Input submitted by the State Migration Service of the Republic of Azerbaijan on the Questionnaire of the Special Rapporteur on the human rights of migrants: Externalization of migration governance: new trends and specific aspects

The Republic of Azerbaijan has established a comprehensive political, legal and institutional framework to uphold human rights of all migrants, refugees and asylum seekers. Guided by the principles enshrined in the Universal Declaration of Human Rights, and in line with the international conventions to which Azerbaijan is a party, and national legislation, the migration governance in Azerbaijan is based on respect for human rights and freedoms, legality, and humanitarian principles.

Azerbaijan does not engage in externalization practices in the field of migration governance and has not concluded any agreements or arrangements that would transfer asylum processing, migration control functions, or return procedures to third States. At the same time, Azerbaijan does not host any asylum reception or detention facilities that are created, managed, or financed by other States. The protection of migrants' and refugees' human rights, including the prohibition of refoulement, collective expulsion, arbitrary detention, torture and ill-treatment, racial discrimination remains at the core of Azerbaijan's migration policy. No measures exist that prevent the arrival of migrants, or enable readmission to unsafe countries. Therefore, Azerbaijan has not recorded cases of human rights violations linked to externalization, as such policies are neither applied nor planned.

Pursuant to the Migration Code of the Republic of Azerbaijan, foreigners enjoy all rights on an equal basis with citizens of Azerbaijan, unless otherwise stipulated by law or international treaties. Applications for refugee status are examined directly by the State Migration Service in line with the 1951 Refugee Convention and its 1967 Protocol, and Law of the Republic of Azerbaijan "On the status of refugees and IDPs (internally displaced persons)". All applications are considered individually, without discrimination based on nationality, religion, race, or social group. Azerbaijan does not forcibly return, extradite, or deport asylum seekers or refugees to their countries of origin or to third States. Importantly, in assessing the safety of countries of return, Azerbaijan takes into account the recommendations of the United Nations High Commissioner for Refugees (UNHCR) regarding the "safe country" concept, thereby ensuring that decisions are consistent with international protection standards.

Azerbaijan actively engages in international cooperation in the field of migration, while all bilateral agreements and memoranda of understanding focused exclusively on safeguarding the rights and interests of the citizens of the parties and enhancing the humane and effective management of migration. These cooperation frameworks aim to strengthen the exchange of information, expertise, and best practices, thereby improving national capacities to manage migration and mitigate the risks associated with irregular movements. In this context, Azerbaijan has concluded bilateral agreements on cooperation in the field of migration with Moldova (2007), Belarus (2019), Kazakhstan (2019), Turkmenistan (2020), Uzbekistan (2022), the Kyrgyz Republic (2024), Tajikistan (2024), and Türkiye (2024). Memoranda of understanding have also been signed with Belgium (2019), Hungary (2023), and Moldova (2024), further reinforcing Azerbaijan's commitment to constructive, rights-based international cooperation in migration governance.

In addition, the readmission agreements of the Republic of Azerbaijan, which have been in force since 2014, contain safeguards that prevent the application of any form of externalization. These agreements explicitly stipulate that the transit of third-country nationals or stateless persons through Azerbaijan may occur only when direct return to the destination State is not possible and when that State provides a formal guarantee of readmission. Furthermore, the readmission agreements provide provisions for the Parties to make every effort to return third-country nationals to their countries of origin whenever feasible.

The Republic of Azerbaijan actively participates in international initiatives related to migration and refugee protection. Azerbaijan has endorsed the Global Compact for Safe, Orderly and Regular Migration and the Global Compact for Refugees, adopted by the United Nations General Assembly in 2018, and has undertaken voluntary commitments to support their effective implementation. As a Champion Country for the Global Compact for Safe, Orderly and Regular Migration, Azerbaijan continues to prioritize the protection of migrants' rights, as well as transparency and accountability in migration governance.