

**Information related to the issues of racism, racial discrimination and xenophobia in the context of laws, policies and practices relating to citizenship, nationality and immigration**

**Republic of Azerbaijan**

The issue of **citizenship** of the Republic of Azerbaijan is regulated by Chapter II of the Constitution of the Republic of Azerbaijan, the Law on Citizenship of the Republic of Azerbaijan (the Law on Citizenship) and relevant national legislation. The issue of obtaining, restoration and deprivation of citizenship is regulated by the Constitution of the Republic of Azerbaijan, the 1998 Law on Citizenship of the Republic of Azerbaijan and the 1999 Regulations on examination of issues related to citizenship and on ways of solving them. According to Article 2 of the Regulations and Article 5 of the Law on Citizenship, the State Migration Service of the Republic of Azerbaijan is in charge of consideration of citizenship appeals.

In accordance with Article 14 of the Law on Citizenship, a foreigner or a stateless person legally residing in the territory of the Republic of Azerbaijan on an uninterrupted and permanent basis for the past 5 years, may be granted citizenship of the Republic of Azerbaijan upon his/her own application and regardless of his/her origin, race and nationality, sex, educational background, religious views, political and other convictions. All applicants must have legal source of income, undertake to abide by the Constitution and legislation of the Republic of Azerbaijan, and submit a document certifying their knowledge of the state language. According to Article 3 (Equal citizenship) of the Law on Citizenship, citizenship of the Republic of Azerbaijan is granted on an equal basis. Rights, freedoms and obligations of citizens of the Republic of Azerbaijan are equal regardless of their ethnic origin, race, gender, religion and other factors.

According to Article 69 of the Constitution and Article 74 of the Migration Code of the Republic of Azerbaijan, unless otherwise is envisaged by national legislation or international agreements the Republic of Azerbaijan is party to, during their stay in the territory of Azerbaijan foreigners and stateless persons have equal rights and duties with citizens of the Republic of Azerbaijan. Rights and freedoms of foreigners and stateless persons permanently residing or temporary staying in the territory of the Republic of Azerbaijan can only be restricted in accordance with the norms of international law and laws of the Republic of Azerbaijan.

Foreigners and stateless persons are equal before the law regardless of their property or social status, race, nationality, gender, language, religion, type and character of his/her activity etc. Rights of foreigners and stateless persons in the Republic of Azerbaijan are regulated by the Constitution of the Republic of Azerbaijan, international agreements the Republic of Azerbaijan is party to, and relevant national legislation. Migration Code of the Republic of Azerbaijan includes provisions on legal status of foreigners and stateless persons and is based on principles of respect for human and civil rights and freedoms, rule of law, equality before the law, impartiality and transparency. It ensures compliance of the national migration legislation with international legal norms and application of innovative methods in regulation of migration processes.

Article 60 of the Constitution of the Republic of Azerbaijan guarantees the right to judicial protection of rights and liberties of foreign citizens and stateless persons along with the citizens of the Republic of Azerbaijan. According to Article 10 of the Law of the Republic of Azerbaijan on Courts and judges, the right to judicial protection of foreign citizens and stateless persons residing in the territory of the Republic of Azerbaijan and legal interests of legal persons from all kinds of infringements and violations is ensured at all stages of court proceedings. No one can be deprived of the right to judicial protection. Foreigners and stateless persons may appeal to court on decisions and activity (or inactivity) of state authorities, trade unions, other public organizations and officials.

The Ombudsperson of the Republic of Azerbaijan carries out regular work with a view to **preventing and reducing statelessness**, developing procedures for systematic identification, documentation, and registration of stateless persons or persons at risk of statelessness. Relevant measures have been taken by the State Migration Service (SMS) in all regions of Azerbaijan aimed at eliminating cases of statelessness within short period of time.

The Ombudsperson also covers issues related to protection and promotion of human rights in relation to **granting nationality**. Regular trainings and workshops are organized in the SMS Training Center aimed at finding effective solutions to existing problems. The National Preventive Group (NPG) under the Ombudsperson conducts regular monitoring in SMS Centers for Illegal Migrants located in Baku and Yevlakh cities, inspects nutrition, treatment, detention conditions and healthcare and social assistance rendered to persons staying there. NPG monitors the status of implementation of recommendations given during its previous visits, provides necessary assistance to residents of these centers within the limits of its mandate.

The Republic of Azerbaijan acceded to the UN Convention on the Status of Stateless Persons and Convention on the Reduction of Statelessness without any reservations. As a result of measures taken by SMS in relation to documentation of stateless persons, in 2008-2017 a total of 1528 stateless persons (*49 persons in 2008, 65 persons in 2009, 91 persons in 2010, 104 persons in 2011, 161 persons in 2012, 196 persons in 2013, 186 persons in 2014, 181 persons in 2015, 117 persons in 2016, 378 persons in 2017*) were granted citizenship upon relevant Orders of the President of the Republic of Azerbaijan. A number of steps were taken towards reduction of statelessness by the Government of Azerbaijan. SMS conducts regular awareness raising events in different regions of the country with a view to preventing and reducing statelessness in Azerbaijan, as well as to providing stateless persons with necessary documentation.

Azerbaijan joined “To End Statelessness within 10 years” campaign of the UN High Commissioner for Refugees in order to raise awareness in the field of combating statelessness and addressing problems occurred during identification of the status of stateless persons, as well as strengthening cooperation for the sake of effective protection of rights of these persons. Measures are taken within the campaign to grant citizenship to qualified stateless persons.

Thus, in accordance with Article 5 of the Law on Citizenship of the Republic of Azerbaijan, persons

who were not citizens of the Republic of Azerbaijan or any other state and were registered upon place of residence in the Republic of Azerbaijan by January 1, 1992 acquired citizenship of the Republic of Azerbaijan in cases when they had applied for citizenship within one year from the day of enactment of the Law on Citizenship. Refugees who were settled in the territory of the Republic of Azerbaijan in the period from January 1, 1988 until January 1, 1992, were also granted citizenship of the Republic of Azerbaijan.

Rules on the establishment of citizenship of the Republic of Azerbaijan were approved by Decision No. 84 of the Cabinet of Ministers of the Republic of Azerbaijan dated March 18, 2015 in line with requirements of international conventions in the field of reduction and prevention of statelessness. Item 4.3 of the Rules provides recognition of citizenship for persons who were citizens of Azerbaijan (or Azerbaijani Soviet Socialist Republic) until October 7, 1998 when the Law on Citizenship came into force and have not left the territory of Azerbaijan, but had no registration upon place of residence.

The person's citizenship is established in accordance with the 1961 Convention on Reduction of Statelessness dated August 30, 1961, as well as the Law on Citizenship. According to Article 53 of the Constitution, a citizen of the Republic of Azerbaijan may not be deprived of citizenship of the Republic of Azerbaijan. In no circumstances can a citizen of the Republic of Azerbaijan be expelled from Azerbaijan or extradited to a foreign state. According to Article 16 of the Law on Citizenship, citizenship of the Republic of Azerbaijan is terminated as a result of renunciation from citizenship of the Republic of Azerbaijan, loss of citizenship, in case of existence of grounds envisaged by international agreements of the Republic of Azerbaijan, as well as by the Law on Citizenship. Renunciation from the citizenship of the Republic of Azerbaijan is made upon application of the person in accordance with that Law.

Taking into account relevant provisions of the 1961 Convention on the Reduction of Statelessness, if a citizen of the Republic of Azerbaijan voluntarily serves in state or municipal bodies, armed forces or other military units of a foreign state, voluntarily acquires citizenship of another state, his/her behavior causes serious damage to the state security (*involvement of a citizen of the Republic of Azerbaijan in terrorist activities or committing acts for forcible change of constitutional structure of the Republic of Azerbaijan, participation in religious extremist activities, as well as, dissemination of religious sects acting on the basis of religious hostility, or participation in military conflicts in a foreign states under the cover of implementing religious rites, or involving other person in those conflicts, or establishment of a stable group serving for this purpose, or participation in military training under the name of getting religious education*) and if a person who acquired citizenship of the Republic of Azerbaijan intentionally falsified necessary information or submitted a false document for the purpose of obtaining citizenship, it is considered as a ground for loss of citizenship of the Republic of Azerbaijan.