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Responses to Information Requests

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23 February 2018

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Azerbaijan: Whether individuals are required to replace identity documents that include an address, such as identity cards, driver licenses, military cards, and work books, after a change of address; consequences for not replacing these documents (2017-February 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Identity Card

The 1996 Law of Azerbaijan Republic on Registration According to the Place of Residence and Sojourn (Law on Registration) provides the following:

Article 3. Documents on definition of the residential place

The residential place is verified according to the following documents:

1. relating to the national of Azerbaijan Republic - only the identification card of the national of Azerbaijan Republic;

2. relating to the alien who lives in Azerbaijan Republic more than 30 days - the certificate on his/her registration;
3. relating to the stateless persons who live in Azerbaijan Republic permanently - the special identification card.

It cannot be demanded any other document (reference) from the person in order to verify his/her residential place. (Azerbaijan 1996)

Sources indicate that individuals in Azerbaijan who change their place of residence must, within one month following the change, replace their identity card with a new one (Azerbaijan 1994, art. 4; Senior Partner 7 Feb. 2018).

In correspondence with the Research Directorate, a senior partner for a Baku-based law firm specializing, among others, in immigration, employment and tax laws, stated that article 5 of the 1996 Law on Registration provides that within 10 days of a change of residence, a citizen has to apply "to the relevant state authority for registration of such change" (Senior Partner 7 Feb. 2018). Article 5 of the 1996 Law on Registration provides the following:

Article 5. Registration of the national I [sic] the residential place

The national is registered in the residential place when he/she gets the identification card of the national of Azerbaijan Republic in [sic] the first time

The national who changes his/her residential place is to apply to the appropriate state body for the registration not later than 10 days from the coming to a new residential place. The appropriate state body is to register the national immediately and is to issue the identification card according to the law of Azerbaijan Republic 'On identification card of the national of Azerbaijan Republic' within 10 days.

The national is to submit the following documents together with the application form in order to be registered in the residential place:

1. identification card or certificate on [sic] birth;
2. document which entitles the movement to the residential place (registration certificate of the ownership right (title document), rent or lease agreement or other documents specified in the legislation of Azerbaijan Republic) or the application of the person who presents the residential place to the national. (Azerbaijan 1996)

The Senior Partner confirmed that it takes a maximum of 10 days for individuals to receive their new identity card after a change of place of residence, after submission of the application and the required documents (Senior Partner 7 Feb. 2018).

The Azerbaijan Service and Assessment Network (ASAN) website of the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan further explains that the documents required for replacing an identity card due to a change of residence are the following:

- An application form;
- The identity card;
- Proof of payment of state fee;
- 2 colour photographs;
- Documents indicating the place of residence (registration card, etc.);
- Letter of consent of the relevant bank if the real estate is in collateral at the bank;
- Document entitling the applicant to move into the place of residence;
- Military card or arbitration certificate (Azerbaijan n.d.a).

According to the same source, the amount to be paid for replacing an identity card, including a replacement due to a change of residence, is 35 Azerbaijan Manat (AZN) [approximately C\$26] for delivery in one working day, 25 AZN [approximately C\$19] for delivery in three working days, and 5 AZN [approximately C\$4] for delivery in 10 working days (Azerbaijan n.d.a). The Senior Partner stated that

[r]efugees, internally displaced [persons], citizens [who are less than] 16 years old, those permanently residing in the Republic of Azerbaijan but holding no citizenship of the Republic of Azerbaijan [who are less than] 16 years old and Azerbaijani nationals living abroad, are all exempt from the state fees. (Senior Partner 7 Feb. 2018)

1.1 Consequences for not Replacing the Identity Card

Sources indicate that an individual who does not have an identity card for longer than one month will be subjected to a written warning or a fine of 20 AZN [approximately C\$15] (Senior Partner 7 Feb. 2018; Azerbaijan 2015, art. 565). The Senior Partner explained that, in practice, "authorities do not follow up on any failure by citizens to replace their identity cards" (Senior Partner 7 Feb. 2018). According to the Senior Partner, it is "very difficult" to know when individuals change their place of residence if they do not themselves disclose the fact that their place of residence has changed (Senior Partner 7 Feb. 2018). The same source noted that the penalty "would normally be applied" if individuals fail to replace their card at the ages of 25, 35, and 50 years old, as specified by the law (Senior Partner 7 Feb. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Driver's Licences

The website of the State Traffic Police Department of Azerbaijan, through a document that defines the rules pertaining to, among others, replacement of driver's licences, indicates that the grounds for changing one's driver's licence are the following:

- Expiration of the date of validity;
- Change in the name, surname or patronymic of the bearer;
- "[I]naccuracy in writing";
- "[B]ecoming ineligible";
- The driver's licence was lost;
- The country adopted a new model for driver's licences (Azerbaijan n.d.b).

The Senior Partner stated that according to the Azerbaijani legislation, individuals are not required to replace their driver's licences after a change in their place of residence (Senior Partner 7 Feb. 2018).

3. Work Books and Military Cards

Information on the replacement of work books and military cards in Azerbaijan was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. According to the Senior Partner, individuals do not have to replace their work book or military card when their residence changes (Senior Partner 7 Feb. 2018). The same source stated that "persons with military liabilities" shall register their "actual" place of stay when they change their place of residence for more than three months; "[r]egistration is made through a written note on the military card approved by the relevant stamp afterwards" (Senior Partner 7 Feb. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Azerbaijan. 2015 (amended 2017). __ *İnzibati Xətalər Məcəlləsi (Code of Administrative Offences)*. [Accessed 9 Feb. 2018]

Azerbaijan. 1996 (amended 2013). __ Law on Registration According to the Place of Residence and Sojourn. [Accessed 7 Feb. 2018]

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Azerbaijan. N.d.a. Azerbaijan Service and Assessment Network (ASAN). "Issuance and Replacement of Identity Cards." [Accessed 8 Feb. 2018]

Azerbaijan. N.d.b. State Traffic Police Department. "Taking Examinations from People who Want to Get Driving License Giving the Right to Manage the Auto Motor Transportation Means and their Harnesses, Rules of Issuing Driving Licenses and their Replacements." [Accessed 9 Feb. 2018]

Senior Partner, Law Firm in Baku. 7 February 2018. Correspondence with the Research Directorate.

Additional Sources Consulted

Oral sources: Azerbaijan – Azerbaijan Service and Assessment Network; Embassy in Ottawa; International Organization for Migration – Mission in Azerbaijan; 2 law firms in Baku.

Internet sites, including: Azerbaijan – State Migration Service; eoi.net; European Union – European Asylum Support Office; International Organization for Migration; Kessing's Reference System; UN – Refworld; World Bank Group.

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