

LAW OF THE REPUBLIC OF AZERBAIJAN ON THE STATUS OF REFUGEES AND FORCED MIGRANTS*

* Adopted on 29 September 1992

Came into force on

The present Law in accordance with international standards shall determine the status of refugees and forced migrants as well as the legal, economic and organizational basis for its implementation on the territory of the Republic of Azerbaijan.

Article 1. The term "refugee" and "forced migrant"

The persons who are not citizens of the Republic of Azerbaijan and who are outside the country of their residence owing to the impossibility to avail themselves of the protection of the state of their permanent residence or to the unwillingness to avail themselves of this protection because of the danger of being persecuted for reasons of ethnicity, race, citizenship, religion, language, political opinion, membership of a particular social group as well as the real threat to the life, family and property, shall be qualified as refugees on the territory of the Republic of Azerbaijan; the persons who have resettled to another place because they have been forced to leave the place of their permanent residence on the territory of the Republic of Azerbaijan or the citizens of the Republic of Azerbaijan who have come to the Republic of Azerbaijan because they have been forced to leave the place of their permanent residence in another country, shall be qualified as forced migrants on the territory of the Republic of Azerbaijan.

Article 2. Procedure for granting the refugee or forced migrant status

A person referred to in Article 1 of the present Law who has come to the place of his temporary or permanent residence, shall apply to the relevant state bodies for the refugee or forced migrant status.

The relevant bodies, after having registered them without delay, shall issue to refugees - not later than within three months - and to forced migrants - not later than within a month - the appropriate document on the refugee or forced migrant status. Upon a decision of the body this period may be extended for good reasons (accident, illness, lack of transport and in other cases).

The refugee status shall be granted for five years.

Article 3. Legal status of refugees and forced migrants

Refugees shall enjoy the same rights and freedoms and shall perform the same duties as citizens of the Republic of Azerbaijan unless the Constitution, the present Law and other legislative acts of the Republic of Azerbaijan provide for otherwise.

A person who has been granted the status of refugee or forced migrant shall be guaranteed in the established manner:

- free residence in specially designated places until the provision not later than within three months with job or place of residence;
- free travel and property transportation to the place of temporary residence;
- reception at the place of temporary residence by the elderly persons, children, persons with low income and persons who lost bread-winners, of necessary free medicine assistance and of general consumption goods on favorable terms;
- teaching of children in pre-school institutions and of teenagers and youths - in appropriate educational institutions;
- purchase of alimentation and industrial goods in settlements equally with permanently residing citizens;
- reception of lump-sum and other assistance designated by the state;
- payment, even without necessary documents, of pension and allowance in minimum amount with its subsequent clarification;
- priority placement of single pensioners and incapable to work invalids to special institutions of social security;
- granting the status of refugee or forced migrant within the period established by the present Law;
- exemption for 5 years from payment for dwelling, communal services - gas and water supply, heating, electric energy (save consumption costs related to economic activity);
- tax benefits in the manner established by the legislation;
- examination of the question about the indemnity for the material and other damage;
- the choice of a place of permanent residence (with due regard for a place of work) suggested to them by relevant state bodies within three months.

Article 4. Provision of refugees and forced migrants with job

Refugees and forced migrants shall freely choose a place of work suggested to them by the state bodies dealing with labor questions or they shall change their profession.

Restoration of the uninterrupted length of service shall be made at the new place of work in the manner established by the legislation.

A refugee or a forced migrant during the period of upgrading his qualification or of acquisition of a new profession shall be paid an average salary according to his new profession at the new place of work. The difference in salary for the whole period of requalification at the place of work shall be paid by the institution, enterprise and organization that has concluded a labor contract with the refugee or forced migrant.

Article 5. Provision of refugees and forced migrants with dwelling

The provision of a refugee or forced migrant with temporary or permanent dwelling shall be made by local bodies of executive power in the manner established by the government of the Republic in accordance with the legislation in force.

A refugee or forced migrant shall be indemnified in the established manner and amount for the expenditures related to the removal from the place of temporary residence to the place of permanent residence and work.

Upon the wish of a refugee or forced migrant he shall be granted a target interest-free loan for ten years as well as a land plot of the size established by the legislation and subject to the locality where he resides.

When a refugee or forced migrant purchases an apartment or a house as his own property, these operations shall be carried out without notary fee.

Article 6. Cases of non-application of the Law

Provisions of the present Law shall cease to apply to the persons falling under the term "refugee" set forth in Article 1:

- upon expiration of five years after granting the refugee status;
- who have voluntarily re-availed themselves of protection of the country of their citizenship;
- who after deprivation of citizenship have voluntarily re-acquired it;
- who have acquired a new citizenship and enjoyed the protection of the country of their new citizenship;
- who have voluntarily re-established themselves in the country which they left or outside which they remained owing to threat of persecution;
- who can no longer, because the circumstances in connection with which they have been recognized as refugee have ceased to exist, refuse to avail themselves of the protection of the country of their citizenship (this paragraph shall not apply to persons falling under the term "refugee" set forth in Article 1 of the present Law if they invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of their citizenship);
- who are able, even without a certain citizenship, to return to the country of their former habitual residence, because the circumstances in connection with which they have been recognized as refugees have ceased to exist (this paragraph shall not apply to persons falling under the term "refugee" set forth in Article 1 of the present Law if they invoke compelling reasons arising out of previous persecution for refusing to return to the country of their former habitual residence).

Provisions of the present Law shall not apply to the persons falling under the term "forced migrant" set forth in Article 1:

- who have returned to the previous habitual place of residence or who have been provided, free of charge, with another place of residence of the established dimension at the same region;
- who have been provided with a place of residence in accordance with the special decision of the state if the aforementioned is not possible;
- who voluntarily avail themselves of the protection of the country of forced resettlement if the circumstances which forced a citizen of the Republic of Azerbaijan from another country to move from that country, have ceased to exist;

- who have voluntarily left the territory of the Republic of Azerbaijan for another country.

Article 7. State bodies dealing with refugee and forced migrant matters

The state bodies dealing with refugee and forced migrant matters shall be the State Committee of the Republic of Azerbaijan for the work with persons who have been forced to leave the places of permanent residence (hereinafter - the State Committee) and its local bodies.

The State Committee and its local bodies shall guarantee realization of the rights of refugees and forced migrants provided for by the present Law.

The State Committee and its local bodies shall function in accordance with the Regulations in force.

Article 8. Interaction of the State Committee and its local bodies with executive power authorities

The State Committee and its local bodies together with the executive power authorities shall render necessary assistance to refugees and forced migrants. These bodies shall deal with reception, temporary or permanent accommodation of refugees and forced migrants, medical assistance to and social protection of them, their employment, allocation of land plots to them for housing and economic activity as well as other assistance to them. In case of unexpected mass inflow of persons who have left the places of permanent residence on the grounds indicated in Article 1 of the present Law, the local executive power authorities in cooperation with the State Committee and its local bodies shall arrange transportation and temporary accommodation of these persons, medical and other necessary assistance to them.

The expenditures of the local executive power authorities related to assistance to refugees and forced migrants and to their accommodation that have been agreed with the State Committee in advance, shall be covered at the expense of the State Committee.

The local executive power authorities may render additional assistance related to accommodation of refugees and forced migrants at a new place of permanent residence.

Article 9. Indemnity for expenditures of the State Committee and its local bodies

Expenditures of the State Committee and its local bodies in accordance with the present Law shall be covered from the budget of the Republic of Azerbaijan as well as from the fund to assist refugees and forced migrants composed of the budget resources of the states which the refugees have come from, in accordance with the treaties concluded with these states, donations of private persons and various organizations, institutions and enterprises including foreign organizations, and other sources.

The property coming from abroad to help refugees and forced migrants shall not be subject to customs duties.

Article 10. Appeal against unlawful actions in regard to refugees and forced migrants

Refugees and forced migrants may appeal to relevant organizations as well as to a court for protection of their rights.

Article 11. Responsibility for violation of the Law

For violation of the present Law citizens and officials shall bear responsibility in the manner provided for by the legislation of the Republic of Azerbaijan.

Article 12. Additional provisions

The acts necessary for solution of the questions related to application of the present Law shall be adopted by the Cabinet of Ministers of the Republic of Azerbaijan.