

REPUBLIC OF AZERBAIJAN | PROFILE 2023

MIGRATION  
GOVERNANCE  
INDICATORS



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Publisher: International Organization for Migration  
17 route des Morillons  
P.O. Box 17  
1211 Geneva 19  
Switzerland  
Tel.: +41 22 717 9111  
Fax: +41 22 798 6150  
Email: [hq@iom.int](mailto:hq@iom.int)  
Internet: [www.iom.int](http://www.iom.int)

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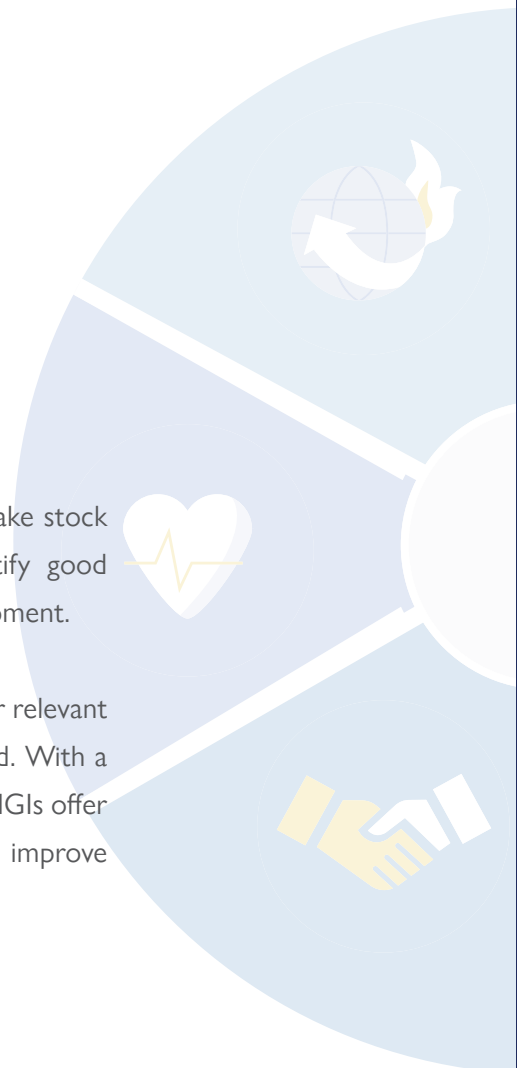
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## OBJECTIVES

The MGIs aim to help governments, upon request, take stock of their migration policies and strategies to identify good practices and areas with potential for further development.

The MGIs open dialogues with governments and other relevant stakeholders to identify priorities on the way forward. With a focus on government ownership of the process, the MGIs offer support at the national and local levels to gradually improve migration management systems.



# INTRODUCTION

“ Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance.<sup>1</sup>

The need to maximize the opportunities and to face the challenges that mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, and with the adoption of the Global Compact for Safe, Orderly and Regular Migration. The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance<sup>2</sup> Framework (MiGOF). This Framework<sup>3</sup> offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances. That same year, IOM in collaboration with Economist Impact developed the Migration Governance Indicators (MGIs), a standard set of almost 100 indicators that help States assess the comprehensiveness of their migration governance structures.

The indicators constitute a starting point to engage governments in a consultative process that allows them to identify areas that are well developed and others that would benefit from further development, and most importantly priorities that are in line with the specific challenges and opportunities that a given country is facing.

The MGIs are characterized by three main fundamental attributes:

1. The MGI process is a **voluntary** exercise: The MGIs are conducted in countries that have requested to be part of the process.
2. The MGIs are **sensitive to national specificities**: The MGIs recognize the different challenges and opportunities of each context, and therefore, do not propose a one-size-fits-all solution, but rather aim to spark a discussion on what well-governed migration can mean.
3. The MGIs constitute a **process**: The MGI process is not a static tool to collect data on countries' migration frameworks. It is rather the first step of a dynamic exercise that can enable governments to identify areas of their migration policy in need of further development, or that could benefit from capacity-building.

The MGIs recognize that all countries have different realities, challenges and opportunities in relation to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies.

Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries can consider as they further progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Azerbaijan (hereinafter referred to as Azerbaijan), as well as the areas with potential for further development, as assessed by the MGIs.<sup>4</sup>

<sup>1</sup> United Nations, *Global Compact for Safe, Orderly and Regular Migration* (A/RES/73/195 of 11 January 2019), paragraph 8.

<sup>2</sup> “Migration governance” refers to the system of institutions, legal frameworks, mechanisms, and practices aimed at regulating migration and protecting migrants. It is used almost synonymously with the term “migration management”, although the latter is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

<sup>3</sup> IOM Council, *Migration Governance Framework*, 106th Session, C/106/40 (4 November 2015), page 1, footnote 1.

<sup>4</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.



# CONCEPTUAL FRAMEWORK

## MiGOF

IOM's MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane and orderly, and benefits migrants and society.

At the basis of

### PRINCIPLES

1. **Adhere** to international standards and fulfil migrants' rights.
2. **Formulate** policy using evidence and a whole-of-government approach.
3. **Engage** with partners to address migration and related issues.

### OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively address** the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.


## MGIs

### WHAT THEY ARE

-  A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures
-  A tool that identifies good practices and areas that could be further developed
-  A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7 and the Global Compact for Migration implementation\*

Which support the measurement of

### WHAT THEY ARE NOT

-  Not a ranking of countries
-  Not an assessment of policy impacts
-  Not prescriptive



Note: "The Global Compact is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration."

The MGIs consist of almost 100 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'  
RIGHTS  
PAGE 19

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. They look at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT  
APPROACH  
PAGE 23

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS  
PAGE 25

This category focuses on countries' efforts to cooperate on migration-related issues with other States and relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING  
OF MIGRANTS  
PAGE 27

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION  
OF CRISES  
PAGE 29

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals in relation to disasters and climate change, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY AND  
REGULAR MIGRATION  
PAGE 31

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



# SUMMARY

## SUMMARY OF FINDINGS

### Migrants' rights

All migrants, regardless of their migration status, have access to all Government-funded health services, but they might pay higher insurance premiums than nationals as not all migrants are entitled to enrolment in the compulsory medical insurance scheme.

Migrants have access to education in Azerbaijan as laid out by the Constitution of the Republic of Azerbaijan (1995), which provides the right to education for everyone, and by the Law on Education (2009), which guarantees the right to education for all citizens and forbids discrimination on the grounds of race, social status and ethnic identity.

Family members of all migrants with temporary or permanent residence may be issued permits for temporary residence on the grounds of family reunification in Azerbaijan. Additionally, under the Migration Code (2013), family members of labour migrants and those studying in Azerbaijan (and thus in possession of temporary residence permits) may be joined by family under a “personal visit” short-term ordinary visa.

Azerbaijan requires proof of identity to access civil registration services, as per the Law on State Registration of Civil Status Acts (2003).

### Whole-of-government approach

The State Migration Service (SMS) of Azerbaijan is a central executive power body with the status of a law enforcement agency, which implements the State policy in the field of migration and oversees the management and regulation of migration processes, as determined by the legislation of Azerbaijan.

Moreover, other government bodies, particularly the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the State Border Service, the Ministry of Labour and Social Protection of the Population, and the State Committee on Work with Diaspora are also engaged in the management of migration from and to the country.

The SMS publishes migration data on a monthly basis, including on applications and requests received for migration services; and the State Statistical Committee publishes data on international migration on an annual basis, including on arrivals and departures of migrants disaggregated by sex, age and geography.

### Partnerships

Azerbaijan formally engages civil society organizations (CSOs) in agenda-setting and the implementation of migration-related policies through the SMS, which has a dedicated Public Council consisting of nine members of civil society. The private sector is engaged in agenda-setting and the implementation of migration-related policies through the Advisory Board under the SMS.

The diaspora is engaged in tackling development-related issues through the State Committee on Work with Diaspora on an ad hoc basis.

The SMS of Azerbaijan actively collaborates with various international dialogue frameworks, including the Almaty process, which Azerbaijan has chaired from 2023 to 2024, as well as the Prague Process and the Budapest Process.

Azerbaijan is party to a European Union mobility partnership, formalized through a joint declaration (2013) between Azerbaijan and eight European Union member States.

Azerbaijan actively supports the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, and it is a champion country for Global Compact for Migration implementation. Additionally, it has been a member of the Global Forum on Migration and Development's Steering Group since 2020.

## Well-being of migrants

Labour migration is managed with quotas determined through a labour market survey.

The Migration Code, the Constitution and the Consular Charter (1994, amended in 2022) contain measures to protect the rights of nationals working abroad.

The Strategic Roadmap for Development of Financial Services (2016) specifically addresses financial inclusion, but it does not mention or target migrants.

## Mobility dimension of crises

Measures to provide humanitarian assistance to nationals living abroad who are affected by natural disasters or ecological or other catastrophic events are listed in the Law on State Policy Connected with Azerbaijanis Living Abroad (2002) and the third part of Article 53 of the Constitution. This legal protection is provided through diplomatic missions and consulates of Azerbaijan in foreign countries.

Evacuation of citizens of Azerbaijan in difficult situations in foreign countries is carried out through the relevant diplomatic missions. Relevant evacuation and repatriation operations are directly coordinated by the Ministry of Foreign Affairs (Consular Department). The Azerbaijan Diaspora Support Fund also provides financial support to the Azerbaijani diaspora in cases of crisis.

The Ministry of Emergency Situations (MES) is the central executive body mandated to protect the population from natural and human-made disasters and to implement policy in civil defence as described in the Law on Civil Defence (1997). MES operates an early warning system to communicate with the public, including migrants, regarding disasters and crises via text messages, the website of MES, social media and other mass media outlets.

Azerbaijan 2030: National Priorities for Socio-Economic Development (2021), which includes the First State Programme on the Great Return to the liberated territories of the Republic of Azerbaijan, was released in 2022. The State Programme contains a workplan outlining the construction of new homes, sustainable communities and infrastructure to facilitate sustainable return migration to the liberated areas.

Azerbaijan does not have an emergency management framework, and it does not have specific measures to aid migrants during a crisis in the country. Equally, there is no contingency plan in place for managing large-scale population movements during crises.

## Safe, orderly and regular migration

The National Action Plan for the Fight against Human Trafficking in the Republic of Azerbaijan 2020–2024 (2020), executed by the National Coordinator for Combating Trafficking in Human Beings, particularly focuses on the protection of women, children and other vulnerable members of society.

The Labour Code (1999), the Regulation of the Ministry of Labour and Social Protection of the Population (2011) and the Employment Strategy of the Republic of Azerbaijan for 2019–2030 (2018) have measures in place to protect all workers from labour exploitation, including migrants. Issues related to the labour activity of migrants are regulated in accordance with the Migration Code, the Law on Employment (2018), other normative legal acts of Azerbaijan in the field of employment and international agreements to which Azerbaijan is a party.

Furthermore, Azerbaijan has established ongoing agreements with several countries to address migrant smuggling.

The establishment of a policy or strategy to offer alternatives to migrant detention and to ensure that migrant detention is used only as a measure of last resort is an area with potential for further development.



CONTEXT

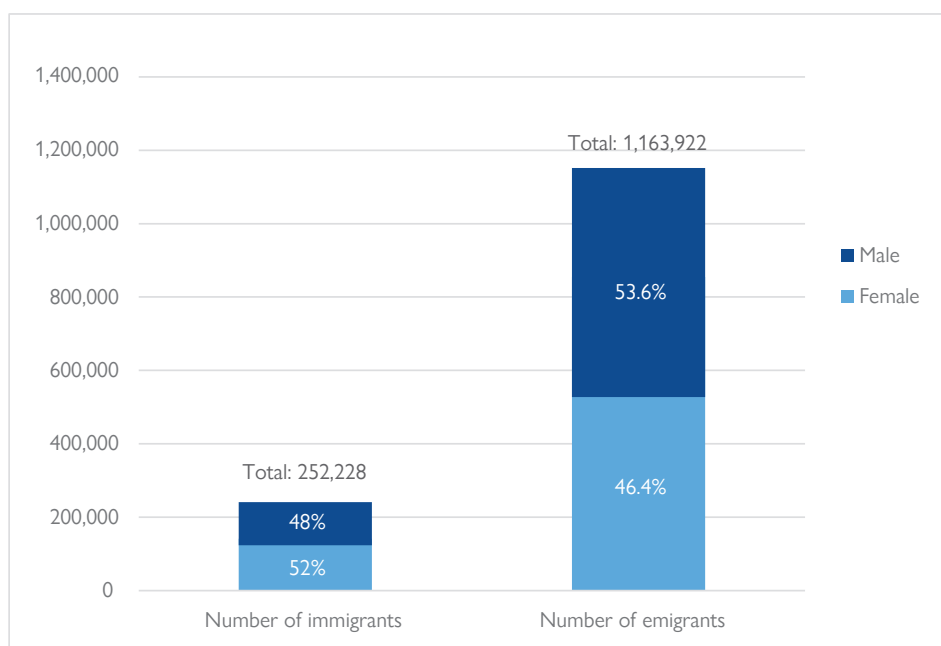
Immigration to Azerbaijan has decreased in the last decades, after reaching its highest number in the year 1990 (360,600 people),<sup>5</sup> due to the expulsion of Azerbaijanis from Armenia in 1988–1989.<sup>6</sup> United Nations Department of Economic and Social Affairs (DESA) figures indicate that 252,200 international migrants were living in the country as of mid-2020, representing 2.5 per cent of the country's total population. The distribution of immigrants by sex indicated that 52 per cent are female and 48 per cent are male (see Figure 1). Figure 2 shows that the majority of immigrants in 2020 were 20–64 years old (67.4%), followed by people 65 years and older, who made up 20 per cent of the country's total number of immigrants.

The national statistics, based on country of citizenship, indicate that the number of migrants living in Azerbaijan is 75,470 as of 31 December 2021.<sup>7</sup> As a consequence of historical migration in the region, Azerbaijan has high numbers of nationals who were born abroad and foreign nationals born in its territory (this is the reason why migration data in the country are based on citizenship, not place of birth). Thus, the difference between the stock of migrants according to national legislation and international statistics is significant.

Similar to its immigration data, Azerbaijan has experienced decreasing emigration since 1995, with emigration numbers reaching 1.2 million people in 2020, or 11.5 per cent of the country's total population (10.1 million) according to data estimates by DESA.<sup>8</sup> Disaggregated data indicate that the share of female emigrants (46.4%) in 2020 is slightly lower than the share of males (see Figure 1).

Comparing immigration and emigration figures show that the estimated net migration in Azerbaijan in 2022 is 1,100 migrants. In addition, data from the World Bank show that personal remittances received in Azerbaijan accounted for 4.6 per cent of the country's GDP in 2022.<sup>9</sup>

**Figure 1.** International migration to and from Azerbaijan (at mid-2020), by sex



Source: DESA, *International Migrant Stock 2020* (2020).

<sup>5</sup> Visit the [Migration Data Portal](#) for more information.

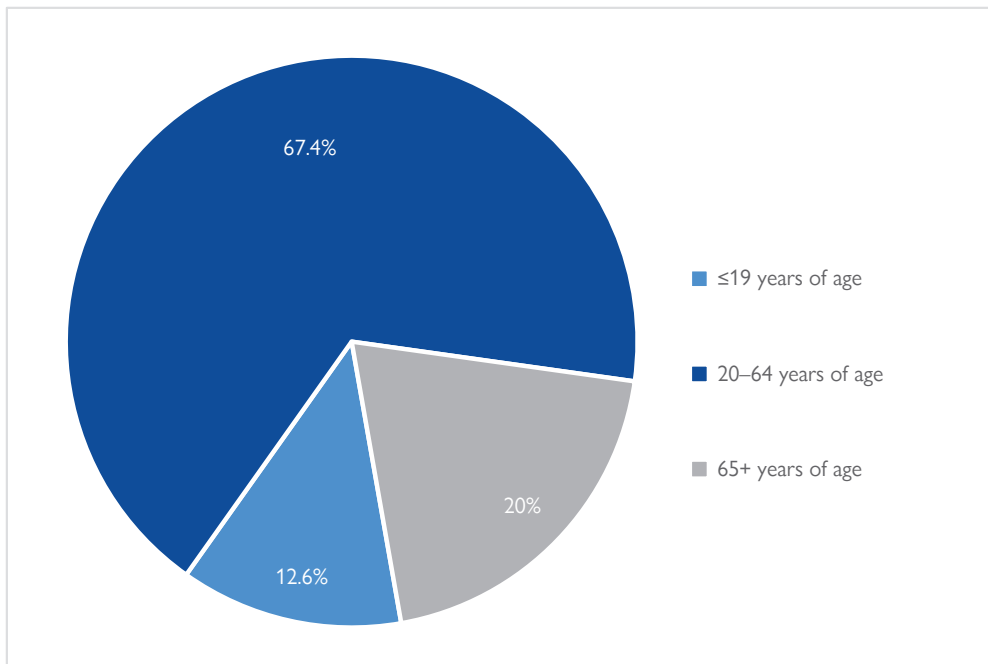
<sup>6</sup> In 1988–1989, more than 250,000 ethnic Azerbaijanis were deported from the territory that is currently part of Armenia. Although some Azerbaijanis returned from other former Soviet countries after the collapse of the Soviet Union, this deportation remains the primary factor contributing to immigration to the country.

<sup>7</sup> This is internal data from the State Migration Service of the Republic of Azerbaijan.

<sup>8</sup> See footnote 5.

<sup>9</sup> See footnote 5.



**Figure 2.** Distribution of immigrants by age group in Azerbaijan (at mid-2020)

Source: Migration Data Portal, 2020 data from DESA (2020).



KEY

FINDINGS



## 1

## ADHERE TO INTERNATIONAL STANDARDS AND FULFIL MIGRANTS' RIGHTS

### 1.1. International conventions ratified

**Table 1.** Signature and ratification of international conventions

Convention name	Ratified (Year)
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (1993)
United Nations conventions on statelessness, 1954 and 1961	Yes (1996)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1992)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (1999)

### 1.2. Migration governance: Examples of well-developed areas

All migrants, regardless of their migration status, have access to all Government-funded health services on the same basis as nationals. Under the Constitution of Azerbaijan (1995), “Everyone has the right to health protection and medical aid” (Article 41). However, migrants might pay higher insurance premiums than nationals as not all migrants are entitled to enrolment in the compulsory medical insurance scheme.<sup>10</sup> The compulsory universal insurance system entitles Azerbaijani nationals to free health care at public institutions, as well as fixed prices for services at private institutions.<sup>11</sup> Under the Law on Health Insurance (1999), foreigners and stateless persons who have received refugee status in Azerbaijan and have been taken under the protection of the representation of the Office of the United Nations High Commissioner for Refugees in Azerbaijan are registered in the compulsory health insurance scheme on the same basis as nationals (Article 15.2.1).

The Law on Health Insurance states that migrants have the same rights and obligations as citizens regarding voluntary health insurance, but they are not eligible for compulsory insurance. Migrants who are not covered by compulsory insurance can obtain private insurance or pay out of pocket for care. Urgent and emergency medical care, primary health care, emergency oncological care, and treatment of HIV infection for foreigners and stateless persons permanently residing in the territory of Azerbaijan are provided. Medical care is also provided to individuals who have received refugee status, including specialized medical assistance and psychological assistance, with funding from the Government.

<sup>10</sup> Azerbaijan underwent a transition to compulsory universal insurance, with national roll-out achieved by April 2021.

<sup>11</sup> The service envelope for which prices are fixed includes urgent care, primary medical outpatient services, diagnostics and laboratory work, physiotherapy services, and surgeries.

Migrants have access to education in Azerbaijan as laid out by the Constitution, which provides the right to education for everyone, and by the Law on Education (2009), which guarantees the right to education for all citizens and forbids discrimination on the grounds of race, social status and ethnic identity. The Law further stipulates that migrants studying in Azerbaijan have equal access to education as citizens. Primary and secondary education is governed by the Law on Education and the Law on General Education (2019). Primary education is compulsory from age 6 and is accessible to migrants, free of charge, without discrimination with regard to migration or residence status. Secondary education is available to all and provided at the expense of the State at public institutions, as per the Constitution, which guarantees free, compulsory secondary education for everyone. Foreigners and stateless persons with permanent residence permits in the territory of Azerbaijan have equal rights to education within the country on the same basis as citizens of Azerbaijan.

The 2018 Educational Grant Programme for the Citizens of the Member Countries of the Organization for Islamic Cooperation and the 2018 Educational Grant Programme for the Citizens of the Member Countries of the Non-Aligned Movement provide an opportunity for 40 selected candidates on an annual basis to study in the leading universities of Azerbaijan – at preparatory courses or undergraduate, graduate, doctoral or general medicine/residency programmes for five years.

Migrants in Azerbaijan have different access to social protection depending on their residency status. Those with temporary or permanent residence permits can access social protection, including employment insurance, old-age pension and maternity leave. However, spousal pension benefits and invalidity benefits are available only to permanent residents. If the labour contract of a migrant with a temporary residence permit for work is prematurely terminated and there is no other reason for the migrant to stay in Azerbaijan, they must leave the territory of the country within 10 working days,<sup>12</sup> which makes it difficult for them to receive some benefits. Refugees and internally displaced persons have the same social protection rights as nationals. The Law on Targeted State Social Assistance (2005) governs the appointment of targeted State social assistance for migrants and their families.

Azerbaijan has a number of bilateral agreements with other countries regarding old-age pensions and social security entitlements. It has concluded agreements on cooperation for pension provision with States of the former Soviet Union, namely Belarus (2016),<sup>13</sup> Georgia (1993), Kazakhstan (1996), Kyrgyzstan (1997), the Republic of Moldova (1997), the Russian Federation (2022), Ukraine (1996) and Uzbekistan (1996). Each of these agreements includes provisions for the determination of eligibility status for workers in States of the former Soviet Union prior to 31 December 1991, allowing for recognition of periods of employment to be transferred to the country of residence (with the exception of Georgia). All the agreements provide mutual recognition of the rights of citizens of both countries, but the agreements with Georgia, the Republic of Moldova, Ukraine and Uzbekistan are unique in granting migrants equal rights as citizens of the respective countries. Agreements have been signed on the portability of social security entitlements with Bulgaria (2019), Serbia (2022) and Türkiye (1998).

Family members of all migrants with temporary or permanent residence may be issued permits for temporary residence on the grounds of family reunification in Azerbaijan.<sup>14</sup> Additionally, under the Migration Code (2013), family members of labour migrants and those studying in Azerbaijan (and thus in possession of temporary residence permits) may be joined by family under a “personal visit” short-term ordinary visa. However, family reunification is not expressly permitted for migrants on business, culture and sports, or tourist visas, but in practice, all types of entry visas and residence permits allow for family reunification.

<sup>12</sup> This is according to Article 71 the Migration Code (2013).

<sup>13</sup> More information on the agreement is available in this [article](#) on the official website of Belarus.

<sup>14</sup> According to the Migration Code, family members of a foreigner or a stateless person are the foreigner's or stateless person's wife (or husband), children under 18 years of age, children who have reached the age of 18 and are unable to work, and their dependent parents. “Close relative” means father, mother, husband (or wife), child, brother or sister and their children, grandfather, grandmother, grandfather's (or grandmother's) father and mother, grandson, father-in-law, mother-in-law, brother-in-law or sister-in-law. Under the Family Code (1999), same-sex spouses do not qualify as family members or close relatives.

Foreign citizens and stateless persons may apply for Azerbaijani citizenship after lawful permanent residence for the last five years without interruption in accordance with the Migration Code and the Law on Citizenship (1998). A foreigner or stateless person who has lived uninterruptedly and permanently for the last five years in the territory of Azerbaijan<sup>15</sup> with legal basis, has legal source of income, undertakes the obligation of observing the Constitution and laws of Azerbaijan, as well as submits a document certifying their knowledge of the State language of Azerbaijan may acquire Azerbaijani citizenship upon their own application according to the legislation, regardless of their origin, race and nationality, gender, educational background, religion, and political and other convictions.<sup>16</sup> Citizenship is granted in exceptional cases to those who do not fulfil the criteria if they have significant achievements in “science, technics, culture or sport”, or if the person is of special interest for Azerbaijan.

### 1.3. Areas with potential for further development

Foreigners and stateless persons with temporary residence permits in the territory of Azerbaijan, refugees and asylum-seekers pay different fees compared with citizens. Tuition fees for migrants are determined by the educational institutions themselves. Tuition fees can differ according to the programme of choice; however, tuition fees are the same for all international students, not depending on their nationality or migration status. Migrants pay a fee for vocational schools or for certain degree programmes. Based on the Law on Education of Citizens of the Republic of Azerbaijan in Foreign Countries, Foreigners and Stateless Persons in the Republic of Azerbaijan (2015), those who do not have a permanent residence permit can receive only paid education (Clause 2.1.3).

Migrants with permanent residency have equal access to employment without work permits as nationals. Foreigners and stateless persons with temporary residence should obtain both a residence permit and a work permit separately, according to the Migration Code. Work permits are obtained through the employer and are tied directly to the employer and the job itself. Switching jobs under the same work permit is not permitted. Under the Migration Code, work permits may be denied in the event of the annual foreign labour quota being met. The quota limits how many work permits will be granted each year under certain sectors. The State Migration Service is charged with the issuance of work permits and the enforcement of the labour quota, which is drafted by the Commission on Establishment of Labour Quotas for Foreigners. However, in addition to migrants with permanent residence, under the Migration Code, those engaged as entrepreneurs in Azerbaijan, migrant workers in certain jobs and sectors, and those in the country on a business trip for no more than 90 days in one year, subject to specific sectors and other cases specified in Article 64.0 of the Code, do not require a work permit.<sup>17,18</sup>

In accordance with Article 52.1 of the Migration Code, permanent residency is limited to certain categories of migrants, such as highly qualified professionals in specific sectors and family members of foreigners and stateless persons residing in the country, among others defined under Articles 45.0.1 to 45.0.7. Foreigners and stateless persons who have had continuous temporary residence in Azerbaijan for the last two years are eligible to apply for permanent residence permits according to the Migration Code. The criteria include migrants whose father, mother, spouse, child, sister or brother is an Azerbaijani citizen, investors, real estate owners, highly qualified specialists in certain fields, family members of migrants with permanent residence (for family reunification), heads and deputies of foreign companies with offices in Azerbaijan, entrepreneurs and others.<sup>19</sup> Permits are issued for five years and may be renewed, with no limit on the number of renewals.

<sup>15</sup> The period of temporary residence in the territory of Azerbaijan is considered uninterrupted if the person is not outside the territory of the country for more than 90 days within 180 days.

<sup>16</sup> This is according to Article 14 of the Law on Citizenship.

<sup>17</sup> “Certain jobs and sectors” refers to migrants working for international organizations and diplomatic representations, representatives of the media, sailors, academic staff and artists under invitation, and religious officials.

<sup>18</sup> Those who have requested or obtained refugee status or political asylum, victims of human trafficking, those who are married to an Azerbaijani citizen, and those caring for an Azerbaijani citizen under 18 or caregivers for Azerbaijanis with a disability (Group I) are also exempt from obtaining a work permit and from the quota.

<sup>19</sup> This is according to Articles 52.1.4, 52.1.5, 52.1.7 and 52.1.10 of the Migration Code.

Azerbaijan requires proof of identity (domestic or foreign) to access civil registration services, and there are no protocols or provisions addressing whether civil registration services are available to irregular migrants. Civil registration can be conducted at an Azerbaijan Service and Assessment Network (ASAN) service centre.<sup>20</sup> To issue a birth certificate, the Law on State Registration of Civil Status Acts (2003) lists the following requirements: identity documents of parents, parents' marriage certificate, and documentation from a medical institution confirming the time and place of birth, or testament from a doctor who assisted in a home birth. Marriage registration requires the identity documents of both applicants. However, according to the requirements, should a migrant not have a record of their marital status on their identity document, a "legalized reference note about their marital status issued by competent authority" is accepted.<sup>21</sup>

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<sup>20</sup> ASAN service centres were established under the State Agency for Public Service and Social Innovations under the President of Azerbaijan, according to Decree No. 685 of the President of Azerbaijan, dated 13 July 2012.

<sup>21</sup> More information on the [required documents](#) is available on the ASAN website.



## 2

## FORMULATE POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

### 2.1. Migration governance: Examples of well-developed areas

Azerbaijan has national migration legislation regulating immigration, consolidated in a single legal document known as the Migration Code (2013). The Code replaced several earlier laws, including the Law on Immigration (1998), the Labour Code (1999) and the Law on the Legal Status of Foreigners and Stateless Persons (1996). Section V of the Code outlines all documents and processes required for immigration to Azerbaijan. The Migration Code covers entry visas, temporary stay and temporary residence permits, permanent residence, labour migration, and the legal status of “foreigners and stateless persons” (migrants). The acquisition of citizenship is governed by the Law on Citizenship of 1998. The Migration Code also contains provisions regarding emigration; Section II of the Code regulates entry and exit of Azerbaijani citizens, including minors and citizens with disabilities, and gives information about citizens’ right of free entry and exit into and from the country.

The State Migration Service (SMS), established in 2007, is a central executive power body with the status of a law enforcement agency, which implements the State policy in the field of migration, along with overseeing the management and regulation of migration processes, as determined by the legislation of Azerbaijan.<sup>22</sup> In accordance with paragraph 8 of Decree No. 560 on the establishment of the State Migration Service of the Republic of Azerbaijan (President of Azerbaijan, 2007), the activities of the SMS include State control over migration processes, the implementation of legislation on immigration and participation in the regulation of emigration and internal migration, participation in the formation of a “unified state policy on migration” and ensuring the “implementation of this policy”, and coordination among bodies of concern with regard to migration policy. Under its remit are the following responsibilities: registering the persons who wish to invite foreigners and stateless persons to Azerbaijan; issuing temporary and permanent residence permits; registering migrants upon arrival at their place of stay; issuing extensions of period of temporary stay; issuing work permits; accepting petitions on the issues of admission to citizenship, restoration and relinquishment of citizenship, determining a person’s affiliation to citizenship, and applying to the court for consideration of the issue of a person’s loss of citizenship;<sup>23</sup> formulating measures to prevent irregular migration; issuing refugee status and documentation; and awareness-raising of migration legislation. The SMS is also responsible for forecasting migration processes, coordination of central and local executive bodies with regard to migration, and regulating migration processes.

The State Committee on Work with Diaspora, established in 2008 on the basis of the State Committee on the Affairs of Azerbaijanis Living Abroad, is responsible for the implementation of State policy in the field of work with the diaspora, Azerbaijanis living abroad, the diaspora organizations established by them, as well as the diasporas of other nations that have a friendly attitude towards Azerbaijan. It is the central executive power body that ensures the expansion and development of relations with and the coordination of activities of State bodies and non-governmental organizations in this field. The infographic map of diaspora organizations created in 2018 was an important innovation in the work of coordinating Azerbaijanis living abroad.<sup>24</sup> The strategic road map on diaspora issues (2018–2023)<sup>25</sup> and covering various areas of this activity is implemented by the Committee. Coordination councils operating in 36 countries, Azerbaijani houses,<sup>26</sup> and weekend schools operating in 14 countries were established to ensure better coordination and efficiency of diaspora activities. Also, a number of programmes (e.g. Diaspora Youth

<sup>22</sup> This is according to Part 1 of Decree No. 560 of the President of Azerbaijan, dated 19 March 2007.

<sup>23</sup> This is according to paragraphs 9.18, 9.18-1 and 9.18-2 of Decree No. 560.

<sup>24</sup> The [Diaspora Map](#) website contains an information base of 570 diaspora organizations from 50 countries.

<sup>25</sup> This is an internal document.

<sup>26</sup> More information on [Azerbaijani houses](#) is available on the State Committee on Work with Diaspora website.

Summer Camp, Diaspora Volunteers, Diaspora Youth 1+1, Leadership Development, Brain Gain and the e-academy project) have been implemented by the Committee to improve and promote diaspora-related activities.<sup>27</sup> The activities of the Azerbaijan Diaspora Support Fund, which was established in 2018 under the Committee, include supporting the activities of the Azerbaijani diaspora, strengthening their material and technical base (including providing social assistance to low-income Azerbaijanis living abroad), developing and promoting the national and cultural values of Azerbaijan, and strengthening social protection for the diaspora.

The Ministry of Foreign Affairs participates in formulating and implementing migration policies. In accordance with the Consular Charter (1994, amended in 2022) and the Law on Diplomatic Service (2001, amended in 2023), one of the principal responsibilities of the diplomatic service authorities is safeguarding the rights and interests of Azerbaijani nationals residing overseas. The Ministry of Foreign Affairs functions as the central authority for issuing visas to foreigners and stateless individuals. Additionally, during natural disasters, ecological crises or other adverse situations, the Ministry of Foreign Affairs, specifically through its Consular Department, coordinates the evacuation and repatriation of Azerbaijani nationals living abroad.

Rules and regulations pertaining to migration are publicly available online. The SMS website links to the Migration Code, in Azerbaijani, English and Russian. Other legislative acts are available under the legislation section of the website, and the majority of key texts are translated into English and Russian, such as the Constitution of Azerbaijan (1995), the Tax Code (2000), the Land Code (1999), the Election Code (2003), the Code of Criminal Procedure (2000), the Criminal Code (1999) and the Labour Code. The SMS website also provides details on general migration rules – work and residence permits, visas, registration upon arrival at place of stay, citizenship issues, refugee status and other information.<sup>28</sup>

The SMS publishes migration data on a monthly basis, managed through the Unified Migration Information System (UMIS). Administered by the SMS, the UMIS is a shared and integrated database collecting data on migrants in Azerbaijan, accessible to other ministries though not publicly available. The SMS outlines data on applications and requests received for migration services and decisions regarding cases.

In addition, the State Statistical Committee publishes data on international migration on an annual basis.<sup>29</sup> The Statistical Yearbook includes data on arrivals and departures of migrants for permanent residence, disaggregated by sex, age and geography, as well as labour statistics, including a distribution of migrants holding work permits, disaggregated by economic activity, sex and age.

## 2.2. Areas with potential for further development

There is no interministerial coordination mechanism for migration issues at the national level, with migration issues coordinated as needed with the relevant ministries by the SMS. Similarly, there are no formal arrangements to enhance vertical coherence of migration-related policies in Azerbaijan. The SMS annual workplan details activities to be conducted in collaboration with stakeholders, including the Ministries of Health, Foreign Affairs, Justice, Science and Education, Labour and Social Protection of the Population, Finance, and Economy, along with the State Border Service, the State Committee on Work with Diaspora and the State Committee for Family, Women and Children Affairs.

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<sup>27</sup> More information about these programmes is available on the State Committee on Work with Diaspora website.

<sup>28</sup> Visit the [State Migration Service website](#) for more information.

<sup>29</sup> The latest [Statistical Yearbook](#) is from 2023. Only the Statistical Yearbook from the last available year is available for download, although data from previous years are accessible through the [Azerbaijan Statistical Information Service \(ASIS\) portal](#).





## 3

## ENGAGE WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

### 3.1. Migration governance: Examples of well-developed areas

Azerbaijan participates in several regional consultative processes, such as the Almaty Process (2013),<sup>30</sup> the Budapest Process (1991)<sup>31</sup> and the Prague Process (2009).<sup>32</sup> The Almaty Process, of which Azerbaijan is a founding member and the chair for the years 2023–2024, focuses on addressing challenges resulting from mixed migration dynamics and on enhancing regional cooperation and coordination. The Budapest Process is an interregional dialogue in Europe and Asia, with the goal of strengthening regional dialogue and cooperation on migration and mobility. Azerbaijan was a member of the Prague Process since its establishment, to provide a common political framework to strengthen migration management with six main areas of cooperation: prevention of irregular migration; readmission, voluntary return and sustainable reintegration; legal migration, especially in the labour sphere; integration of migrants; migration, mobility and development; and asylum and international protection capacity-building.

The Government formally engages civil society organizations (CSOs) in agenda-setting and the implementation of migration-related policies through the Public Council under the State Migration Service (SMS), consisting of nine members of civil society.<sup>33</sup> The Public Council was founded in 2015, and it meets internally on a quarterly basis and at least twice yearly with the SMS directly. Reports of each meeting are made publicly available on the SMS website; the last meeting with the newly elected members of the Public Council was held in August 2023.

In addition, the Government formally engages the private sector in agenda-setting and the implementation of migration-related policies through the Advisory Board under the SMS on a regular basis.<sup>34</sup> Established in 2018, the Advisory Board serves as the link between the private sector and the SMS, with the aim to increase transparency in the issuance of work permits and to improve communication with employers. This Board includes large companies, members of international chambers of commerce, employers' associations and entrepreneurial organizations.

Azerbaijan became a Member State of IOM in 2001 and of the Office of the United Nations High Commissioner for Refugees Executive Committee in 2012. The Regional Training Center on Migration (RTCM) in Azerbaijan, an initiative of IOM and the SMS, was launched in 2020. Consequently, a memorandum of understanding (MOU) was signed in 2023 between IOM and the SMS to strengthen cooperation within the framework of the Center.<sup>35,36,37</sup>

Azerbaijan is party to a European Union mobility partnership, formalized through a joint declaration (2013) between Azerbaijan and eight European Union member States, in order to better manage legal, labour, circular and temporary migration; prevent and combat irregular migration, including trafficking in persons and the smuggling of migrants, as well as promote a return and readmission policy; promote international

<sup>30</sup> The [Almaty Process](#) aims to foster dialogue, implement integrated policies, monitor irregular migration, and enhance migration management and refugee protection capacity among six member States.

<sup>31</sup> The [Budapest Process](#) fosters interregional dialogue among over 50 governments.

<sup>32</sup> The [Prague Process](#) is a regional migration consultative initiative that includes 50 member States and 8 organizations.

<sup>33</sup> The Public Council is charged with strengthening relationships between the SMS and civil society, and "serves as a platform for dialogue with civil society organizations (CSOs) on improving asylum and migration policy and legislation and the access to individual rights of migrants, refugees and stateless persons under the chairmanship of a CSO representative". Public councils were introduced nationally in 2014 to improve public participation in governance.

<sup>34</sup> The last meeting was held on 12 August 2023.

<sup>35</sup> More information on the MOU is available in this [article](#) on the RTCM's website.

<sup>36</sup> The [Center](#) is planned to be a regional training centre and regional hub for dialogue between States on migration-related issues.

<sup>37</sup> Participating countries include Belarus, Georgia, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Türkiye, Ukraine and Uzbekistan.

protection; and “[maximize] the development impact of migration and mobility, while respecting human rights and international norms”.<sup>38</sup> Notable objectives under the priority areas include improved information exchange, better frameworks for labour mobility and improved pre-departure information for migrants. However, the joint declaration does not provide for the right to work in either the European Union or Azerbaijan.

Azerbaijan has signed several agreements and MOUs on cooperation in migration with various countries: Belarus (2019), Kazakhstan (2019) and Turkmenistan (2020). Additionally, there was a 2019 MOU with Belgium, and in 2023, an MOU was signed with Hungary.<sup>39</sup> These agreements and MOUs cover a range of topics, including information and experience exchange on regular migration and prevention of irregular migration. Cooperation in combating human trafficking is addressed in the 2011 MOU with the United Arab Emirates, wherein both parties agree to protect and support trafficking victims and exchange information on legislation combating human trafficking. Other MOUs signed include cooperation with the Kingdom of the Netherlands (2009), Pakistan (2022) and Ukraine (2004) on various aspects of migration, such as labour, employment and social protection.

Azerbaijan was among the first countries in the region to join and support the Global Compact for Safe, Orderly and Regular Migration through numerous national consultations conducted in 2017. Azerbaijan also contributed as a champion country in the International Migration Review Forum, and it became part of the Progress Declaration, which reflects the progress, challenges and gaps regarding the implementation of the Global Compact for Migration.

### 3.2. Areas with potential for further development

The formal engagement and coordination between the State Committee on Work with Diaspora and the diaspora is an area with potential for further development. The State Committee implements its activities stemming from a strategy based on State policy, thus relying on its mandate and national policy documents to set its activities, using Azerbaijan 2030: National Priorities for Socio-Economic Development (2021) as a guide for activity directions and other national strategies and directives from the President of Azerbaijan. The Committee works with the diaspora to determine its activities based on the needs and proposals of the diaspora members, and it submits an annual calendar of events, prioritizing those with embassies and consulates together with diaspora organizations, to strengthen ties and promote national unity.

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<sup>38</sup> Signatories to the agreement include the European Union, Bulgaria, Czechia, France, the Kingdom of the Netherlands, Lithuania, Poland, Slovakia and Slovenia.

<sup>39</sup> This is not available online.



## 4

## ADVANCE THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

## 4.1. Migration governance: Examples of well-developed areas

Labour migration is managed through the use of quotas based on the domestic labour market demand, as explained under Article 57 of the Migration Code (2013). Those who do not need a work permit (more than 20 categories), as well as those involved in labour activities in the liberated territories<sup>40</sup> of Azerbaijan, are exempt from the quota.<sup>41</sup> The Commission on Establishment of Labour Quotas for Foreigners was established in 2016 to decide on quotas, and it consists of representatives from the Ministry of Labour and Social Protection of the Population, the Ministry of Economy, the Ministry of Foreign Affairs, the Ministry of Science and Education, the State Migration Service (SMS) and the State Oil Company of the Azerbaijan Republic. The Commission is headed by the Minister of Labour and Social Protection of the Population. The labour quota is published annually and is publicly available on the website of the SMS.<sup>42</sup>

Azerbaijan conducts a labour market analysis on an annual basis to determine labour quotas for the year. The primary source of data for the analysis are forecasts by employers submitted to the SMS each year. Employers wishing to hire or attract foreign workers can submit a forecast online for their needs in the coming calendar year. The ministries represented in the Commission on Establishment of Labour Quotas for Foreigners each provides reports to the Commission.<sup>43</sup> Once approved by the Cabinet of Ministers, the SMS enforces this quota in the issuance of labour permits.

The Constitution of Azerbaijan (1995) as well as the Migration Code include measures to protect the rights of nationals working abroad. As stated in the Constitution, “The Republic of Azerbaijan guarantees legal protection and patronizes citizens of the Republic of Azerbaijan temporarily or permanently living outside its territory” (Article 53). Under the Migration Code, citizens of Azerbaijan should register abroad with their consulate or embassy to ensure full access to their rights.<sup>44</sup> The Migration Code includes provisions for ethical recruitment, obliging employment mediators to provide a contract to the migrant worker, free of charge, before their departure from Azerbaijan, and to inform the relevant authorities of any citizen hired to work abroad. Furthermore, individuals are not permitted to mediate employment contracts; these must be incorporated as a juridical entity.

The Government has formalized criteria for recognizing foreign qualifications, guided by its participation in the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, or the Lisbon Recognition Convention (1997); and the Bologna Process (2005), with which it ensures that its standards for accreditation are aligned. For migrants, a copy of a temporary or permanent residence permit is required to apply for recognition of a diploma.

Azerbaijan has approximately 25 bilateral labour agreements in force. States mutually agree to assist in the job placement of migrant workers, take measures to support their integration, guarantee family reunification, and ensure protection of their human rights in line with the International Labour Organization standards

<sup>40</sup> These territories are located in the Karabakh and Eastern Zangazur economic regions of Azerbaijan. Migrants who are employed in those regions are issued work permits, and they are exempted from the labour migration quota.

<sup>41</sup> This is according to Article 64 of the Migration Code.

<sup>42</sup> The labour quota fluctuates annually both in the number of permits allotted overall and in the number of permits by sector, though mining and construction consistently account for the highest number of work permits by sector.

<sup>43</sup> The Ministry of Labour and Social Protection of the Population provides data on the labour market and demographic forecasts, the sectors targeted by jobseekers, and the professions of unemployed persons. The Ministry of Economy provides a forecast on macroeconomic growth. The Ministry of Education provides data on students graduating that year. Finally, the SMS provides a detailed breakdown of labour migration statistics for the previous year and the current one. The Commission then deliberates on the information prepared by each ministry and the employer input and prepares the quota for the year.

<sup>44</sup> Registration is not mandatory but encouraged.

and United Nations documents relating to human rights. Migrants are afforded the right to social security, including maternity benefits and workplace injury benefits, and are to enjoy the same labour protection as citizens, especially with regard to working conditions and remuneration.

Azerbaijan has taken specific steps to promote ethical recruitment for migrant workers under the Ministry of Labour and Social Protection of the Population. The State Labour Inspection Service conducts regular workplace reviews, treating citizens and migrants equally. Issues related to the labour activity of migrants are addressed in accordance with the Migration Code, the Law on Employment (2018), other normative legal acts of Azerbaijan in the field of employment and international agreements to which Azerbaijan is a party.

## 4.2. Areas with potential for further development

There is legislation in place forbidding discrimination on the basis of sex or gender. However, laws do not make specific mention of migrants, and there are no concrete measures addressing or promoting gender equality in the migrant labour force. The Constitution guarantees equal rights and freedoms for men and women. The Labour Code (1999) forbids discrimination based on sex, citizenship, race, nationality, age, beliefs and other factors. The Law on Employment provides guarantee for all persons, regardless of gender, to freely select their own employment. The Migration Code states that “[f]oreigners and stateless persons are equal before the law and courts of the Republic of Azerbaijan regardless of their sex, race, nationality, ethnic origin, language, religion, views, political membership, property or social origin” (Article 74.4).

Azerbaijan is not actively involved in the creation of formal remittance schemes, but in January 2022, IOM, in partnership with the SMS, launched the Enhancing the Socioeconomic Benefits of Remittances in Azerbaijan project.<sup>45</sup> The overall objective of the two-year project is to contribute to greater financial inclusion and use of digital financial services among Azerbaijani migrants abroad and migrants in Azerbaijan, as well as among remittance recipients in Azerbaijan and abroad. The Strategic Roadmap for Development of Financial Services (2016) specifically addresses financial inclusion, setting out medium- and long-term priorities up to 2025,<sup>46</sup> yet it does not mention or target migrants.

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<sup>45</sup> More information on the project is available on the IOM website.

<sup>46</sup> Priority 1.4 is to “strengthen financial inclusiveness” and aims to develop channels for financial service delivery and create regulatory and supervisory frameworks for financial institutions that promote financial inclusion.



## 5

## EFFECTIVELY ADDRESS THE MOBILITY DIMENSIONS OF CRISES

## 5.1. Migration governance: Examples of well-developed areas

There are measures to provide humanitarian and consular assistance to nationals living abroad. Azerbaijanis affected by natural disasters or ecological or other catastrophic events may be provided with humanitarian aid, under the Law on State Policy Connected with Azerbaijanis Living Abroad (2002). Diplomatic missions and consulates provide Azerbaijani citizens with consular services, such as the issuance of a passport or return certificate when documents have been lost or stolen, or have expired.<sup>47</sup> The evacuation of citizens of Azerbaijan in difficult situations in foreign countries is carried out through the relevant diplomatic missions. Relevant evacuation and repatriation operations are directly coordinated by the Ministry of Foreign Affairs. In this framework, the Azerbaijan Diaspora Support Fund plays a special role in the implementation of relevant operations, providing socioeconomic support to citizens abroad.<sup>48</sup> For example, during the COVID-19 pandemic, the Government of Azerbaijan worked on a bilateral basis with foreign embassies and consulates to arrange for the repatriation of Azerbaijani citizens stranded abroad; and since February 2022, the Ministry of Foreign Affairs has provided daily updates to citizens through its website on the status of Azerbaijani citizens living in Ukraine, with information on how to leave the country.

Presidential Decree No. 1182 of 2005 establishes the Ministry of Emergency Situations (MES) as the central executive body to protect the population from natural and human-made disasters, and to implement policy in civil defence. MES is governed by the Constitution of Azerbaijan (1995) and the Law on Civil Defence (1997). The Constitution outlines the measures for declaring a state of emergency, for which the President and the Milli Majlis (Parliament) are responsible. MES then acts in accordance with the Law on Civil Defence to coordinate and execute civil defence measures. The Charter of MES (2006) outlines the activity areas of the body, including civil defence, protection of the population from natural and human-made disasters, and prevention of emergency situations and elimination of their consequences. The mandate of MES also includes providing humanitarian assistance during and following emergencies and setting policy and safety standards. These responsibilities include a public relations component involving training in schools and workplaces, dissemination of brochures, as well as other awareness activities.

The Government informs the public about emergencies, and civil defence activities cover the entire population of Azerbaijan, in accordance with the Law on Civil Defence. MES operates an early warning system to communicate with the public regarding disasters and crises. Information is disseminated through text messages, the website of MES, social media and other mass media outlets in Azerbaijani, English and Russian.<sup>49</sup> Periodic information is provided to the public via the MES website. The Government makes disaster- and emergency-related information available in different languages, depending on the demographics of the population affected – namely English, Russian, and in rare cases, French and Arabic. MES also operates a hotline in Azerbaijani, Russian and English. To increase the accessibility of the hotline, the Government has purchased the rights to the emergency number 911 – the emergency number in the United States of America – automatically recognized as 112 when dialed in Azerbaijan.<sup>50</sup>

<sup>47</sup> Among other services, consular services include registrations of marriage, divorce, birth, paternity and death; restoration, determination and termination of Azerbaijani citizenship; notarial services; and formal change of first name and surname.

<sup>48</sup> For example, Azerbaijanis living abroad are entitled to receive social assistance in the event of damage caused during emergencies, war and hostilities. For more information, read on the Order for the provision of social assistance to low-income Azerbaijanis living abroad (2020).

<sup>49</sup> Service in other languages is available when needed through specially trained Ministry of Emergency Situations staff.

<sup>50</sup> Other common numbers are in the process of being routed to the 112 hotline.

Azerbaijan 2030: National Priorities for Socio-Economic Development (2021) highlights internally displaced persons (IDPs) as a central focus of the strategy. Section 4 of the strategy outlines the Government of Azerbaijan's approach to the return of IDPs. This document emphasizes two primary objectives: ensuring sustainable settlement and facilitating the "reintegration into economic activity" of the displaced population. The associated State Programme on the Great Return to the liberated territories of Azerbaijan and its Action Plan (2022), which align with this pillar of the strategy, are designed with consideration for different age groups, particularly focusing on activities tailored for displaced youth and their active participation. The strategy envisions the establishment of family resource centres and community resource centres. Furthermore, the State Programme outlines a comprehensive workplan spanning the years 2022 to 2026, which primarily involves the construction of new housing, sustainable communities and essential infrastructure to support return migration to Karabakh. The State Committee for Affairs of Refugees and IDPs will be primarily responsible for executing these initiatives.

The State Programme includes specific measures such as the sustainable resettlement of families, the establishment of a dedicated hotline to provide support to the returning population, the implementation of social protection projects and the active development of employment programmes. Furthermore, the State Programme integrates climate considerations into the process of IDP return and the reintegration of territories into economic activities. Notable environmental provisions include the expansion of renewable energy sources, the establishment of "green energy zones" and a strong emphasis on environmental protection and safety. The Programme also emphasizes the incorporation of environmental concerns into urban planning and the construction of new residences and buildings, advocating the utilization of green technologies and promoting environmental efficiency.

## 5.2. Areas with potential for further development

The design of an emergency management framework and the implementation of specific measures to aid migrants during a crisis in the country are considered areas with potential for further development. There are no references to migrants in the Law on Civil Defence or the Charter of MES, which outlines the duties and main activity areas of the Ministry. The main goal of the National Strategy and Plan of Action on Conservation and Sustainable Use of Biodiversity in the Republic of Azerbaijan, approved by Decree No. 1368 of 24 March 2006 of the President of Azerbaijan, is to eliminate poverty, regulate ecological balance and achieve sustainable development, since it consists in preserving diversity; the scope of application of the normative document does not include migrants.

A draft strategy on disaster risk reduction is under discussion at the time of drafting this report. Azerbaijan does not have a contingency plan for managing large-scale population movements during crises. The Constitution mandates that the President shall announce states of emergency and martial law. A decree is then submitted within 24 hours for approval by the Milli Majlis. The President of the Republic works on an ad hoc basis to form task forces to respond to crises.



## 6

## ENSURE THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

## 6.1. Migration governance: Examples of well-developed areas

The State Border Service of Azerbaijan, established by Decree No. 740 of the President of Azerbaijan (2002), carries out the powers established by the legislation of Azerbaijan in the field of protection of the country's State border. A unified system that forms the apparatus and structure of the State Border Service includes border troops, the coastguard, flexible movement forces, special air operations forces, border control, military aviation units, naval units, as well as other designated military units and institutions (e.g. special-purpose education, training, scientific research, cultural–educational, communication, construction–operation, material–technical support, medicine, editorial–publishing and data-computing institutions).

The primary objective of the State Border Service is to safeguard and maintain the integrity of the State border of Azerbaijan. This involves facilitating the lawful passage of individuals through the border exit points in accordance with the Law on the State Border (1991) and the Law on Border Guard Bodies (1994). In addition, the Service is responsible for registering individuals crossing the State border, admitting foreigners and stateless persons into the country, and ensuring their departure in compliance with legal procedures and regulations. This includes verifying the documents of persons crossing the State border of Azerbaijan, regarding their right to come into or leave the country, making appropriate notes in those documents, and the implementation of measures determined by the legislation in cases where violations of the law are detected.

At the same time, the Academy of the State Border Service, established in 2007,<sup>51</sup> offers higher and additional education programmes, provides personnel training at all levels of higher education and conducts scientific research. The main purposes of the Academy are to train officers with higher military education in special professions for the State Border Service; conduct scientific research in the field of protection, defence, inviolability and military work; as well as organize other necessary measures in this field.

The National Action Plan (NAP) for the Fight against Human Trafficking in Azerbaijan 2020–2024 (2020) is executed by the National Coordinator for Combating Trafficking in Human Beings. The key principles of the NAP include prevention of societal discrimination of victims of trafficking, ensuring their safety and good treatment, punishment for perpetrators of human trafficking, preventative measures, involvement of non-governmental organizations (NGOs) and scientific and educational institutions, and continued development of international cooperation. The NAP includes an activity plan for 2020 to 2024, which envisions improvement of the legal framework, prevention measures, prosecution for human trafficking, social rehabilitation and protection of victims, improved assistance and protection for minors, development of cooperation mechanisms, specialized vocational training and public education. The NAP involves a wide range of stakeholders, including the State Committee for Family, Women and Children Affairs. Other legislation for the prevention of human trafficking in Azerbaijan includes the Law on Combating Trafficking in Human Beings (2005), which establishes the role of the National Coordinator for Combating Trafficking in Human Beings; and the Criminal Code (1999), which criminalizes trafficking in human beings.

The Labour Code (1999) sets occupational safety standards, which apply to all workers and workplaces, regardless of citizenship, to protect all workers from labour exploitation. Under the Labour Code, migrants under employment contracts enjoy the same rights as citizens. The Regulation of the Ministry of Labour and Social Protection of the Population (2011) notes that the Ministry is charged with ensuring the rights of

<sup>51</sup> The Academy is operating on the basis of the Charter of the Academy of the State Border Service of the Republic of Azerbaijan (2007).

labour migrants and creating conditions for their social protection. Furthermore, the Employment Strategy for 2019–2030 (2018) cites the strengthened social protection of migrant workers as a priority area for improving labour market regulations.

Azerbaijan has multiple bilateral agreements containing clauses that address migrant smuggling. Agreements with Georgia (2018), the Islamic Republic of Iran (2005), Pakistan (2004), Poland (2008), Romania (2009), Türkiye (2014) and Ukraine (2000) detail formal cooperation in the fields of irregular migration, organized crime or smuggling. Agreements with Belarus (2019), Kazakhstan (2019), Turkmenistan (2020) and Uzbekistan (2022) outline close coordination and information exchange specifically on irregular migration and migration routes, as well as training and mutual capacity-building support in migration management. The State Migration Service (SMS) of Azerbaijan is named as the responsible party for the implementation of these agreements.

Azerbaijan has a mixed online and paper-based system for visa applications. The country offers a simplified online visa application for single-entry, ordinary-type visas to eligible nationals. Pre-arrival visas are available and can be obtained by applying to the diplomatic representations and consulates of Azerbaijan abroad, on arrival in the international airports<sup>52</sup> or through the Azerbaijan Service and Assessment Network visa system.<sup>53</sup> However, migrants from some States and those seeking multiple-entry visas or visas with validity beyond 30 days must apply in person at an Azerbaijani embassy.

## 6.2. Areas with potential for further development

The establishment of a policy or strategy to offer alternatives to migrant detention and ensure that migrant detention is used only as a measure of last resort is an area with potential for further development. The Migration Code (2013) stipulates that “[f]oreigners or stateless persons avoiding to leave the territory of the Republic of Azerbaijan are detained in compliance with the court verdict issued on the basis of the appeal from the relevant executive authority and placed in the centers for illegal migrants of the relevant executive authority” (Article 80.2).<sup>54</sup> Victims or survivors of trafficking are not subject to detention measures, and they are not held liable for any acts committed as a victim of trafficking, in accordance with the Law on Combating Trafficking in Human Beings.

Azerbaijan does not have a formal programme focused on attracting nationals who have migrated from the country. Azerbaijani policy towards the diaspora focuses on promoting knowledge and skills transfer, mentorship, and investment opportunities.

While there are no specific measures in place to identify vulnerable migrants in need of referral and protection services, the SMS hears individual cases from migrants, migrant representative groups, and NGOs and can provide support and referrals as needed. Additionally, search and rescue services are operated by the State Border Service and the Ministry of Emergency Situations, depending on the location of the emergency. Additionally, referral systems for rescue services at international borders are operated by SMS employees that work at international borders and ports of entry.

<sup>52</sup> The eligible categories and procedure were approved by the Decrees of the President of the Republic of Azerbaijan No. 326 of 13 September 2010 and No. 1803 of 31 January 2018.

<sup>53</sup> See the list of [countries eligible for e-visa](#) on the Republic of Azerbaijan official electronic visa portal.

<sup>54</sup> Migrant detention centres are governed by the internal disciplinary rules of detention centres for irregular migrants (2016), approved by Decision No. 317 of the Cabinet of Ministers.



## After the MGI assessment

IOM would like to thank the Government of Azerbaijan for its engagement in this process. IOM hopes that the results of this assessment can feed into the Government's strengthening of its migration governance. After an MGI assessment, the following are recommended:



The MGI report can be used to inform policy work with the support of IOM (if desired).



The findings can feed into capacity-building activities, which may connect to other IOM initiatives.



A follow-up assessment can be conducted after three years to verify progress.



Governments can exchange best practices and innovative solutions with other governments that have conducted the MGI process.



ANNEX

## The MGI process



**1**

### Launch of the MGI process

The first step of the process is to explain what the MGIs entail to key government officials, in order to ensure full understanding of the project and complete buy-in.



**2**

### Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the six dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



**3**

### Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



**4**

### Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the [Migration Data Portal](#) and the [IOM Publications Platform](#).



# KEY SOURCES\*

\* All hyperlinks were working at the time of writing this report.

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- 1995 [Constitution of the Republic of Azerbaijan.](#)
- 1996a [Agreement on cooperation in the field of pension provision between the Government of the Republic of Azerbaijan and the Government of the Republic of Kazakhstan.](#)
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- 1996d [Law on the Legal Status of Foreigners and Stateless Persons.](#)
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- 1999a [Labour Code.](#)
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- 1999e [Criminal Code.](#)
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- 2005c [Law on Targeted State Social Assistance.](#)

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- 2009b [Law on Education.](#)
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- 2011 [Regulation of the Ministry of Labour and Social Protection of the Population. Not available online.](#)
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[www.migrationdataportal.org/mgi](http://www.migrationdataportal.org/mgi)

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