

AZERBAIJAN – Analytical Assessment Report

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Migration Policy in Azerbaijan: The national migration-related legislation in Azerbaijan includes the Constitution of Azerbaijan¹, Migration Code of the Republic of Azerbaijan², international treaties Azerbaijan has ratified laws and regulatory by-laws.

In 2006, by the Order of the President of the Republic of Azerbaijan with the purpose of improvement realization of the state policy in the field of migration, development of migration management system and harmonization of migration legislation with in international norms and requirements “The State Migration Program of the Republic of Azerbaijan” (2006-2008) was approved.

As the result of implementation of this program in March 19 2007, State Migration Service of the Republic of Azerbaijan was established by the Presidential Decree No. 560³.

The next step was the first Migration Code of the Republic of Azerbaijan approved on July 02 2013, by the President of Azerbaijan and came into effect on 1 August 2013. The biggest advantages of the Migration Code was that it systemizes and combines statutory legal acts in the field of migration and governs various aspects of migration in Azerbaijan (except local migration within the territory of Azerbaijan). The following laws was revoked once the Migration Code came into effect:

- Law of the Republic of Azerbaijan “On Legal Status of Foreigners and Stateless Persons” - dated March 13 1996 No 41-IQ
- Law of the Republic of Azerbaijan “On Immigration” -dated December 22 1998 No 592 -IQ
- Law of the Republic of Azerbaijan “On Labour Migration” - dated October 28 1999 No 724-IQ
- Law of the Republic of Azerbaijan “On Approval of the Resolutions on Transit Rules of Foreigners and Stateless persons in the Territory of the Republic of Azerbaijan” - dated December 27 2002 No 414-IQ

¹ The Constitution of the Republic of Azerbaijan adopted on November 12 1995 - <http://en.president.az/azerbaijan/constitution>

² The Code of Migration of the Republic of Azerbaijan approved on July 02 2013- http://cs.mfa.gov.cn/zggmcg/ljmdd/yz_645708/asbj_645896/rjil_645906/jlrj_645912/W020140827524286150309.pdf

³ The Decree of the President of the Republic of Azerbaijan dated to March 19 2007- <http://www.refworld.org/pdfid/47fdf1932.pdf>

Citizenship: The right to citizenship in the Republic of Azerbaijan is stipulated in the Constitution and the Law “On Citizenship of the Republic of Azerbaijan” adopted on 30 September 1998. According to the Article 52 of the Constitution of the Republic of Azerbaijan and Article 1 of the Law “On Citizenship of the Republic of Azerbaijan”, *a person having political and legal relations with the Azerbaijan Republic and also mutual rights and obligations is the citizen of the Azerbaijan Republic. A person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic is the citizen of the Azerbaijan Republic. A person is the citizen of the Azerbaijan Republic if one of his/her parents is the citizen of the Azerbaijan Republic.*⁴

According to this Law, the following persons shall be considered citizens of the Azerbaijan Republic:

- Persons having citizenship of the Azerbaijan Republic on the day of entering into force of this Law (on the basis of: person’s registration in his/her place of residence in the Azerbaijan Republic up to the day of entering into force of the present Law);
- Persons who, until 1 January 1992, were not citizens of the Azerbaijan Republic or any other state but who have been registered in their place of residence in the Azerbaijan Republic;
- Refugees who have been accommodated in the territory of the Azerbaijan Republic from 1 January 1988 until 1 January 1992;
- Persons who obtain the citizenship of the Azerbaijan Republic in accordance with this Law.⁵

The grounds for acquisition of citizenship of the Republic of Azerbaijan are the followings: ⁶

- birth on the territory of the Azerbaijan Republic or to a citizen of the Azerbaijan Republic;
- admission to citizenship of the Azerbaijan Republic;
- grounds provided by international treaties of the Azerbaijan Republic;
- other grounds provided by this Law.

Dual or multiple citizenships are not recognized for the citizens of the Republic of Azerbaijan. However, the President of the Republic may grant the permission to have dual citizenship. By the Law of May 30 2014, the Article 10 (*non-recognition of Azerbaijani citizen's Affiliation to Citizenship of a Foreign State*) of the Law “On citizenship of the Republic of Azerbaijan were amended. According to the Article 10 of the Law in new edition, if the citizen of the Republic of Azerbaijan has dual citizenship (if the person is a citizen of another country (other countries)

⁴ Article 1 of the Law on Citizenship of the Republic of Azerbaijan and Article 52 of the Constitution of Azerbaijan Republic - <http://www.refworld.org/pdfid/3ae6b52717.pdf>

⁵ Article 5 of the Law “On citizenship of the Republic of Azerbaijan” - <http://www.refworld.org/pdfid/3ae6b52717.pdf>

⁶ Article 11 of the Law “On citizenship of the Republic of Azerbaijan” - <http://www.refworld.org/pdfid/3ae6b52717.pdf>

besides Azerbaijan), affiliation of that citizen to citizenship of a foreign states shall not be recognized, except in the cases envisaged by international treaties of the Republic of Azerbaijan, or in the cases dealt in accordance with paragraph 32, Article 109 of the Constitution of the Republic of Azerbaijan. According to the second part of the Article 10 the citizen of Azerbaijan Republic who acquired the citizenship of a foreign state should notify Ministry of Foreign Affairs and State Migration Service of Azerbaijan Republic about it in written form within a month. The person who doesn't give such information will bear responsibility in a way envisaged by the Criminal Code of Azerbaijan Republic. We assume that our citizens who are abroad of Azerbaijan borders will inform relevant state authorities about the issues of citizenship from now on⁷.

The recent “Law on addendum to the Law on Citizenship of the Republic of Azerbaijan” dated to May 30 2014 edited title and content of the Article 12 of the Law as well, which stipulated that, a child born on the territory of the Republic of Azerbaijan to stateless persons shall be a citizen of the Republic of Azerbaijan. According to the recent changes,

*“The child born on the territory of Azerbaijan and whose both parents are foreigners is not a citizen of the Republic of Azerbaijan; state persons’ child born on the territory of Azerbaijan is a citizen of the Republic of Azerbaijan. The child born on the territory of Azerbaijan and whose one of parents is foreigner and another stateless person is not a citizen of the Republic of Azerbaijan. The child born on the territory of Azerbaijan and whose parents are stateless persons is a citizen of the Republic of Azerbaijan”.*⁸

It is worth to note that this amendment to the provision of the Law contradicts Constitution which defines that, *a person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic is the citizen of the Azerbaijan Republic.*⁹

According to the legislation in force, a foreigner or stateless person residing on the territory of the Azerbaijan Republic for the last 5 years, who submits a document certifying his/her knowledge of the state language, may be admitted to citizenship of the Azerbaijan Republic upon his/her personal application, regardless of his/her origin, social and property status, race and nationality, sex, educational background, language, religious views, political and other convictions.

A person’s application for citizenship of the Azerbaijan Republic shall be rejected if the person makes appeals for forcible change of the State structure set by the Constitution of the Azerbaijan Republic, commits acts harmful for the State security, public order, health or public morals, disseminates ideas of racial, religious and national exclusion or has relations with terrorist activities.¹⁰

⁷ <http://www.migration.gov.az/index.php?section=009&subsection=043&lang=en&pageid=4681>

⁸ <http://www.migration.gov.az/index.php?section=009&subsection=043&lang=en&pageid=4681>

⁹ Article 52 of the Constitution of the Republic of Azerbaijan - <http://en.president.az/azerbaijan/constitution>

¹⁰ Article 14 of the Law “On citizenship of the Republic of Azerbaijan”- <http://www.refworld.org/pdfid/3ae6b52717.pdf>

The Law on citizenship permits voluntary renunciation of Azerbaijani citizenship. A person, who used to be the citizen of the Republic of Azerbaijan but has renounced to it, has a right to recover the citizenship of AR.

Under the recent amendments to the Article 18 (*former deprivation of citizenship of Azerbaijan Republic*) of the “Law on Citizenship” of the Republic of Azerbaijan, the name of the article has been changes as *grounds to lose citizenship of Azerbaijan Republic* and the followings were defined as grounds:

- voluntary acquisition of citizenship of other country by the citizen of Azerbaijan Republic;
- voluntary service at state bodies and municipalities or armed forces and/or another armed units of the foreign country by the citizen of Azerbaijan Republic;
- behavior of the citizen of Azerbaijan Republic seriously damaging state security;
- intentional falsification of the data necessary to acquire the citizenship or submission of a falsified document by the person who acquired the citizenship of the Republic of Azerbaijan.¹¹

The definition of a citizen residing abroad is defined by the Law ‘On State Policy Concerning Citizens 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.

Refugees and IDPs: The basis of providing refugee status in the Republic of Azerbaijan is defined in the Constitution of it. According to the Article 70 of the Constitution, *in accordance with recognized international legal standards the Azerbaijan Republic grants political refuge to foreign citizens and stateless persons. Extradition of persons persecuted for their political beliefs and also for acts which are not regarded as crime in the Azerbaijan Republic is not permitted*¹².

The 1951 UN ‘Convention Relating to the Status of Refugees’ and the 1967 ‘Protocol Relating to the Status of Refugees’ ratified by the Republic of Azerbaijan on Februar 13 1993 is the second most important act in protection of refugee rights in Azerbaijan after its Constitution.

On May 21 1999, Azerbaijan has adopted Law “On the Legal Status of Refugees and Displaced Persons” which provides the definition of a refugee and IDPs. Thus according to the Law, *the term “refugee” shall apply to person who owing to well-founded fear of being persecuted for reasons of face, 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 s a result of such events, is unable or owing to such fear is unwilling to return to it.*

¹¹ <http://www.migration.gov.az/index.php?section=009&subsection=043&lang=en&pageid=4681>

¹² Article 70 of the Constitution of the Republic of Azerbaijan - <http://en.president.az/azerbaijan/constitution>

*The term “internally displaced person 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.”*¹³

The definition of an “asylum seeker” is not provided in this Law.

The Law defines application submission procedure for refugee/IDP status, bodies dealing with granting and depriving the refugee status, rejection of the granting refugee status, loss of the status of refugee and IDP, as well as rights and obligations of the refugees and IDPs. According to the Law, *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.*

Under this Law, a person obtained the status of refugee or IDP has a right:

- *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 of 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;*
- *To educate the children in kindergartens and teenagers and 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;*¹⁴

“The Rules to examine applications for refugee status” was approved by the Decree of the President of the Republic of Azerbaijan dated to 13 2000. According to the paragraph 1 of the Rules, *a foreign citizen or a stateless person who intend to get refugee status in the Azerbaijan Republic shall apply at checking points, as well as in the territory of the country, directly or through state bodies (Ministry of Internal Affairs, Ministry of National Security, State Border Service and their structural subdivisions, as well as local executive authorities) to the State Migration Service.*

*A person who does not have appropriate identification documents or grounds for legal entry into the territory of the Azerbaijan Republic and intends to get refugee status shall pass the procedures of identification and dactyloscopy, if needed, to be organized by bodies of internal affairs in accordance with international legal norms, and shall remain in a temporary settlement centre until the information provided by such person is verified. The Ministry of Foreign Affairs of the Azerbaijan Republic shall be immediately informed about such persons.*¹⁵

¹³ Article 1 of the Law of RA “On the Legal Status of Refugees and Displaced Persons” - <http://www.refugees-idps-committee.gov.az/en/laws/2.html>

¹⁴ Article 6 of the Law of RA “On the Legal Status of Refugees and Displaced Persons” - <http://www.refugees-idps-committee.gov.az/en/laws/2.html>

¹⁵ <http://www.refworld.org/pdfid/3edbc31d4.pdf>

According to the Rules, the State Migration Service of the Republic of Azerbaijan is entitled to receive applications of a person intending to get refugee status and make decision on examination or rejection of refugee status.

It should be noted that, to improve legal base related to social protection of the refugees and IDPs the following initiatives have been taken by Azerbaijani authority:

- The “State Program on resolution of problems faced by the refugees and internally displaced persons” through the Presidential Decree N 895, dated 17 September 1998;
- The “State Program on improving living conditions and employment situation of refugees and internally displaced persons” through the Presidential Decree N 298, dated 1 July 2004;
- Amendments to the “State Program on improving living conditions and employment situation of refugees and internally displaced persons” through the Presidential Decree number 2475, made on 31 October, 2007.

Human trafficking: In 1996, Azerbaijan has ratified UN Convention “For the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Other”. It was one of the first steps taken on struggle against human trafficking in the country; however Azerbaijan did not hurry up with the harmonization of its legislation with the provisions of the Convention until 2003, time of ratification of UN Convention “Against Transnational Organized Crime” and the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,” and the “Brussels Declaration on Preventing and Combating Trafficking in Human Beings”. It has inspired Azerbaijani authority to take further steps which is resulted in “National Action Plan on Struggle against Human Trafficking in Azerbaijan Republic” affirmed by the Decree of the President of Azerbaijan Republic, dated on May 6, 2004. Following it, Law “About struggle against Human Trafficking” of the Republic of Azerbaijan was adopted and corresponding appendixes and amendments were inserted to the Criminal Code of Azerbaijan Republic. By the Law of Azerbaijan Republic dated to 30 September 2005 “On amendments and addition to some legislative acts of AR”, provisions on human trafficking (Article 144-1), forced labor (Article 144-2), disclosure of confidential information about of a victim of human trafficking (Article 316-1) have been added to the Criminal Code of the Republic of Azerbaijan.

Under the National Action Plan, the National Coordinator – the responsible official – was appointed to provide the institutional basis of struggle against human traffic. A working group of representatives from competent central executive powers was established to create a single mutual cooperation system of participants of National Action Plan and to provide exchange of information among them. Office on Struggle against human traffic attached to Head Office for Organized Crime of Ministry of Internal Affairs was established in 2004 and it has begun to function as an independent agency in ministerial structure as of 2006.

Beside of it, Azerbaijan Republic has joined most of the international agreements in the field of combating human trafficking, including United Nations Convention “Against Organized Transnational Criminality”, the Protocol “About prevention, elimination and punishment of Human and especially woman and child trafficking” which supplements this Convention, Facultative Protocol “About Child trafficking, child prostitution and child pornography” of UN’s Convention “About The Rights of Children” and UN’s Convention “About Combating Human Trafficking and Exploitation of prostitution by the third persons”.

According to the Article 144-1 of Criminal Code, *human trafficking - involving, obtaining, storage, concealment, transportation, delivering or accepting of people for exploitation purposes shall be penalized with five to ten years of deprivation of liberty*”.

*If similar actions are made against two or more persons, against minors, against a pregnant woman whose pregnancy is apparent to the accused person, by taking victim of human trafficking out of borders of Azerbaijan Republic, by preliminary conjoint group of people, organized group or criminal union (criminal organization), by accused person by abusing his duty position, by applying force that endangers the life and health or when threatening to apply this force, by means of tortures to victims or cruel, inhumane, or degrading treatment, with the purpose to use the organs or tissues of the victim shall be penalized with ten to twelve years of deprivation of liberty.*¹⁶

According to Note to this Article, “*exploitation of human being*” in this Article means forced labor (service), sexual exploitation, slavery, traditions similar to slavery and dependence caused by them, illegal transplantation of human organs and tissues, conducting unlawful biomedical research on persons, involvement in illegal as well as criminal activity.¹⁷

With the amendments to the Criminal Code of the Republic of Azerbaijan dated to May 09 2013 means of committing human trafficking, such as *by using force or under the threat of force, by threat or other methods of compulsion, by means of theft, fraud, deception, abuse of possibility to influence or victim's weakness, or by providing or obtaining material and other boons, privileges or concession in order to get the consent of the person controlling another person to the definition of human trafficking provided in the Article 144-1 of the Criminal Code of Azerbaijan* was added to the definition of the human trafficking and it was totally brought in line with the international treaties Azerbaijan Republic is party to. Under the Article 144-3 of the Criminal Code, *falsification of identity card, passport or any other identity document, as well as travel document of a person with the purpose of human trafficking is criminal act and is classified as less serious crime (is penalized with one year to four years of deprivation of liberty).*¹⁸

Azerbaijan still makes efforts on improvement of the legislation in the field of combating human trafficking, prevention of human trafficking, development of criminal prosecution, enforcement of the security of victims and suspected victims, their rehabilitation, cooperation in the field of

¹⁶ Article 144-1 of the Criminal Code of the Republic of Azerbaijan - <http://iaqmi.gov.az/files/uploader/cixarish%20az-ing.pdf>

¹⁷ Note to the Article 144-1 of the Criminal Code of the Republic of Azerbaijan-
<http://iaqmi.gov.az/files/uploader/cixarish%20az-ing.pdf>

¹⁸ http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-88.pdf

combating human trafficking, measures for coordination and enlightenment.¹⁹In order to reach these goals it has adopted National Action Plan for 2009-2013 and later for 2014-2018.

Stateless persons: After gaining its independence Azerbaijan adopted number of legislative acts on citizenship and has ratified numerous international treaties regulating status of stateless persons. Azerbaijan is party to UN *Convention on the Legal Status of Apatrides*, Convention on the Reduction of Statelessness and Convention on Nationality of Married Women since 1996

With the adoption of the Law “On the citizenship of the Republic of Azerbaijan” in 1998 more than 300.000 stateless persons were granted Azerbaijani citizenship. However persons who were not registered at the time of adoption of the Law “On the citizenship of Republic of Azerbaijan” at the place of residence could not benefit from it.

The Article 69 of the Constitution stipulates that, *foreign citizens and stateless persons staying in the Azerbaijan Republic may enjoy all rights and must fulfil all obligations like citizens of the Azerbaijan Republic if not specified by legislation or international agreement in which the Azerbaijan Republic is one of the parties.*²⁰

The Article 3 of the Migration Code of the Republic of Azerbaijan gives the definition to stateless person as it defined in the UN *Convention on the Legal Status of Apatrides*, *stateless person - a person who is not considered as a citizen by any State according to its law.*²¹

According to the Migration Code, stateless persons may be granted following rights:

- Right to permanent residence in the Republic of Azerbaijan;
- Right to temporary residence in the Republic of Azerbaijan;
- Right to temporary staying in the Republic of Azerbaijan;

Under Paragraph 1 of the Regulation “**On special documents for stateless persons permanently residing in the Republic of Azerbaijan and aliens intending to stay in the Republic of Azerbaijan for more than 30 days**”²² the document affirming the identity of a stateless person permanently residing in the territory of Azerbaijan is the ID card issued to him/her under the legislation of the Republic of Azerbaijan in a relevant form. There are three categories of ID cards:

- ID card issued for a stateless person under the age of 16 for the use within the boundaries of the Republic of Azerbaijan;

¹⁹ <http://www.iaqmi.gov.az/files/uploader/milli%20fealiyyet%20plani%20az-ing.pdf>

²⁰ Article 69 of the Constitution of the Republic of Azerbaijan - <http://en.president.az/azerbaijan/constitution>

²¹ Article 3 of the Migration Code of the Republic of Azerbaijan -

http://cs.mfa.gov.cn/zggmcg/ljmdd/yz_645708/asbj_645896/rjil_645906/jlrj_645912/W020140827524286150309.pdf

²² Approved upon the Law dated 30 December, 1997; By Law dated to 05 March 2013, amendments were made to the Regulation and term “aliens” and provisions related to them were taken out of the name and content of the Regulation.

- ID card issued for a stateless person above the age of 16 for the use within the boundaries of the Republic of Azerbaijan;
- ID card (travel document) issued for a stateless person for his/her travels abroad.²³

According to the changes and amendments made to this Decree on 24 June 2008 these ID cards are only issued for stateless persons who were granted permanent residence in the Republic of Azerbaijan until January 1 1992. This appears to suggest that those affected by statelessness after 1st January 1992 are not considered under the legislation.

Under the requirements of the present legislation, state officials can only extend documents (and consequently grant permanent residence) of individuals that were granted stateless person status before January 1, 1992.

What the above means is that individuals currently affected by statelessness are unable to regularize their stay in Azerbaijan. As the vast majority of those currently affected by statelessness are persons originating from the former Soviet Union who are only in possession of their expired passports, they are unable to obtain valid ID cards from Azerbaijan or in their former country of residence. When these individuals came to Azerbaijan, the documents they used to identify themselves were Soviet passports or birth certificates indicating their citizenship (nationality) as the territory in which they previously resided. The validity of these documents expired while they were in Azerbaijan and resulting in their statelessness.

Although they have ceased to issue new documents, since 1st January 1992, the Ministry of Internal Affairs has continued to extend the validity period of ID cards for persons who were documented as stateless before that time. The MIA retained the registration data of this residual caseload of about 1500 individuals who had been formally recognized as stateless. The vast majority of this caseload are ethnic Azerbaijanis from Georgia and Iranian migrants (who arrived and settled in Azerbaijan Soviet Socialist Republic (SSR) in the 1940s and were recognized as stateless person) as well as their descendants.

Gaps and challenges:

1. *Human trafficking:* Although provision criminalizing human trafficking were added to the Criminal Code of the Republic of Azerbaijan, separate Articles on forced labor, purchase and compulsion to withdrawal for transplantation of body organs or tissues of a person, involving to prostitution, slavery, illegal implementation of biomedical researches or application of the forbidden ways of diagnostics and treatment, and also medical products, involving of minor to

²³ Paragraph 2 of the Regulation “On special documents for stateless persons permanently residing in the Republic of Azerbaijan and aliens intending to stay in the Republic of Azerbaijan for more than 30 days” - http://www.carim-east.eu/media/legal%20module/natfr/AZ_esr_6.2%20Regulations%20on%20Documents%20for%20Foreign%20Residents%20and%20People%20Without%20Citizenship%20Residing%20Permanently%20in%20Azerbaijan_EN.pdf

criminal activity, involving of minor to prostitution, or commitment of immoral action still is in the Criminal Code which leads to confusion in qualification of committed crimes. Also with the inclusion of Article on human trafficking to the Criminal Code in 2005, Article 173 criminalizing sale and purchase of minor or commitment of other bargains concerning minor or connected with his transfer to another, or owning him was removed from it. Therefore current text of Criminal Code does not include it. According to the Article 144-1 of current Criminal Code, involving, obtaining, storage, concealment, transportation, delivering or accepting of minors with the purpose of human trafficking shall be considered human trafficking even if methods described in the Article 144-1 have not been used. However if these actions are committed in respect of minors without human trafficking purpose it will not be penalized by any norms of the Criminal Code.²⁴

2. Citizenship: First of all, it should be noted that recent amendments to the Law “On the citizenship of the Republic of Azerbaijan” contradicts Constitution, as it recognize only child born on the territory of Azerbaijan and whose parents are stateless persons as a citizen of the Republic of Azerbaijan, but not child whose both parents foreigner, or one of them stateless person and the other one is foreigner.

Secondly, giving Article 18 of the Law “On citizenship of the Republic of Azerbaijan” grounds for loss of citizenship in new edition²⁵ it will lead to increase number of stateless persons in the country, although it is stipulated that, amendment is about voluntary loss of citizenship, but not deprivation of the citizenship of the Republic of Azerbaijan and purpose of amendments is to invite the citizen to be in responsible relation with state.

Beside of it, it also contradicts Article 53 of the Constitution of the Republic of Azerbaijan which defines that, in no circumstances a citizen of the Azerbaijan Republic may be deprived of citizenship of the Azerbaijan Republic.

3. Statelessness: The main problem with regard to statelessness in the Republic of Azerbaijan is that individuals currently affected by statelessness are unable to regularize their stay in Azerbaijan, as according to the changes and amendments made to the Regulation Decree “On special documents for stateless persons permanently residing in the Republic of Azerbaijan and aliens intending to stay in the Republic of Azerbaijan for more than 30 days”²⁶ on 24 June 2008 these ID cards are only issued for stateless persons who were granted permanent residence in the Republic

²⁴ http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-88.pdf

²⁵ The “Law on addendum to the Law on Citizenship of the Republic of Azerbaijan” dated to May 30 2014 - <http://www.migration.gov.az/index.php?section=009&subsection=043&lang=en&pageid=4681>

²⁶ Approved upon the Law dated 30 December, 1997. By Law dated to 05 March 2013, amendments were made to the Regulation and term “aliens” and provisions related to them were taken out of the name and content of the Regulation. - http://www.carim-east.eu/media/legal%20module/natfr/AZ_esr_6.2%20Regulations%20on%20Documents%20for%20Foreign%20Residents%20and%20People%20Without%20Citizenship%20Residing%20Permanently%20in%20Azerbaijan_EN.pdf

of Azerbaijan until January 1 1992. This appears to suggest that those affected by statelessness after 1st January 1992 are not considered under the legislation.

Research

In order to address the challenges about migration problems, propose theoretical and practical perspectives, and raise awareness on national and international levels Qafqaz University Migration Studies department which was established in the framework of the TEMPUS UNIMIG project, with the support of European Commission, has organized workshop entitled as “Capacity Building and Brain Drain in Azerbaijan”. The event took place on October 19th of 2014 at Baku Hilton Hotel, Azerbaijan. Participants of the workshop comprised academic researchers from leading higher education institutions of Azerbaijan, experts of relevant fields, representatives of NGOs etc.

Presenters drew attention on different aspects of brain drain such as: migration processes in Azerbaijan; significance of government policy to prevent emigration of human capital; ethnicity and brain drain in the context of Azerbaijan; legal dimension and implications; human capital accumulation; the impact of brain drain on state’s economy; statistical implications of migration theories; differences in research methods and data analysis; etc.

More specifically, the discussions focused on many points such as the need for strong professional and market environment and support for innovation development in order to create better room for the individuals to apply their knowledge and technical skills and to be financially rewarded accordingly in their country. At the same time with theoretical aspects presenters also introduced empirical analysis – by exploring foreign direct investment, net migration and mortality rates – providing a comprehensive understanding of the determinants of human capital accumulation with special attention to the countries of the Central-Eastern Europe and the Baltic States (CEB), South-Eastern Europe (SEE) and Commonwealth of Independent States (CIS). Experts also highlighted the significance of developing national policy tools against negative economic and social impacts of brain drain by examining state policy initiatives such as “State Program on Education of Azerbaijan youth abroad in the years 2007-2015”. Conducted research on pull and push factors of brain drain explored probability of various factors which might affect migration and emigration of human capital in the region. While analyzing the statistical data on migration and emigration the importance of Nagorno-Karabagh conflict and occupation of the Azerbaijani regions were also discussed as some of the primary factors negatively influencing migration status quo in Azerbaijan.

As a follow-up Qafqaz University and Khazar Universities agreed to initiate a joint research project that will be a partial solution to above mentioned problems.

Furthermore, Khazar University Economics and Management Department and Qafqaz University Migration Studies Department concentrate on the research in the field of migration and offer master programs in World Economy (with a specialization in Migration and World Economy) and

Organization of Migration Services, respectively. Master students of both universities play an active role in research projects on migration. Research areas of master students cover International Migration; Economic Growth; Economic impacts of migration; Migrant labour market integration, skilled migrations; Educational and internal migration characteristics of the Republic of Azerbaijan; Non-citizenship issues in modern Azerbaijan; Legal-social aspects of the institute for citizenship. Eradicating non-citizenship problems in Azerbaijan and etc.