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Azerbaijan: readmission and interstate agreements

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Azerbaijani migrants' return and their subsequent reintegration into society is one of the most painful and acute issues facing Azerbaijan today. The scale of the problem is sufficiently large for a country like this. It is enough to cite the following data: from 1991 to 2006 over 44,000 citizens of Azerbaijan, having left the republic, officially applied for refugee status or attempted to become political emigrants in EU member states and the United States. Of course, the number of migrants who departed for the EU, US and other countries was, in fact, much larger, as by no means all applied for this kind of status. Many preferred to find a job and some lived illegally in their new homes.

By no means all these applications were approved. As a rule, no more than 5% of those who submitted documents got status approval. This is, for instance, true for Sweden that has lately become relatively popular among Azerbaijani citizens. From 1992 to 2007 over 5,000 Azerbaijani citizens emigrated to Sweden, 4,240 among them, i.e. 83%, submitted documents for the refugee status, but only 221 Azerbaijani migrants were granted this status (*Yunusov, p.148-149*).

One can see similar pattern in other countries. Another crucial issue was the fate of those who failed to obtain refugee status. Some were deported or forced to return home after several years abroad, and there were many of them. For instance, according to the Azerbaijani State Statistics Committee, between 2000 and 2011, 29,500 came to Azerbaijan for permanent residence, the overwhelming majority of them being former Azerbaijani citizens who had left the country in previous years (*Demographic, p.438, Table 7.2*).

Table. Number of those who arrived for permanent residence, thousand persons

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	TOTAL
From CIS countries	3540	2240	1051	2244	2028	1565	1956	1749	2781	2155	2166	2111	25586
Including from Russia	2710	1677	782	1656	1466	1158	1394	1269	2024	1580	1706	1655	19077
From other countries	821	334	206	256	379	448	276	205	816	137	62	70	4010
TOTAL	4361	2574	1257	2500	2407	2013	2232	1954	3597	2292	2228	2181	29596

Source: the State Statistics Committee of Azerbaijan

One can see from the table that the majority returned or came from the CIS countries, primarily Russia. However many migrants returned to the home country from Europe. There are even more who await the resolution of their case. By early 2007 the total number of Azerbaijani migrants, who were detained or who awaited the resolution of their case and who had illegally stayed in Germany for a number of years, reached almost 6,500. This even resulted in interstate tension: support for illegal Azerbaijani migrants costs German budget almost 40 million euro a year. That is why the German government turned to the Azerbaijani leadership asking for these migrants to be returned to their home country (*Germany; Azerbaijani migrants*).

However, the Azerbaijani authorities refused to sign an agreement on readmission, i.e. on the compulsory return of these illegal migrants to their home country, and their fate remains unresolved. Representatives of individual European countries and the European Union got back to this topic on numerous occasions. In April 2011 the then head of the State Migration Service Arzu Rahimov clearly indicated that though there were discussions about this issue, the Azerbaijani authorities: "have our own position, and agreements will be concluded with certain countries, when the time comes" (*Zarbaliev*).

Therefore, the position of the Azerbaijani leadership is clear: they do not intend to sign an agreement on readmission. At best, one can talk about bilateral agreements, but even in this respect nothing is straightforward. At different points of time Azerbaijan signed agreements with several CIS countries for the employment and social protection of its migrants working in those countries: Russia (19 May 2003), Ukraine (3 June 2004), Moldova (21 April 2005), Kazakhstan (24 May 2005) and Belarus (2 May 2007). Besides, Azerbaijan signed bilateral agreements with these and many other countries on visa regime facilitation.

However, all this is irrelevant from the standpoint of readmission, and the question of migrants' return to the home country and the resolution of problems there remain. Moreover, they often complicate interstate relations. In this respect Azerbaijani-Russian relations are typical enough.

The Russian authorities played the migration card on numerous occasions exerting pressure on post-Soviet neighbors. When during the second Chechen war, in 1999, Azerbaijan started supporting Chechen separatists, the Russian authorities toughened up the rules for Azerbaijani migrants. Mass raids took place in the open markets in Moscow and other cities and as a result only a month after the start of the second Chechen war up to 12,000 Azerbaijanis were deported from Moscow for "passport regime violation". The situation in other Russian regions was similar (*Yunusov, p.100-101*). Besides, Russian authorities put on hold financial transfers made by migrants to their families.

The Azerbaijani leadership realized the danger and ceased its support for Chechen separatists. In response, in early 2000, Russia met Azerbaijan halfway and stopped exerting pressure on Azerbaijani migrants.

However, the situation repeated itself in October 2006, when Azerbaijan refused to support Russia in its dispute with Georgia, which led to further problems in interstate relations. This time Azerbaijan, backed by the West, took a tougher line and refused to import Russian gas.

The Russian response to this refusal was immediate and was again related to migration: pressure was put on migrants. As a result, Azerbaijan faced an inflow of migrants who were deported or forced to leave Russia and return to their home country.

The Azerbaijani authorities understood that this flow could be large-scale and that it would be for Azerbaijan with the return of at least tens of thousands of migrants, who needed jobs and in some cases housing. In the meantime, the Azerbaijani authorities could not provide them with jobs and housing and, in fact, were not even going to deal with that problem. They were interested in settling the dispute with the Russian authorities as soon as possible, in order to allow migrants to go back as soon as possible.

That is why, after having understood the threat, the Azerbaijani authorities promptly reacted to the new migration rules in Russia: in December 2006 the decree of President I. Aliyev established a special state commission charged with resolving the problems of Azerbaijani migrants in Russia. This commission included representatives from the Ministry of Interior, the Ministry of National Security and other security institutions of the republic. The Azerbaijani authorities also established special operation centers in all Russian regions, where Azerbaijani migrants lived; these centers were charged with the examination and resolution of the problems of Azerbaijani citizens who sought assistance.

In addition to this, intensive negotiations with the Russian authorities were launched to resolve the problems that had caused tension in Azerbaijani-Russian relations. In the end Russia stopped exerting pressure on Azerbaijani migrants and, in May 2007, Russia introduced amendments to the law regulating the legal status of migrants, thus visibly relaxing the rules of residence and employment of foreign citizens. As a result, a year after the introduction of new migration rules, the situation changed and Azerbaijanis started returning to Russia.

After that all issues related to reintegration of periodically returning or deported Azerbaijani migrants were resolved not by the republic, which distanced themselves from this process, but by international organizations. These included the IOM and local non-governmental organizations. However, this assistance was sporadic and involved, at best, several dozen families.

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