



MPC – MIGRATION POLICY CENTRE

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MPC - MIGRATION PROFILE

Azerbaijan

The Demographic-Economic Framework of Migration
The Legal Framework of Migration
The Socio-Political Framework of Migration

Report written by the

MPC Team

on the basis of CARIM East database and publications

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The Demographic-Economic Framework of Migration

Emigration in post-Soviet Azerbaijan went through several phases, each having its own set of characteristics and traits that had different impacts on socio-economic and political life. Generally, mass labour emigration started in 1995, when the Nagorno-Karabakh conflict ceased. These flows were mainly directed towards the Russian Federation until a major financial crisis hit this country in 1998 resulting in decreasing job opportunities for labour migrants there. Since then, Azeri migration has been redirected towards other countries including the US, Germany and Turkey, whilst Russia still represents an important destination country.

As with immigration patterns, in the immediate aftermath of the collapse of the Soviet Union Azerbaijan saw a mass influx of refugees originating from other former Soviet Republics, with large concentrations originating from Armenia; these flows included involuntary repatriation. Once these flows began to decline there was a rise in the amount of immigration from neighboring Middle Eastern states, which included Azerbaijan becoming a transit country to the Middle East. With increased oil production in the new millennium there was an increase in both regular and irregular immigration, attracting migrants from South East Asia. Unfortunately, given the absence of an official registration system for labour migrants, expert and media estimates are the only sources on which one can rely upon.

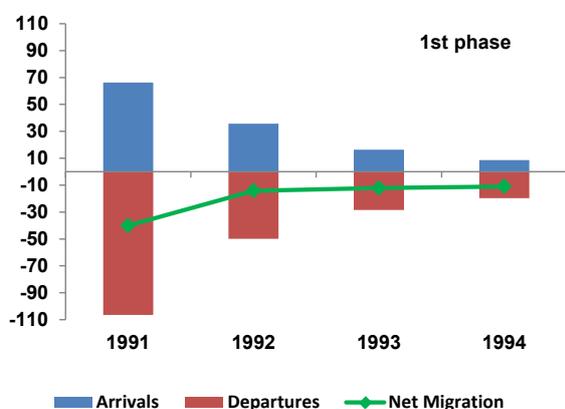
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According to destination countries' statistics, 952,404 or 291,388 Azeri migrants resided abroad in years around 2012 (table 1), who represent respectively 10.3% or 3.2% of the total population residing in Azerbaijan. The huge difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.							In 2009, 254,993 individuals who were born abroad and 14,822 foreign citizens resided in Azerbaijan (2.9% and 0.2 of the total population, respectively).																																																																																																																																																																										
<p>Table 1 - Azeri emigration stocks by country of residence, most recent data (c. 2012)</p> <table border="1"> <thead> <tr> <th>Country of residence</th> <th>Definition (a)</th> <th>Reference date (Jan 1st)</th> <th>Number</th> <th>Number</th> <th>%</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>European Union</td> <td></td> <td></td> <td>34,513</td> <td></td> <td>3.6</td> <td>11.8</td> </tr> <tr> <td>of which Germany</td> <td>(B)</td> <td>2012</td> <td>15,754</td> <td></td> <td>1.7</td> <td>5.4</td> </tr> <tr> <td>UK</td> <td>(A)</td> <td>2012</td> <td>3,000</td> <td></td> <td>0.3</td> <td>1.0</td> </tr> <tr> <td>Lat via</td> <td>(A)</td> <td>2011</td> <td>2,602</td> <td></td> <td>0.3</td> <td>0.9</td> </tr> <tr> <td>CIS countries + Georgia</td> <td></td> <td></td> <td>854,961</td> <td>193,945</td> <td>89.8</td> <td>66.6</td> </tr> <tr> <td>of which Russia</td> <td>(A)</td> <td>2002</td> <td>846,104</td> <td>X</td> <td>88.8</td> <td>X</td> </tr> <tr> <td>Russia</td> <td>(B)</td> <td>2010</td> <td>X</td> <td>67,947</td> <td>X</td> <td>23.3</td> </tr> <tr> <td>Armenia</td> <td>(A)</td> <td>2001</td> <td>115,689</td> <td></td> <td>12.1</td> <td>39.7</td> </tr> <tr> <td>Ukraine</td> <td>(B)</td> <td>2001</td> <td>8,479</td> <td></td> <td>0.9</td> <td>2.9</td> </tr> <tr> <td>Other countries (b)</td> <td></td> <td></td> <td>62,930</td> <td></td> <td>6.6</td> <td>21.6</td> </tr> <tr> <td>of which Israel</td> <td>(A)</td> <td>2005</td> <td>28,837</td> <td></td> <td>3.0</td> <td>9.9</td> </tr> <tr> <td>US</td> <td>(A)</td> <td>2011</td> <td>20,531</td> <td></td> <td>2.2</td> <td>7.0</td> </tr> <tr> <td>Turkey</td> <td>(B)</td> <td>2011</td> <td>9,884</td> <td></td> <td>1.0</td> <td>3.4</td> </tr> <tr> <td>Main total</td> <td></td> <td></td> <td>952,404</td> <td>291,388</td> <td>100.0</td> <td>100.0</td> </tr> </tbody> </table> <p>(a): Azeri migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence; in Russia both numbers are reported.</p> <p>(b): "Other countries" include Iceland, Liechtenstein, Norway, Switzerland, Jordan, Turkey, Canada, US, Australia, Japan and Israel</p> <p>Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)</p>							Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%	European Union			34,513		3.6	11.8	of which Germany	(B)	2012	15,754		1.7	5.4	UK	(A)	2012	3,000		0.3	1.0	Lat via	(A)	2011	2,602		0.3	0.9	CIS countries + Georgia			854,961	193,945	89.8	66.6	of which Russia	(A)	2002	846,104	X	88.8	X	Russia	(B)	2010	X	67,947	X	23.3	Armenia	(A)	2001	115,689		12.1	39.7	Ukraine	(B)	2001	8,479		0.9	2.9	Other countries (b)			62,930		6.6	21.6	of which Israel	(A)	2005	28,837		3.0	9.9	US	(A)	2011	20,531		2.2	7.0	Turkey	(B)	2011	9,884		1.0	3.4	Main total			952,404	291,388	100.0	100.0	<p>Table 2 - Immigration stocks in Azerbaijan according to different criteria, 2009</p> <table border="1"> <thead> <tr> <th>Country of citizenship/ country of birth</th> <th>Number (birth)</th> <th>Number (citizenship)</th> </tr> </thead> <tbody> <tr> <td>CIS countries + Georgia</td> <td>248,872</td> <td>8,432</td> </tr> <tr> <td>of which Armenia</td> <td>143,726</td> <td>n.a.</td> </tr> <tr> <td>Georgia</td> <td>49,496</td> <td>4,088</td> </tr> <tr> <td>Russia</td> <td>27,835</td> <td>3,417</td> </tr> <tr> <td>Uzbekistan</td> <td>16,482</td> <td>420</td> </tr> <tr> <td>Kazakhstan</td> <td>3,505</td> <td>138</td> </tr> <tr> <td>Ukraine</td> <td>2,726</td> <td>252</td> </tr> <tr> <td>Kyrgyzstan</td> <td>2,474</td> <td>n.a.</td> </tr> <tr> <td>Turkmenistan</td> <td>1,669</td> <td>117</td> </tr> <tr> <td>Belarus</td> <td>444</td> <td>n.a.</td> </tr> <tr> <td>Moldova</td> <td>274</td> <td>n.a.</td> </tr> <tr> <td>Tajikistan</td> <td>241</td> <td>n.a.</td> </tr> <tr> <td>Other countries</td> <td>6,121</td> <td>6,390</td> </tr> <tr> <td>of which Turkey</td> <td>2,053</td> <td>1,484</td> </tr> <tr> <td>Iran</td> <td>1,481</td> <td>518</td> </tr> <tr> <td>Total migrants</td> <td>254,993</td> <td>14,822</td> </tr> <tr> <td><i>% of the total population</i></td> <td>2.9</td> <td>0.2</td> </tr> <tr> <td>Stateless</td> <td>-</td> <td>3,585</td> </tr> <tr> <td>Total migrants + stateless</td> <td>254,993</td> <td>18,407</td> </tr> <tr> <td><i>% of the total population</i></td> <td>2.9</td> <td>0.2</td> </tr> </tbody> </table> <p>Source: Population Census - 2009</p>			Country of citizenship/ country of birth	Number (birth)	Number (citizenship)	CIS countries + Georgia	248,872	8,432	of which Armenia	143,726	n.a.	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<p>The large majority lived in other CIS countries, especially in Russia and Armenia. While European Union countries hosted only a small portion of Azeris, significant numbers were found in Israel and the US.</p> <p>Females represent the majority of Azeri migrants at 55.2%, even though this value dropped by 12.6% among the stock of Azeri temporary working age migrants in the Russian Federation.</p>																																																																																																																																																																																	

Azeri migrants have an intermediate level of education with 52.7% and 25.0% having a secondary and tertiary level of education, respectively. By looking only at tertiary educated migrants, their proportion is however lower in CIS states (17.1%) than in OECD countries (25.0%). In the OECD region, Azeri migrants are mainly employed as professionals (18.8%), service, shop and market sale workers (18.3%) and craft and related trades workers (15.2%).

Flows

Figures 1a and 1b illustrates the three phases of changes to Azeri migration flows. The *first phase* (1991-1994) was associated with the conflict between Azerbaijan and Armenia over Nagorno-Karabakh, as well as the collapse of the Soviet Union. Both of these caused enormous migration flows from Azerbaijan and led to serious demographic changes in the country. The outflow of the population had a pronounced ethno-linguistic character. The first to leave were national minorities, mostly Armenians and Russians, as well as many Russian speakers, including Azerbaijanis. Most of these moved to Russia and Armenia, as well as to other CIS countries.

Figure 1a - Inward and outward permanent migration flows (in thousands), 1991-1994



Source: State Statistics Committee of Azerbaijan

The *second phase* (1995-1998) came after the conclusion of the 1994 Armenian-Azerbaijani agreement on the suspension of military operations on the front line.

This discrepancy is due to the fact that the majority of people born abroad are individuals born in Armenia with Azeri descent who, during the Azerbaijan-Armenia conflict, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Azeris.

Apart from the 2009 Census – which fails to capture both irregular and temporary migrants - in Azerbaijan there is no official registration for labour migrants even of those foreign nationals that work regularly within the country.

Alternative sources may therefore help in this sense.

First, the Turkish presence is likely to be significant. According to the Turkish embassy, in 2012 over 43,846 Turkish citizens lived and worked in Azerbaijan, 30,971 of which are not officially registered, and 12,875 of who work legally (Salam News Agency, 2012). Turkish migrants are mainly employed in construction business and furniture as well as service companies.

Second, irregular labour migrants also seem to be numerous - recently the Ministry of Labour and Ministry of Social Welfare assessed their number at 25,000.

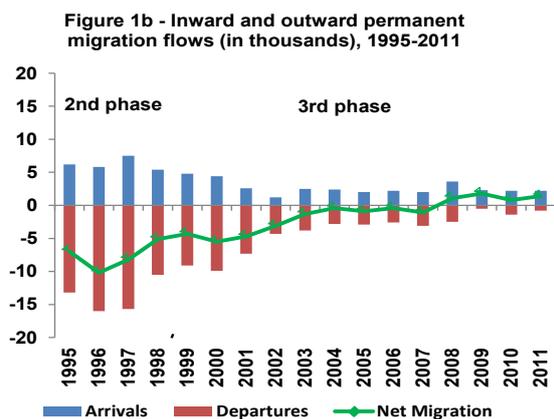
Flows

From 1991 to 2011 a total of about 410,000 migrants arrived in Azerbaijan for permanent residence according to official statistics (figure 1a and 1b). They were both composed by Azeri return migrants and other foreign citizens. Unfortunately, data do not allow for those categories to be distinguished.

The influx in the early 1990s was the most numerous. It was caused primarily by the Armenian-Azerbaijani conflict and the collapse of the Soviet Union. For the most part they were refugees from Armenia (mostly, Azerbaijanis but also Kurds and Russians) and Uzbekistan (Meskhetian Turks).

In the second half of the 1990s, refugees from other countries began to appear in Azerbaijan, in connection with various conflicts, e.g. from Russia (Chechens), as well as from Afghanistan and Iraq. In addition, religious missionaries and migrant workers from Eastern countries arrived. Among them Turks and Iranians dominated.

MPC Migration Profile: AZERBAIJAN



Source: State Statistics Committee of Azerbaijan

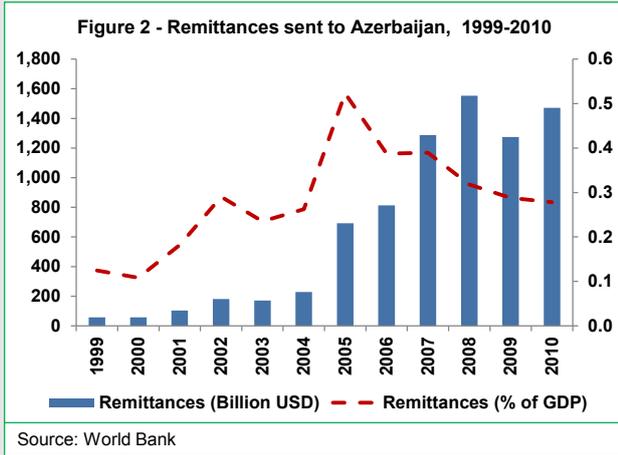
In the second phase ethno-linguistic factors began to fade, and economics took over as the main factor in emigration. It is at this stage that we can start to speak of labour emigration in Azerbaijan, a result of the strong economic crisis. And in this time the main role in the migration flows was played by Azeri citizens, particularly those residing in the provinces. Nevertheless, the main flow of migrants from Azerbaijan headed for Russia and the CIS countries. At the same time, since 1996 Azerbaijani migrants had become interested in emigrating to the West. Most Azeri citizens preferred Germany, as well as the US.

The *third phase* (1998-current) began after the August 1998 economic crisis in Russia, which was a serious blow to the financial hopes of Azeri migrants. They refocused on the West and the Middle East. All this significantly reduced the migration flows from Azerbaijan to Russia.

Remittances have tended to play an increasingly prominent role in Azerbaijan. As figure 2 illustrates there has been a considerable increase in remittances from 2004 onwards. Although there was a noticeable fall in remittances in 2009 attributable to the world financial crisis it is also worthy of noting that a year later in 2010 remittances nearly returned to peak levels in 2008. As a percentage of GDP, they represented 2.8% in 2010.

In the 2000s migrant workers were pulled in by the activities of Western oil companies, which recruited cheap labour from South-East Asia. Initially, most of them came from Pakistan. Further along came migrants from India, Iran, Bangladesh, from the eastern republics of the CIS, mostly from Uzbekistan and Turkmenistan.

The tightening of immigration rules in late 2006 in Russia caused the outflow from this country into Azerbaijan of Chinese migrants as well as citizens of Vietnam, Laos, Cambodia and other far eastern countries. As a result, by the fall of 2008, according to the official data of the Ministry of Interior, there were up to 1,000 Chinese people, while according to NGOs and press agencies; there were nearly 7,000 of them.



The majority of remittances were sent from Russia with over 60% being received by persons in the rural regions of Azerbaijan (IFAD, 2006).

References: International Fund for Agricultural Development (IFAD). 2006. Sending Money Home – Worldwide Remittance Flows to Developing and Transition Countries. International Organization of Migration; Salam News Agency. 2012. In Azerbaijan live and work over 43,846 Turkish citizens [in Russian].

The Legal Framework of Migration

The system of migration-related legislation in the Republic of Azerbaijan includes the Constitution, international treaties concluded, national laws and by-laws. The Constitution stipulates that foreigners have same rights and fulfil the same duties as the Azeri citizens, if not prescribed otherwise by the law or by international agreements, which have been ratified by Azerbaijan. However, an implementation gap exists in this area. Although Azerbaijan has ratified a number of Conventions, including the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless persons, and the Convention on the Nationality of Married Women, national legal norms are not always in compliance with such instruments, and the relevant implementation mechanisms are not always clearly defined.

A single Migration Code, a draft of which is currently being prepared, purports to eliminate the existing contradictions between the various legal sources that regulate relations within the area of migration.

Legal Framework	Outward migration	Inward migration
<p>General Legal References</p>	<p>2002 Law On State Policy Concerning Citizens Residing Abroad (amended in 2003)</p> <p>2000 Law On Labour Migration</p> <p>1999 Law On the Legal Status of Refugees and Displaced Persons</p> <p>1998 Law On Citizenship</p> <p>1996 Law On the Legal Status of Foreigners and Stateless Persons</p> <p>1999 Law On Immigration</p> <p>1995 Constitution of Azerbaijan (amended 2002)</p> <p>1994 Law On Exit from the Country, Entry into the Country and Passports</p>	
<p>Entry and Exit</p>	<p style="text-align: center;">Visa</p> <p>Azerbaijan (AZ) is currently in the process of negotiating a Visa Facilitation Agreement with the EU.</p> <p>Azeri citizens are exempted from visa requirements in the CIS countries (except Turkmenistan), as well as in Georgia. Agreements on reciprocal visa-free visits of citizens are signed with the Russian Federation, Kazakhstan, Uzbekistan, and China (for tourists only). Agreements of reciprocal visits of persons with diplomatic and service passports are signed with Egypt, Montenegro, Qatar, Serbia, UAE, Mexico, Vietnam, Libya, Austria, Portugal, Estonia and Slovenia.</p> <p>Usually a person who becomes a citizen of any other country without renouncing the Azeri citizenship is regarded as a foreigner and should obtain a visa to enter Azerbaijan.</p>	<p style="text-align: center;">Visa</p> <p>Agreements on reciprocal visa-free visits for CIS citizens (except Turkmenistan) and Georgia, tourist groups from China and persons with diplomatic and service passports with Egypt, Montenegro, Qatar, Serbia, UAE, Mexico, Vietnam, Libya, Austria, Portugal, Estonia, Slovenia.</p> <p>Maximum period of stay in AZ for citizens coming from visa-free countries is 90 days. Single or multiple transit visas are granted to foreigners going to other countries for passing through the territory of Azerbaijan Republic. If the transit visa has no notes or seals about the non-stop passage, its owner has a right to stay in Azerbaijan Republic for not longer than five days. Single entry visa is granted for a period from three days to three months, and a multiple entry-exit visa is granted from 1 to 2 years.</p>

	<p style="text-align: center;">Cross-border mobility</p> <p>Issues related to the exit from and entry into the AR territory of foreigners and stateless persons are regulated by the AR Law on ‘Exit from the Country, Entry into the Country and about Passports’ (14 June 1994). According to this Law, Azeri citizens have the right to exit and enter the Azerbaijan Republic. Every citizen of the AR has the right to exit from and enter the country freely through the checkpoints established for these purposes. Citizens of Azerbaijan cannot be deprived of the right to exit from and enter their country. The entry/exit procedure is carried out at the border checkpoints and is regulated by the Law ‘On State Border’ (9 December 1991).</p> <p>The citizens’ right to exit from and enter the country is exercised only upon the availability of his/her passport and permit to enter another country, i.e. a visa issued in accordance with international treaties.</p>	<p style="text-align: center;">Cross-border mobility</p> <p>Foreigners and stateless persons are allowed to enter and exit from Azerbaijan when they pass through special checkpoints while holding personal passports and stay permits.</p> <p>The Law forbids entry of foreigners into the Azerbaijan Republic if:</p> <ol style="list-style-type: none"> 1. it is vital for the protection of national security or public order; 2. it is necessary for the protection of rights and legal interests of the citizens of the AR and other persons; 3. the persons violated requirements of laws of the Azerbaijan Republic during his previous visit to the country; 4. the person gave false information about himself/herself in the application to enter the Azerbaijan Republic; 5. the entry into the AR of the person suffering from mental or infectious (contagious) diseases constitutes a threat to public health (except those persons who do not constitute such threat and arriving at his/her or their legal trustee’s expense for medical treatment). <p>The exit of foreigners from the Azerbaijan Republic can be temporarily restricted if:</p> <ol style="list-style-type: none"> 1. their exit can cause damage to national security - till the removal of this reason; 2. they are suspects or defendants (accused) in committing a crime - till the completion of the case; 3. they are condemned for committing a crime - till the discharge or full serving of the punishment; 4. a civil action is brought against them in court accordingly till a decision on this civil case comes into force as specified by the legislation of the Azerbaijan Republic. <p>Information about the entry and exit of foreigners is registered at the “Entry-Exit and Registration” automated data-retrieval system.</p> <p>Only those persons who have been granted immigrant status in Azerbaijan may exit from and enter the country without a visa by presenting their passports and immigrant identity document. Although there is no</p>
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		<p>limitation on the duration of the immigrant's stay out of Azerbaijan, his/her absence in the country for more than six months during a year serves as a basis to discontinue that status¹.</p> <p>Despite the fact that over half of foreigners entering Azerbaijan are either citizens of the ex-USSR who lived in Azerbaijan in the Soviet times or ethnic Azerbaijanis living now in other countries, there is no simplified procedure for them to enter or exit from Azerbaijan.</p>
<p>Irregular Migration</p>	<p>No bilateral agreements are signed on readmission of illegal migrants. Although in Art. 75(1) of the EC-Azerbaijan Partnership and Cooperation Agreement (entered into force in 1999) Azerbaijan agreed to readmit any of its nationals illegally present within the territory of a Member State, upon request by the latter and without further formalities, this clause has never worked in practice.</p> <p>Azerbaijan ratified Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003. Azerbaijan is also party to the 1998 Agreement on Cooperation between CIS Member States in Combating Illegal Migration (entered into force for AZ in 1999).</p>	<p>Illegal entry, stay and transit are administrative infringements. The Code of Administrative Offences regulates the removal of irregular migrants and the procedure of reimbursement for expenses related to the removal of individuals. The person expelled from Azerbaijan has no right to re-enter.</p> <p>In case of absence of travel documents or legal grounds to stay in Azerbaijan (except for asylum seekers) migrants are forcibly returned without any possibility to appeal against the return decision. Expulsion of immigrants can be ordered by a court in relation to those whose immigrant status have been annulled because they have fraudulently acquired this status; committed certain administrative infringements; for the purpose of national security; or resided outside AZ longer than 6 months in a year. Seven days are granted for independent departure, and the failure to comply leads to forced expulsion. Absolute entry ban is imposed.</p> <p>Expulsion of non-immigrant foreigners can be ordered by the MIA, State Migration Service or a court in relation to foreigners who have seriously infringed the legislation on the legal status of foreigners. 48h are granted for independent departure, which can be extended in justified cases. Failure to depart within the fixed time-limit leads to detention and forced expulsion ordered by a court. In this case too, an absolute entry ban is imposed.</p>

¹ Article 13 of the Law on Immigration.

		<p>Forced expulsion from AR as an additional form of punishment is also provided for by the AR Criminal Code ('RA CC'). Article 52 of the RA CC stipulates that forced expulsion from AR may be imposed on foreign nationals following their initial punishment for serious and very serious crimes.</p> <p>THB: The Criminal Code provides for the criminal liability for trafficking in persons (i.e. sale and purchase of human beings, other transactions with respect to human beings, as well as transportation of a person across the border of the Republic of Azerbaijan for the purpose of his/her exploitation, or transfer, harbouring, receipt, transportation), for imposing forced labour, and for illegal sale and purchase and forced withdrawal for transplantation of human organs and tissues.</p> <p>In 2005, the Law on Combating Human Trafficking was adopted. The Law includes <i>inter alia</i> provisions on social rehabilitation of the victims of human trafficking (Art. 15). According to Article 20 foreigners and stateless persons who are victims of human trafficking have the right to apply for residence permit on the territory of the Republic of Azerbaijan. This Article also stipulates that such foreigners and stateless persons who were recognized as victims of human trafficking shall not be subject to expulsion from the country for one year.</p>
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<p>Rights and Settlement</p>	<p style="text-align: center;">Rights</p> <p>According to the constitution, Azerbaijan citizens enjoy the protection of their State both at home and abroad.</p> <p>Article 7.1 of the Law ‘On State Policy Concerning Citizens Residing Abroad’ stipulates that public authorities of the RA assist citizens residing in another country in preservation and development of cultural legacy and national language and assist the citizens of AR in obtaining education in their own language.</p>	<p style="text-align: center;">Rights</p> <p>Chapter 4 of the Law ‘On Legal Status of Foreigners and Stateless Persons’ stipulates that foreign nationals and stateless persons have the same rights and freedoms and the same responsibilities as citizens of Azerbaijan, if it is not otherwise provided for in the Constitution of AR, other laws and international treaties of AR. Foreign nationals and stateless persons are obliged to adhere to the requirements provided for in the AR legislation, and to respect the customs and traditions of the Azerbaijani people.</p> <p>Foreigners and their family members have a right to social welfare and retirement benefits in Azerbaijan. Foreigners are exempt from military duties. Foreigners do not have a right to participate in elections and referendums. They have the right to participate in municipal elections if they resided within a relevant municipal territory for at least 5 years, and if similar right is in place for foreigners in their country of citizenship².</p> <p style="text-align: center;">Settlement</p> <p>“Rules of Granting Permits for Temporary Residence in the Territory of the Republic of Azerbaijan to Foreigners and Stateless Persons” determine the procedure of granting temporary residence permits to foreigners and stateless persons who arrived in the AR based on a visa or visa-free regime. In order to obtain temporary residence permits, foreigners and stateless persons must file an application to the State Migration Service. When temporary residence permits are issued to foreigners and stateless persons, they are also issued an ID that serves as a valid document for entry and exit.</p> <p>The Law ‘On Registration in the Place of Residence and Place of Stay’ regulates the procedure of registration of citizens, foreigners and stateless persons in the place of residence and place of stay. Citizens of Azerbaijan, foreigners and stateless persons must register in the place of residence or place of stay³.</p>
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² Article 12 of the Electoral Code of Azerbaijan Republic.

³ Point 1 of the provision on application of the Law ‘On Registration in the Place of Residence and Place of Stay’;

		<p>Foreigners who want to stay on the territory of the AR less than 30 days are registered at their place of stay.</p> <p>Foreigners intending to reside in the territory of Azerbaijan for more than 30 days must refer to the relevant executive body to register in the place of residence within 3 days after arriving in the place of residence⁴. Persons, having addressed the relevant executive body for registration in the place of residence, are registered immediately⁵.</p> <p>A stateless person is registered at the place of residence. Having referred to the relevant executive body to obtain an identity card replaced, he or she shall be issued a document temporarily proving his or her identity.</p> <p>Foreigners or stateless persons who resided in the territory of Azerbaijan on legal grounds for no less than 2 years have a right to file an application to the State Migration Service to obtain the status of an immigrant. Immigrant status is granted by the State Migration Service upon coordination with the Ministry of National Security. Immigrant status is granted for 5 years, but can be extended unlimited number of times for 5 years.</p>
<p>Labour</p>	<p>The main law regulating labour migration issues of the Azeri citizens abroad is the Law 'On Labour Migration'.</p> <p>Article 12 stipulates that:</p> <ol style="list-style-type: none"> 1. citizens of Azerbaijan who reached the age of 18 have a right to move to another country to be engaged in labour activities; 2. within one month after the date of arrival in another country to be engaged in labour activities they are obliged to register at the diplomatic mission of Azerbaijan. <p>According to Article 14 of the Law, the limitation of labour migration for Azeri citizens in certain qualifications may be determined by higher executive powers. This provision can be interpreted as a restriction on the circular migration of Azeri migrant workers.</p>	<p>According to Art. 13 of the Labour Code, foreigners and stateless persons can benefit from all labour rights on par with the citizens of the AR and bear liabilities in accordance with these rights. It is prohibited to limit the labour rights of foreigners and stateless persons, unless otherwise provided by the law. At the same time, it is inadmissible to set preferential rights for foreigners and stateless persons as regards labour.</p> <p>To employ foreigners, legal and physical persons have to obtain a special permission from the State Migration Service.</p> <p>According to the Law 'On Labour Migration', national preference applies to all job vacancies (Art. 5). There is no recruitment organized on state level.</p>

⁴ Point 20 of the provision on application of the Law 'On Registration in the Place of Residence and Place of Stay'.

⁵ Point 6 of the provision on application of the Law 'On Registration in the Place of Residence and Place of Stay'.

	<p>Art. 13 regulates the activities of the private employment agencies and the licensing procedure.</p>	<p>Foreigners and stateless persons need a work permit issued by the State Migration Service. In order to obtain this permit, foreigners address the SMS via their employers. Work-permit (valid for 1 year) is obligatory in all cases except for the heads of representative offices and branches of foreign legal entities, as well as for foreigners engaged into business activities in Azerbaijan.</p> <p>Law on Immigration states that only those persons who have been granted immigrant status in Azerbaijan may be employed in Azerbaijan without work permits (Art.13)</p> <p>A labour migrant has a right to terminate the labour contract based on the stipulated legal procedure (Art. 8). Foreigners are granted permits for temporary residence in the territory of Azerbaijan for the period of individual work permit validity.</p> <p>Migrant workers and their family members have the same rights as citizens of Azerbaijan to social security and retirement benefits (Art. 10).</p> <p>This Law and the Regulation 'On Determination of Quotas for Labour Migration' stipulate labour migration quotas. The number of quotas is decided upon by the Cabinet of Ministers.</p>
	<p>Azerbaijan is party to the:</p> <ul style="list-style-type: none"> - International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified in 1999) - CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states (in force since 2010); - Agreement on cooperation in the field of labour migration and social protection for migrant workers, adopted by CIS Member States (in force since 1996); - Protocol on amendments to the Agreement on cooperation in the field of labour migration and social protection for migrant workers, adopted by CIS Member States (signed in 2005). <p>In 2004 Republic of Azerbaijan signed an agreement with Ukraine on the Employment and Social Security of the Ukrainian citizens working temporarily in the territory of Azerbaijan and Azeri citizens temporarily working in Ukraine. The agreement regulates recognition of professional experience, social security, pension rights and health insurance. Azerbaijan signed similar bilateral agreements on cooperation in the field of migration from Moldova, Kazakhstan, Kyrgyzstan, and Belarus.</p>	

<p>Citizenship</p>	<p>The Constitution and the Law 'On Citizenship of the Republic of Azerbaijan' (Art. 1) stipulate that a person belonging to Azerbaijani state, having political and legal ties with it, as well as mutual rights and obligations, is a citizen of the AR. A person born on the territory of the Republic of Azerbaijan is a citizen of the AR. A person, one of whose parents is a citizen of the AR, is a citizen of the AR.</p> <p>The Law 'On State Policy Concerning Citizens Residing Abroad' provides the definition of a citizen residing abroad: citizens of AR and their children, former USSR citizens or former citizens of Azerbaijan and their children. This Law stipulates that residence of an AR citizen in another country shall not serve as a pretext for termination of his or her citizenship.</p> <p>Dual or multiple citizenships are not recognized for the citizens of the AR. However, the President of the Republic may grant the permission to have dual citizenship.</p> <p>Citizens of Azerbaijan, who are at the same time citizens of other states (if according to the law of the second country, the foreigner that acquires its citizenship does not have to renounce to his/her previous citizenship), in the legal relations with Azerbaijan are recognized only as a citizens of Azerbaijan.</p> <p>The Law on citizenship permits voluntary renunciation of Azerbaijani citizenship. A person, who used to be the citizen of AR but has renounced to it, has a right to recover the citizenship of AR.</p> <p>The grounds for involuntary loss of Azerbaijani citizenship are:</p> <ol style="list-style-type: none"> 1. A person voluntarily acquires foreign citizenship; 2. A person commits an act that affronts the dignity of the Republic of Azerbaijan. 	<p>The main preconditions for naturalization are:</p> <ol style="list-style-type: none"> 1. Permanent lawful residence on the territory of the republic during the last five years, 2. Knowledge of the state language (a certificate confirming the knowledge of the language is required), 3. Lawful means of subsistence, 4. Recognition and observance of the Constitution of the AR and national laws. <p>A person willing to obtain the citizenship of the Republic of Azerbaijan submits an application addressed to the President of the Republic of Azerbaijan and all necessary documents to the State Migration Service. All data submitted by the person are verified by the State Migration Service. Decision on granting, recovery or termination of citizenship is made by the President of the AR.</p> <p>Since 1996, Azerbaijan is party to the</p> <ul style="list-style-type: none"> – 1957 Convention on the Nationality of Married Women, – 1954 Convention relating to the Status of Stateless Persons, and – 1961 Convention on the Reduction of Statelessness.
<p>International Protection</p>	<p>The issues of political asylum and refugee status are regulated by the Constitution of Azerbaijan, the Law "On Status of Refugees and Displaced Persons" of 1 May, 1999, and other national legislative acts and regulations.</p> <p>In 1993, Azerbaijan ratified The United Nations Convention Relating to the Status of Refugees. The UN High Commissioner for Refugees has a representation in the Republic of Azerbaijan.</p> <p>According to Art. 70 and 109 of the Constitution of the AR, an asylum in Azerbaijan may be granted to foreigners and stateless persons.</p>	

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In accordance with the 1999 Law on the Status of Refugees and Internally Displaced Persons, **the following forms of international protection** exist in Azerbaijan:

- **refugee status:** in compliance with Geneva Convention;
- **political asylum:** a person who arrived in the territory of the AR, and applied for refugee status or intends to do so, is considered to be seeking asylum until decision on granting or denying him refugee status is adopted.

Paragraph 1.1 of the 'Regulation on the State Committee on Affairs of Refugees and Internally Displaced Persons' of 1 February, 2005, regulates the activities of central executive authority in charge of state practice in the sphere of transportation, accommodation, repatriation, social protection of the persons who became refugees as a result of Nagorno-Karabakh conflict.

The Socio-Political Framework of Migration

Last two decades have been marked by increasing importance of migration processes in Azerbaijan. The changing character of migration flows has had diverse impact on the socio-political developments of the country. The collapse of the USSR was accompanied by the conflict in Nagorno-Karabakh, pushing hundreds of thousands of Armenians and Russian Jews to leave the country. Refugees and internally displaced persons, most of them ethnic Azeris, flew in the opposite direction. The 1990's saw the revival of oil and gas economy, creating a strong pull factor for international migrant workers as well as for internal migration. At the same time the emigration stayed on high levels. However, these migrations in both directions have not led to the development of a targeted immigration policy. The focus of the authorities is on Diaspora policies. At the same time in the late 2000s the government began to pay closer attention to the control of immigration, one of the consequences being the creation of the State Migration Service. This organ was created in order to develop a comprehensive system of migration management, and to forecast migration processes and enhance international cooperation in this field. The implementation of state policy vis-à-vis migration also implies the creation of a unified database and an up-to-the-minute automated control system. As a result, from 2007 onwards, Azeri migration policy has gradually become stricter. The State Migration Service enforces severe sanctions against irregular migrants (but not against employers).

Socio-Political Framework	Outward migration	Inward migration
<p>Governmental Institutions</p>	<p>Ministry of Foreign Affairs protects the rights of citizens abroad, ensures development of ties with the Azeri citizens abroad, provides consular services and registers Azeri citizens who live in foreign countries on permanent or temporary basis.</p> <p>In 2008 the State Committee on Diaspora was established in Azerbaijan.</p> <p>The chairman of the committee is appointed by the President.</p>	<p>The President participates in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He/she takes decisions regarding acquisition of citizenship, granting of asylum in Azerbaijan, etc.</p> <p>The State Migration Service maintains a database on migration; grants temporary and permanent residence permits to foreigners and stateless persons; grants immigrant status; grants extensions of temporary stay periods for foreigners and stateless persons in the Republic of Azerbaijan; determines citizenship and refugee status. It cooperates with the Ministry of National Security, the Ministry of Labour and Social Protection, the Ministry of Interior and the Ministry of Foreign Affairs.</p> <p>Ministry of Foreign Affairs is responsible for visa policy.</p> <p>The Ministry of Internal Affairs is responsible for registering foreign citizens and persons without citizenship by their residence and whereabouts, issues identity registration documents and grants citizenship.</p> <p>State Border Service is the main state authority responsible for exercising border control. It registers foreigners at border check points, counteracts irregular migration and checks grounds for foreigners' entry.</p>

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Governmental Strategy	<p>The main strategic document addressing emigration is 2004 State Concept of the Azerbaijan Republic on the Migration Management Policy.</p> <p>Main challenges include:</p> <ul style="list-style-type: none"> - social-economic migration, - ecological migration from the Caspian sea region, - labour migration. 	<p>The main strategic document addressing immigration is 2004 State Concept of the Azerbaijan Republic on Migration Management Policy.</p> <p>The main challenges include:</p> <ul style="list-style-type: none"> - refugees and asylum seekers from the Nagorno-Karabakh region and Georgia, - labour migrants, - transit migrants, - irregular migrants, - re-emigrants and their family members. <p>The objectives of the 2006-2008 State Migration Program of Azerbaijan Republic included:</p> <ul style="list-style-type: none"> - improvement of migration legislation and assurance of its implementation, - development of a system of migration management, - creation of an automated system of control in the field of migration, - prevention of irregular migration, - enhancement of international cooperation. <p>In 2007, State Migration Service was created, which has taken up the implementation of these objectives.</p>
Civil Society	<p>Since 2008, the State Committee on Diaspora carries out state activities in the field of Diaspora relations, expansion of cooperation with Azeri citizens residing abroad, diasporas formed by them and diasporas of other states that demonstrate friendly attitude to Azerbaijani people, as well as coordinates NGO activities in this field.</p>	<p>Forum of Azeri NGOs on Migration "FANGOM" co-ordinates the activity of NGOs in Migration Sector. Centre for Legal Assistance to Migrants provides free of charge legal assistance to all foreigners and stateless persons staying in Azerbaijan and represents them in various public and judicial authorities. Eurasian Civil Initiatives' Platform (ECIP) assists migrants and provides consultations on citizenship issues.</p>
Migration and Economic Growth	<p>Azerbaijan has not yet implemented programs that would visibly link its communities abroad to economic development objectives at home.</p> <p>Migration contributes to the economic growth by means of practice of remittances that are sent to Azerbaijan by circular migrants.</p>	<p>Traditionally immigration to the AR was limited to people originating from the Soviet or post-Soviet area. In the recent years, Azerbaijan saw an influx of immigrants coming from culturally different regions of the world. These new challenges have been recognized by the government strategy of 2006-2008 and are currently addressed by the State Migration Service on a case-by-case basis.</p>
International Cooperation	<p>Azerbaijan is a member of the following: IOM, Council of Europe, Commonwealth of Independent States, OSCE, ILO and BSEC. It participates in the following regional processes: Budapest Process, Prague Process, Eastern Partnership, European Neighbourhood Policy and Black Sea Synergy.</p>	