbaijan Republic;

A decision about the expulsion of an alien or a stateless person from Azerbaijan Republic shall be taken by the relevant executive body.

In cases provided for points 1 and 3 of this Article, an immigrant shall be formally informed of the decision about the expulsion of him/her from Azerbaijan Republic within 10 days from the date of its adoption. The immigrant shall be obliged to leave the territory of Azerbaijan Republic within 30 days after receipt of decision. The immigrant may within 10 days appeal to a court. In such a case, the term for leaving the territory of Azerbaijan Republic is counted from the date when court decision comes into force.

If the immigrant does not leave the territory of Azerbaijan Republic within the indicated period, he/she will be forcibly expelled from Azerbaijan Republic. Rules of forcibly expulsion of an immigrant shall be defined by relevant executive body.

A decision about expulsion of an immigrant from Azerbaijan Republic shall not apply to the immigrant's family members.

CHAPTER 4

STATE REGULATION OF IMMIGRATION IN AZERBAIJAN REPUBLIC

Article 14. Administration of immigration in Azerbaijan Republic

In Azerbaijan Republic, the immigration shall be regulated by the relevant executive body.

Article 15. Immigration quota

For the purpose of the state regulation of immigration process in Azerbaijan Republic, immigration quota shall be determined by the relevant executive body.

Immigration quota shall be determined by the relevant executive body three months before start of a new year.

The immigration quota may be limited by the executive body, is necessary.

Article 16. Adaptation of an immigrant

An immigrant shall be given an opportunity to study Azeri language, Constitution and Laws of Azerbaijan republic.

Rules of adaptation of immigrants in Azerbaijan Republic shall be determined by the relevant executive body.

CHAPTER 5

FINAL PROVISIONS

Article 17. Responsibilities of immigrants

An immigrant who has violated legislation of Azerbaijan Republic shall be legally prosecuted.

An immigrant who committed a crime abroad may be extradited to other country in connection with criminal prosecuting or a court decision, unless the legislation of Azerbaijan republic or international treaty executed by Azerbaijan Republic provides for a waiver extradition.

Article 18. Entry into force of the Law

This law enters into force from the moment of its signing.