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including:**

Refuges, IDPs and stateless persons in Azerbaijan

In 1998 Azerbaijan has adopted law "On citizenship of the Republic of Azerbaijan" which recognized more than 300 000 refugees as a citizen (approximately 250 000 Azerbaijani from Armenia and 50 Ahiska Turks) and gave right to 7 000 stateless persons to obtain Azerbaijani citizenship through simplified procedure¹. If Azerbaijan would not grant above indicated 300000 refugees citizenship, they would become stateless in Azerbaijan and it would take years for them to get citizenship. It should be seen an important step of Azerbaijan toward elimination of potential statelessness in the country.

However it did not solve all the problems of refugees and stateless persons, as the law recognized only Ahiska Turks expelled from Central Asia and those who was displaced from Armenia as a citizens of the

¹ According to the Article 5 of the Law "On citizenship of the Republic of Azerbaijan" which was adopted in 1998, refugees residing in the territory of the Republic of Azerbaijan from 01 January 1988 till 01 January 1992 shall be considered citizens of the Republic of Azerbaijan;

the list of required documents for citizenship and the fact that certificates issued to refugees confirming their status so far has no legal status (patterns of these documents has not been approved by law) and cannot be considered permanent residence permit, refugees' applications for citizenship are not accepted.

Today in Azerbaijan there are 55 persons recognized as refugees by Azerbaijani Government and 1664 refugees who is under protection of Azerbaijani Representative of UNHCR.

Last year number of refugees who got status from Azerbaijani Government was 67. After getting refugee status they stayed in Azerbaijan for 5 or more years. However as an internal legislation of Azerbaijan does not provide for naturalization of refugees they had to cross the border by variety of means and to move to other countries, including the countries of Western Europe. In most of the cases refugees' applications for the citizenship of the Republic of Azerbaijan are refused without giving any reasons or they are requested to present documents which are not indicated in the legislation and cannot be obtained by refugees (for example, a residence permit). As long as both patterns of refugee certificates and it's at the same time being permanent residence permit of the refugee will not be approved by the law, refugees will continue to be in legal limbo state in Azerbaijan.

Thus, as it stipulated in the legislation of Azerbaijan, a person living in the territory of the Republic of Azerbaijan for already 5 years, having a valid identity document may be admitted to the citizenship of the Republic of Azerbaijan upon his/her own application consistent with this Law². However the refugee certificate issued by the state is not recognized by the same state bodies as a document that gives her/him a right to permanent residence.

Certificates issued to refugees are not serious documents and are not recognized by other state bodies as a proof of identity of refugees. Refugees are unable to sign a labor contract or contracts that require the approval of notary, and they cannot use their rights to marry or to obtain documents for children born to refugees living with such certificates. It is even not possible for them to realize their right to education in the schools based on these documents.

Refugees applied for Azerbaijani citizenship are required to present document on employment, while these state bodies are aware that refugee

² Article 14 of the Law of the Republic of Azerbaijan "On citizenship of the Republic of Azerbaijan".

cannot provide this document as certificate issued to refugee does not give him/her right to sign contract to realize his/her labor rights. As a consequence provision of certificate on employment becomes impossible for refugee and if a person fails to provide this document his/her application for citizenship is not accepted. As it seems, Law "on citizenship of the Republic of Azerbaijan" does not envisage mechanism for acquisition of Azerbaijani citizenship for refugees who settled in its territory.

The certificate of refugee is the document identifying the personality of refugee in the territory of the Republic of Azerbaijan. Before establishment of the State Migration Service refugee certificates were issued by the State Committee of the Republic of Azerbaijan for Refugees and IDPs. As the validity of these certificates was not prolonged and new patterns of certificates have not been issued, at the moment refugee certificates are extended by the references given by the State Migration Service.

In accordance with the Law of the Republic of Azerbaijan "On status of Refugees and Forcibly Displaced Persons" adopted in 1999, refugees residing in the territory of Azerbaijan are provided with a number of guarantees by Azerbaijani Government, such as living free-of charge in special allocated places, employment of refugees and IDPs, etc. These guarantees are not however implemented in practice. In fact Law "On status of Refugees and Forcibly Displaced Persons" is not practical.

Internally Displaces Persons: At the time approximately 600000 displaced persons from occupied territories of Karabakh and its seven adjacent regions are settled in Azerbaijan. Azerbaijani Government annually allocatesfrom the state budget to support IDPs.

Although works on improvement of social protection of IDPS are constantly going on, no measures were taken to return them back.

Stateless persons: At present, neither the MIA nor the SMS accept applications of, or provide documents for, individuals who became stateless after 1992 and do not document them. Thus current legislation of Azerbaijan do not define the rules or process of documenting individuals who become stateless after 1st January 1992. However number of stateless persons who found them in this situation after 1992 is around thousands. Only those who has approached our organization and requested legal assistance are more than 5 000 people. The majority of these individuals have been made stateless as a result of collapse of the USSR (who expelled from Armenia and came to Azerbaijan after 1998 adoption of Law "On

citizenship of the Republic of Azerbaijan" with ex-Soviet passports) border changes, and the policy on ethnic cleaning (in Georgia in 1991-1992) carried out in some of these countries. By not providing stateless persons with identity documents Azerbaijan tries superficially to eliminate number of stateless persons in the country and to imitate fulfilment of the requirements of the Convention "On elimination of statelessness".

Azerbaijan is a party to two Conventions on Statelessness. And despite the fact that UNHCR already spends many years of work with the governmental agencies in region by lobbying need for legislative reforms to reduce and prevent statelessness, I do believe that consolidation of efforts of all international organizations to solve this global problem and to provide basic human rights is prerequisite for successful work in the region.

Recommendations:

1. The Law "On citizenship of the Republic of Azerbaijan" should be amended so as to establish mechanism on acquisition of citizenship by refugee, and to include simplified procedure for their naturalization;
2. Patterns of refugee certificates and travel documents should be approved in accordance with the requirements of Convention of 1951. These documents should be accorded legal status and it should give refugees right to sign contracts, to study, to realize labor rights as well as to travel;
3. The mechanism on defining status of stateless persons should be established;
4. Regional cooperation should be strengthened;
5. Rules on issuance stateless persons with identity documents should be set up and right of stateless persons residing in the territory of Azerbaijan to obtain any document confirming their identity and giving them right to cross border should be established;