

THE LAW OF THE REPUBLIC OF AZERBAIJAN
“ON LEGAL STATUS OF ALIENS AND STATELESS PERSONS”

Chapter I. General Provisions

Article 1. The objective of the Law .

The present Law regulates public relations, arising in connection with legal status of aliens and stateless persons.

Article 2. Principal Concepts

Aliens - persons who are not citizens of the Republic of Azerbaijan and have not obtained other countries' citizenship.

Stateless persons - persons who are not citizens of the Republic of Azerbaijan and are not citizens of other countries.

Aliens and stateless persons are considered permanently residing in the Republic of Azerbaijan in case of admission, in accordance with the established order, of permit for permanent stay in the Republic of Azerbaijan or in case providing them the right of permanent residence in the Republic of Azerbaijan.

Aliens and stateless persons arriving in the Republic of Azerbaijan according to other legal basis (tourism, private business, sending on a private business mission and arriving with analogous cases of temporary nature) are considered temporarily residing in the Republic of Azerbaijan.

Emigrants - aliens and stateless persons, leaving their countries for a long time for that or another reasons and arriving in RA for residence.

Article 3. Legislation on Legal Status of Aliens and Stateless Persons

Legal status of aliens and stateless persons is defined by the Constitution of RA., the present Law, the Law of RA “On Entry/Exit and on Passports” and by other legislative acts of RA, adopted in relation with these laws, as well as by international treaties adherent to RA.

Article 4. Principles of Legal Status of Aliens and Stateless Persons

Aliens and stateless persons enjoy all rights and freedoms and perform all duties on equal basis with citizens of RA, if otherwise isn't qualified by the Constitution of the Republic of Azerbaijan, by present Law and by other legislative acts of RA, and international treaties adherent to the Republic of Azerbaijan.

Realization of rights and freedoms of aliens and stateless persons wouldn't contradict with national interests of the Republic of Azerbaijan. Aliens and stateless persons shall observe requirements of the Constitution of the Republic of Azerbaijan, laws and other legislative acts of the Republic of Azerbaijan, respect customs and traditions of the Azerbaijan people.

In case if a foreign country restricts the rights and freedoms of citizens of the Republic of Azerbaijan on its territory, adequate restrictions could be established by the Law of the Republic of Azerbaijan for citizens of this country on the territory of the Republic of Azerbaijan. Such Law is abrogated in case of the removal of causes, being the ground for its adoption.

Aliens and stateless persons are equal before the Law and Court of the Republic of Azerbaijan, irrespective of their social, property status, their racial and national affiliation, sex and language, attitude towards region, type and nature of business and other circumstances.

Rights and freedoms of aliens and stateless persons residing on the territory of the Republic of Azerbaijan can be restricted only according to the order established by Part 2, article 69 of the Constitution of the Republic of Azerbaijan.

Article 5. Emigration and temporary stay of aliens and stateless persons on the territory of RA.

Aliens and stateless persons can emigrate to the Republic of Azerbaijan or arrive for permanent residence or for work for definite time and can also temporarily be on its territory according to the order established by the legislation of the Republic of Azerbaijan.

Aliens and stateless persons can obtain permission for emigration and can arrive in the territory of RA. For permanent residence in the following cases:

- close consanguine relations with citizens of the Republic of Azerbaijan;
- marriage with a person who permanently lives in the Republic of Azerbaijan;
- other cases, provided by the Legislation of RA.

Aliens and stateless persons arriving for permanent residence or for temporary work are provided with appropriate documents in the order defined by the legislation of the Republic of Azerbaijan.

Aliens and stateless persons residing on the territory of the Republic of Azerbaijan based on other legal grounds are considered temporary residents in the Republic of Azerbaijan.

Aliens and stateless persons temporarily residing in the Republic of Azerbaijan shall be registered in the order established by the legislation, and on expire of their residence term, they have to leave the Republic of Azerbaijan.

Article 6. Provision of Political Asylum

In compliance with the Constitution of the Republic of Azerbaijan, the Republic of Azerbaijan provides political asylum for aliens and stateless persons.

Article 7. Provision of Refugee Status

Aliens and stateless persons are entitled to Refugee Status by the Law of the Republic of Azerbaijan “On the Status of Refugees and Displaced Persons” and international treaties adherent to the Republic of Azerbaijan.

Article 8. Acquisition of the Citizenship of the Republic of Azerbaijan

Aliens and stateless persons can obtain the citizenship of the Republic of Azerbaijan in the order established by the Constitution of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan “on Citizenship of the Republic of Azerbaijan”.

CHAPTER II. RIGHTS, FREEDOMS AND DUTIES OF ALIENS AND STATELESS PERSONS

Article 9. Right of Inviolability.

Aliens and stateless persons residing on the territory have the rights of personal inviolability and housing inviolability in compliance with the Constitution of the Republic of Azerbaijan and other legislative acts of the Republic of Azerbaijan.

Aliens and stateless persons arrested in compliance with the order established by Laws of the Republic of Azerbaijan, shall immediately be informed on the circumstances which became the cause of these actions and on their rights.

A body or official arresting an alien or a stateless person who temporarily is on the territory of the Republic of Azerbaijan, must immediately inform the Ministry of Foreign Affairs of the Republic of Azerbaijan on this fact.

Article 10. Aliens and Stateless Persons’ Right to Move and Select the Place of Residence on the Territory of the Republic of Azerbaijan.

Aliens and stateless persons can move and select place of residence on the territory of the Republic of Azerbaijan in the order established by the Law of the Republic of Azerbaijan.

Restrictions on movement and selection of place of residence are allowed only in compliance with the order established by the legislation of the Republic of Azerbaijan.

Article 11. Right to Work

Aliens and stateless persons have analogous rights and bear analogous duties in labour relations along with citizens of the Republic of Azerbaijan, if otherwise is not qualified by the legislation of RA and international treaties adherent to the Republic of Azerbaijan.

Aliens and stateless persons arriving in the Republic of Azerbaijan for labour activity for a definite time can be engaged in labour activity in compliance with the established order.

In cases, if occupation of definite positions and definite types of activity is stipulated by the citizenship of the Republic of Azerbaijan, aliens and stateless persons can not occupy such positions and deal with such business.

Article 12. Right of Investment and Entrepreneur Activity

Aliens and stateless persons can deal with investment and entrepreneur activity according to the order established by the legislation of the Republic of Azerbaijan. In that case they have rights and duties established for the citizens of the Republic of Azerbaijan, if otherwise is not qualified by the legislation of the Republic of Azerbaijan.

Article 13. Right to Marriage and Family Relations

Aliens and stateless persons can get married to citizens of the Republic of Azerbaijan and other persons and dissolve a marriage.

Aliens and stateless persons in marital and family relations have rights and duties on equal grounds with citizens of the Republic of Azerbaijan.

Article 14. Right to Rest

Aliens and stateless persons have a right to rest on equal grounds with citizens of the Republic of Azerbaijan.

Article 15. Right to Health Protection

Aliens and stateless persons have a right to health protection according to the order established by the legislation of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

Article 16. Right to Social Security

Aliens and stateless persons have a right to social security according to the order established by the legislation of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

In case if a record of service is required to determine a pension according to the order established by the legislation of the Republic of Azerbaijan and international treaties adherent of the Republic of Azerbaijan, work of aliens and stateless persons abroad can be entered in a record of service.

Article 17. Right to Lodging

Aliens and stateless persons permanently residing in the Republic of Azerbaijan have a right to get a lodging from the state, department and public funds on the grounds and according to the order, established for citizens of RA, if otherwise is not qualified by the legislation of the Republic of Azerbaijan.

Article 18. Freedom of Conscience

Aliens and stateless persons are entitled to have freedom of conscience on equal grounds with citizens of the Republic of Azerbaijan.

Aliens and stateless persons are not allowed to carry out religious propaganda.

Article 19. Right to Education

Aliens and stateless persons permanently residing in the Republic of Azerbaijan have a right to get education on the equal grounds with citizens of the Republic of Azerbaijan. For other aliens and stateless persons education is paid, if otherwise is not qualified by laws of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

Article 20. Right to Join Public Unions

Aliens and stateless persons permanently residing in the Republic of Azerbaijan have a right to join public unions on equal grounds with citizens of the Republic of Azerbaijan, if otherwise is not qualified by laws of the Republic of Azerbaijan and by Charters of relevant unions.

Aliens and stateless persons can't be members of political parties of the Republic of Azerbaijan.

Article 21. Participation in Elections and National Voting (Referendums)

Aliens and stateless persons can not take part in elections to bodies of state power and local government and be elected in these bodies, as well as can not take part in national voting (referendums).

Article 22. Attitude to Military Service

Aliens and stateless persons do not bear military duties.

Article 23. Tax and Customs Levy on Aliens and Stateless Persons

Tax and Customs Levy on aliens and stateless persons is fulfilled on the ground of laws of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

CHAPTER III. RESPONSIBILITIES OF ALIENS AND STATELESS PERSONS

Article 24. Principles of Responsibility of Aliens and Stateless Persons

Aliens and stateless persons committing a criminal offence and other delinquencies bear responsibility according to the order established by the legislation of the Republic of Azerbaijan.

Article 25. Responsibility for Infringement of Rules of Stay and Transit through the territory of the Republic of Azerbaijan

When aliens and stateless persons commit the following infringements of stay on the territory of the Republic of Azerbaijan, they bear a responsibility according to the order established by the legislation of the Republic of Azerbaijan:

- unavailability of appropriate documents for the stay on the territory of the Republic of Azerbaijan;
- residence on the territory of the Republic of Azerbaijan on the basis of invalid documents;
- non-observance of the Regulations of movement, selection of the place of residence and registration;
- infringement of regulations when getting an employment;
- ill-timed leaving the territory of the Republic of Azerbaijan on expiring the time of their stay;
- non-observance of regulations of transit through the territory of the Republic of Azerbaijan.

Article 26. Reduction of Terms of Aliens and Stateless Persons' Stay on the territory of the Republic of Azerbaijan

When aliens and stateless persons infringe the requirements of the legislation of the Republic of Azerbaijan, terms of their stay on the territory of RA can be reduced.

Resolution on reduction of terms of presence of Aliens and stateless persons in the Republic of Azerbaijan is adopted by relevant state bodies.

Article 27. Expel of Aliens and Stateless Persons out of bounds of the Republic of Azerbaijan

When arising a necessity of ensuring the national security, protection of public order, health protection, rights and interests of population as well as when a rough infringement of requirements of the legislation of the Republic of Azerbaijan on legal status of aliens and stateless persons takes place, aliens and stateless persons can be expelled out of bounds of the Republic of Azerbaijan, within one to seven days on the basis of resolution of relevant state body.

Expel of aliens and stateless persons out of bounds of the Republic of Azerbaijan is fulfilled according to the order established by the Code of the Republic of Azerbaijan “On Administrative Delinquencies”.

Aliens and stateless persons have to leave the territory of the Republic of Azerbaijan in a term, established by a resolution on expel out of bounds of the Republic of Azerbaijan.

Alien or a stateless person refusing to leave the territory of the Republic of Azerbaijan is arrested on the basis of a sanction of the Public Prosecutor General of the Republic of Azerbaijan and Public Prosecutor of Nakhchivan Autonomous Republic and in a compulsory order are expelled out of bounds of the Republic of Azerbaijan.

Resolution on expel of aliens and stateless persons out of bounds of the Republic of Azerbaijan can be appealed in the Court. An Appeal doesn't suspend execution of the resolution.

CHAPTER IV. FINAL PROVISIONS

Article 28. International Treaties

In case if international treaties adherent to the Republic of Azerbaijan establish the order differing from the order established by the present Law, international treaties order is used.

Article 29. Use of the Law in regard to persons having diplomatic immunity and privileges

The present Law doesn't touch upon rights of persons having diplomatic immunity and privileges on the basis of Laws of the Republic of Azerbaijan and international treaties adherent to the Republic of Azerbaijan.

President of the Republic of Azerbaijan
Heydar Aliyev

Baku, March 13, 1996