

## LEGAL UPDATE

## July 2019

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**1.** According to the new change in Migration Code, in case of the termination of the Azerbaijani citizenship of those who have dual or more citizenship and whose Azerbaijani citizenship is terminated shall leave Azerbaijan within 30 days from the date of acceptance information about it, or shall apply to the State Migration Service in order to obtain a temporary residence permit.

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The next change to the Migration Code was made to the list of documents required for visa issuance. So, according to this change, those who come to Azerbaijan by applying for tourism, official and individual travel visas do not need to submit the invitation.

In addition, these changes cover the clauses concerning the issuance of temporary residence permits in the territory of the Republic of Azerbaijan and allow the following to be issued with a temporary residence permit in the Republic of Azerbaijan:

- the persons who have deposited at least 100.000 AZN in the banks operating in the territory of Azerbaijan Republic, based deposit agreement on the definite terms;
- victims of human trafficking and those, who assist the prosecuting authorities. They do not need to pay state fee to obtain a residence permit and the permission is given by the prosecuting authorities;
- persons who are employed by the President and the Cabinet of Ministers;
- military staff or specialists who are invited to work or to serve in Azerbaijani Armed Forces or other armed forces founded in accordance with the law of the Republic of Azerbaijan;
- employees of mass media accredited in the Republic of Azerbaijan;
- sailors;

- professors and tutors and lecturers invited to universities (higher educational institutions) for delivering lectures;
- art worker, coaches and athletes invited to work in sport clubs and registered at Ministry of Justice of the Republic of Azerbaijan;
- persons involved in labor activity in cases defined by the President of the Republic of Azerbaijan.

Moreover, Migration Code includes new articles regarding rejection of an application of foreigners and stateless persons for obtaining a permanent residence permit in the territory of the Republic of Azerbaijan.

The State Migration Service of the Republic of Azerbaijan will reject the issuance (prolongation) of a permanent residence permit to a foreigner or stateless persons, and the previously issued permit shall be cancelled: (a) in case of an application on rejection to provide maintenance to the foreigner or the stateless person by the person who committed to provide maintenance, (b) in case of non-submission of documents by the foreigner or the stateless person confirming the ability to pay the minimum funds required for himself and the members of the family accompanying him, (c) in case of non-submission of documents in respect of registration at another residential area within 10 days, despite existence of a statement on removal of the foreigner or stateless person from the registration.

**2.** The new amendments to the Law on Courts and Judges envisages provisions relating the commercial and administrative courts. So, administrative-economical courts shall be liquidated and instead of them separate administrative and commercial courts shall be established in following cities: Baku, Nakhchivan, Ganja, Sumgait, Shirvan, Shaki.

The creation of the commercial courts will enable the judges to specialize in commercial disputes and the will lead to formation of legal certainty in the area of commercial law. Moreover, commercial courts shall improve the judicial practice and the investment climate shall be more convenient for investors.

**3.** According to the new provision to the law on public procurement: the funds allocated in the state budget for the purchase of stationery relating to the maintenance work in the first instance courts shall be transferred directly to the bank accounts of the judges. The procedure of transfer of funds

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provided by the state budget to the judges' accounts shall be determined by the Cabinet of Ministers of the Republic of Azerbaijan.

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**4.** According to this resolution, on the basis of the joint agreement of the family members of the deceased disabled person, one of them shall apply to the State body carrying out the registration for the living space (the executive body of the relevant district) within 3 months from the date of the death of the disabled person with the following documents:

- ID of the applicant and other members of the family;
- The application of representation;
- The certificate of death.

After this procedure, within 30 days the applicant shall be informed about the outcome.

The executive body may reject the application if:

- 1. The documents required for registration are not submitted;
- 2. The living space which is in the use of the family members is enough (according to the norms);
- 3. The applicant is a dishonest heir.

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