

**LAW OF THE REPUBLIC OF AZERBAIJAN
“ON STATUS OF REFUGEES AND FORCIBLY DISPLACED (PERSONS
DISPLACED WITHIN THE COUNTRY) PERSONS”**

**CHAPTER I
GENERAL PRINCIPLES**

Article 1. Basic concepts used in this Law.

The basic concepts used in this Law have the following meanings:

The term “Refugee” shall apply to person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The term Forcibly Displaced Person (FDP) (person displaced within the country) shall apply to any person who has moved to another place being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or technological disaster.

The FDP status can be granted according to decision of appropriate executive authority to the citizen of the Republic of Azerbaijan, being forced to leave the place of the permanent residence in the other country and came to the Republic of Azerbaijan by the reasons, indicated in part 1 of this Article.

Article 2. Conditions when status of refugee is not granted.

The status of refugee is not granted to the following persons:

- If the person committed a crime against peace, a war crime, or a crime against humanity and mankind as defined in the international law;
- If the person committed a serious non-political crime outside of the Republic of Azerbaijan prior to his/her arrival in the territory of Azerbaijan;
- If the person is considered guilty in making the actions, which contradict to the purposes and principles of United Nation.

Article 3. Granting political asylum in the Republic of Azerbaijan to the foreigners and stateless persons.

Political asylum shall be granted to the foreigners and stateless persons in accordance with Article 70, part 1 and Article 109, point 21 of the Constitution of the Republic of Azerbaijan.

Article 4. Admission of the persons willing to apply for the refugee status in the territory of the Republic of Azerbaijan

Person seeking the refugee status on the territory of Azerbaijan Republic shall pass the border control posts in compliance with the legislation of the Republic of Azerbaijan.

Article 5. Non-amenability for illegal entry the territory. Non-expelling the refugees to the country of coming or their compulsory non-returning.

The person, arrived to the Republic of Azerbaijan without valid travel document due to the reasons indicated in the Article 1 of the present law and applied to the relevant governmental body as soon as possible shall stay exempt from the responsibility, provided by the legislation of the Republic of Azerbaijan based on the grounded reason of that body.

According to the reasons set forth in the Article 1, part 1 of present Law the refugee can no way be sent or forcibly expelled to the country, where there is a dangerous for his life and freedom.

**CHAPTER II
THE LEGAL STATUS OF REFUGEES AND FDPs**

Article 6. Rights and obligations of the refugees and FDPs (persons displaced within the country).

Unless otherwise is provided by the Constitution of the Republic of Azerbaijan, present Law and other legislative acts, the refugees use the rights and duties of the citizens of the Republic of Azerbaijan and have the same duties with them.

The person, obtained the status of refugee or FDP (person displaced within the country), is provided with the following guarantees in the established order:

- To live free-of-charge in special allocated places until acquiring the job or place of residence, but no more than 3 months.
- To go free-of-charge to the place of temporary residence and transportation the property;
- to get free-of-charge medical assistance and day-to-day goods on favourable conditions at the places or the temporary residence by the elders, children, poor people, and the families who have lost their providers;
- to educate the children in kindergartens and the teenagers and the youth at relevant educational institutions;

- to purchase foodstuff and industrial goods in the settlements on the basis of equality with the permanent residents;
- to obtain of one-time and other aid determined by the state;
- to get the urgent allocations of single pensioners and invalids at the special institutions of social welfare;
- to acquire status of refugee or FDP (person displaced within the country) in the term, established by present Law;
- to arise the question of payment of financial and other damage;
- to apply to the Court for the defence of broken rights;
- right of movement to the previous place of residence.

A person who has been granted the refugee status, uses the rights and has the duties, provided by the legislation of the Republic of Azerbaijan for the foreigners and stateless persons.

Article 7. Adaptation, naturalisation of the refugees, provision with humanitarian aid.

The conditions for adaptation, naturalisation, studying of the language, familiarisation with the rights and duties shall be created.

Refugee can use the humanitarian aid.

Refugee can acquire the citizenship of the Republic of Azerbaijan in accordance with the law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan”.

Article 8. Expelling of the foreigners and stateless persons.

The persons, who couldn't acquire the status of the refugee and asylum in accordance with the Present Law, can be expelled to the other country in compliance with the Law of the Republic of Azerbaijan “On the legal position of the foreigners and stateless persons”.

**CHAPTER III
ACQUISITION AND LOOSING THE STATUS OF REFUGEE OR FDPs
(PERSON DISPLACED WITHIN THE COUNTRY)**

Article 9. Bodies dealing with granting and depriving the refugee and FDP (persons displaced within the country) status.

Decisions on granting the refugee and FDP (person displaced within the country) status and depriving the refugee status shall be made by the appropriate executive authorities of the Republic of Azerbaijan.

Article 10. Order of submission of solicitation for the granting the refugee or FDP (person displaced within the country) status.

The persons willing to acquire the status of refugee shall apply to the appropriate executive authority of the Republic of Azerbaijan with the statement for obtaining the status of refugee. Persons, willing to acquire the status of FDP (person displaced within the country) shall be registered in the appropriate executive authority of the Republic of Azerbaijan.

Order of submission of solicitation for acquiring the status of refugee is established by the appropriate executive authority of the Republic of Azerbaijan.

Article 11. Rights and obligations of the persons applied for the refugee status granting.

The person applied for the refugee status granting has a right to:

- have a temporary residence on the territory of the Republic of Azerbaijan; free of charge use of the interpreter's service;
- temporary employment;
- obtain the medical service;
- free-of-charge use of living place at the temporary accommodation settlement, provided until the refugee status granting procedure is completed but no more than 3 months;
- free practising his/her religion;
- be in touch with the representative of Supreme Commission of UN on refugees;

A person who applied for the refugee status is required to:

- provide the appropriate body with information necessary for acquiring the refugee status;
- observe the order of staying in the territory of the Republic of Azerbaijan established by the existing Legislation;
- submit to medical examination as required by the Public Health bodies.

The status of refugee shall not be granted to the applied person, who refuse to give full information of himself or premeditatedly provide with false information of reasons for acquiring the status of refugee.

Article 12. Application Submission Procedure for the Refugee/FDP (person displaced within the country) status

The decision on granting the refugee and FDP (person displaced within the country) status is made by the appropriate executive authority of the Republic of Azerbaijan within 3 months from the date of registration of applications for the refugee status and 1 month from the date of registration of applications for the FDP (person displaced within the country) status.

The person acquired the refugee status and the members of his family, reached 16 years old, are provided with the certificate of refugee of prescribed manner. The above persons are provided with travel document entitling to move out of the borders of the Republic of Azerbaijan in compliance with the Convention of 1951 "On the status of refugees".

The certificate of refugee, issued in prescribed manner is the document, identifying the personality of refugee and entitling him staying in the territory of the Republic of Azerbaijan.

Article 13. Rejection of the granting the refugee status.

A person whose claim for refugee status has been rejected, shall receive a written notification of the decision with indication of reasons of rejection and procedures of appeal to the Court within 5 days after the decision officially taken by the competent body.

The decision on rejection of the refugee status for the person is sent to the appropriate executive authority of the Republic of Azerbaijan, in order to organise expelling of this person out of the territory of the Republic of Azerbaijan.

The decision on rejection of granting the refugee status can be appealed to the Court. Submission of compliant to the Court shall postpone the activity regarding expulsion of the persons out of the territory of the Republic of Azerbaijan.

Article 14. Loss of the status of refugee and FDP (person displaced within the country).

Refugee and FDP (person displaced within the country) status will cease in the following cases:

- on voluntary re-usage of the right of protection of the country of permanent residence or the country of his/her citizenship;
- on voluntary re-acquisition of the right of deprived citizenship;
- on acquisition of the citizenship of the Republic of Azerbaijan or other country or using protection of the country where he is a new citizen;
- on leaving the country on the reason of beware of measurements or on voluntary re-settling in the country out of the borders;
- on impossibility to refuse the protection of the country, where he is the citizen because of absence of the cases, which was the reason to recognise him as the refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens);
- at possibility of the stateless person to come back to the country of residence because of absence of the cases, which were the reasons to recognise him as refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens).

When the refugee leave the borders of the Republic of Azerbaijan for permanent residence, obligations of the Republic of Azerbaijan regarding this refugee become void on passing the state border of the Republic of Azerbaijan.

FDP (person displaced within the country) status will cease in the following cases:

- on returning to the previous place of residence or on provision with other living space in the same region in established order without compensation;

- in case of impossibility to do it, on provision with living space on the base of special decision on established level.

Article 15. Prohibition of deprivation of refugee status, expulsion of refugees to the other country or compulsory returning.

Person may be deprived refugee status in the following cases:

- if he represents a threat to the state security and public rules;
- if the refugee status has been acquired as a result of premeditated submission of false information or documents;
- if the person is confined for committed heinous crime according to the decision of Court.

The person, applied for the granting of the refugee status, can't be expelled or compulsory returned to other country during making decision on his matter by the appropriate executive authority.

Decision of deprivation of refugee status, expulsion or compulsory returning of the refugee or the person willing to acquire the refugee status to the other country is made by the Court according to the statement of appropriate executive authority.

Article 16. Employment of refugees and FDPs (persons displaced within the country).

The appropriate executive authorities render the assistance to the refugees and FDPs (persons displaced within the country) with the aim of choosing job.

Recovery of continuous working length of service is carried out at the new working place in the order provided in the legislation.

During without continuing working period, related to the improvement of qualification or acquiring new occupation the refugee and FDP (person displaced within the country) shall receive the average salary at the new working place according to his/her occupation. The salary difference for the whole production period, occurred in connection with changing of profession without discontinuation of work, shall be paid to the refugee or FDP (person displaced within the country) by the institution, enterprise or department, which concluded the labour agreement.

Article 17. The provision of refugees and FDPs (persons displaced within the country) with living space.

Provision of refugees and FDPs (persons displaced within the country) with temporary and resident living space is carried out by the appropriate executive authorities of the Azerbaijan Republic in the order, provided by the legislation.

Expenses occurred in connection with movement of refugee and FDP (person displaced within the country) from the temporary place of residence to the permanent place of residence or to the working place shall be paid to him in established order and amount.

Upon desire of refugee or FDP (person displaced within the country) he/she can be provided with special purpose 10 years interest-free loan, as well as with land plot for using depending on his/her place of residence in the order and amount, established by the legislation.

Refugee and FDP (person displaced within the country) are exempt from payment of notary duties for the apartment or house buying-sale transactions.

Article 18. Taxation of Refugees

Refugees are subjected to the payment of taxes and duties, imposed on the citizens of the Republic of Azerbaijan.

Part I of this Article is not applied to the duties, related to the submission of appropriate administrative documents.

CHAPTER IV FINAL PROVISIONS

Article 19. Responsibilities for violating the present Law.

Citizens and officials violating this law shall be made answerable in the order, provided by the legislation of the Republic of Azerbaijan.

Article 20. International collaboration on the Refugee problems.

The Republic of Azerbaijan is collaborating with other states, international bodies and organisations and the United Nations High Commissioner for Refugees firstly for the purpose of eliminating the reasons causing the problem of refugees and FDPs (persons displaced within the country), improving the financial situation and developing legal status as well as return of the refugees to their country of permanent residence.

Article 21. Coming into force of the present law.

The current law is entering into force since the day of official publication.

The President of the Republic of Azerbaijan Heydar Aliyev Baku,

21 May 1999
No. 668-1Q.