



RA STATE MIGRATION  
SERVICE OF THE MINISTRY  
OF TERRITORIAL ADMINISTRATION

INTERNATIONAL ORGANIZATION  
FOR MIGRATION

# Processing Readmission Cases in Armenia

Guide and training materials for officials  
of the state bodies mandated to process  
readmission cases

Yerevan 2014



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THE MINISTRY OF TERRITORIAL  
ADMINISTRATION



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THE MINISTRY OF TERRITORIAL  
ADMINISTRATION



INTERNATIONAL ORGANIZATION FOR  
MIGRATION

## ***Processing Readmission Cases in Armenia***

### ***GUIDE AND TRAINING MATERIALS***

*For officers of the following authorities involved in the readmission  
process:*

*Border Guard Service of the National Security Service under the  
Government of the Republic of Armenia;*

*Police of the Republic of Armenia under the Government  
of the Republic of Armenia;*

*Ministry of Foreign Affairs of the Republic of Armenia;*

*The State Migration Service of the Ministry of Territorial  
Administration of the Republic of Armenia*

Yerevan  
2014

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## Introduction

Since 2002, the Republic of Armenia has actively embarked on signing readmission agreements viewing them as an instrument to combat illegal migration.

Today, the Republic of Armenia has concluded 11 agreements with 13 states, of which 12 are European States. From among CIS countries, a similar agreement was signed with the Russian Federation.

In order to secure the enforcement of the readmission agreements signed by the Republic of Armenia, the Armenian Government adopted appropriate decrees to assign both the competent body responsible for the agreements in the Republic of Armenia and the functions of each public body involved in the process, including identified their time frames upon receipt of applications regarding persons to be readmitted under such agreements.

On 19 April 2013, the Republic of Armenia signed a readmission agreement with the European Union on persons residing without authorization, which took effect on 1 January 2014.

This Agreement enables the establishment and enforcement of uniform procedures with all EU countries on matters pertaining to the persons residing without authorization on the territories of the parties. The Agreement also contains new provisions which are absent in bilateral agreements signed by the Republic of Armenia earlier, such as the accelerated procedure for responding to readmission applications.

To secure the proper enforcement of the Agreement, the Armenian prime minister and the Armenian Government passed a number of decrees which specify inter alia training arrangements for the staff members of the authorities involved in the readmission process (the Board Guard Service of the National Security Service under the Government of the Republic of Armenia, the Police of the Republic of Armenia under the Government of the Republic of Armenia, Ministry of Foreign Affairs of the Republic of Armenia, the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia).

In July and August 2013, such trainings were carried out in the form of three round-table discussions with the assistance of the Armenian mission of the International Organization for Migration. The particularities about the enforcement of each article of the Agreement signed with the European Union were presented during these meetings based on detailed and specific examples.

As result of the round-table discussions referenced above, three distinct teaching materials on the enforcement of various articles of the agreement were developed by the experts in consideration of the opinions voiced during these training sessions. Next, the Armenian mission of the International Organization for Migration took action to compile and publish these training materials in a single manual, which brought into being the work presented below.



This manual presents in orderly fashion useful information on the readmission process, contains detailed references to the Agreement signed between the Republic of Armenia and the European Union on 19 April 2013 and spells out individual articles of the Agreement, including matters pertaining to the enforcement and monitoring of the Agreement. Also, sub-legislative acts of the Republic of Armenia intended to secure the processing of incoming applications under readmission agreements have been analysed.

Special attention has been paid to questions that may give rise to issues during the enforcement of the Agreement, and their specific solutions have been suggested.

This publication will be beneficial for both the staff members of the appropriate authorities of the Republic of Armenia involved in the readmission process and non-governmental organizations, students and researchers interested in the subject matter.

**GAGIK YEGANYAN**  
**HEAD OF THE STATE MIGRATION SERVICE**  
**MINISTRY OF TERRITORIAL ADMINISTRATION OF ARMENIA**





## 1. AIMS AND OBJECTIVES OF READMISSION AGREEMENTS

### 1.1 Brief historical background

The term “readmission” is relatively new in the international law. In the aftermath of the World War II, with war-devastated economies to be revived, the European states adopted a fairly liberal approach to labor migration. As a result, this led to regulation of issues related to illegal migrants. This situation prompted Western European countries to conclude mutual border control agreements and agreements related to persons who gained illegal entry into their territory. Such agreements entailed certain obligations for the parties that resulted from the illegal entry or residence of their nationals on the territory of the other party.

**Thus, the first readmission agreements covered only own nationals.**

It was only in 1970s-1990s that such agreements had to address third-country nationals and stateless persons for the following two reasons.

Most entry programmes that had formerly operated in Europe were suspended due to the oil crisis and the ensuing collapse of economies.

Significant migration flows from the Post-Soviet area started out towards European countries triggered by political changes that had occurred in Europe. In these settings, the countries of Central and Eastern Europe turned from “source” countries into “transit corridors” for illegal migrants.

The need for readmission agreements increased as the European Union abolished its internal borders. The concept of free movement within the European Union but strict control on its external borders was embodied in the Amsterdam Agreement of 1997, which passed the jurisdiction over visas, asylum, immigration and a number of other matters related to the free movement of persons to the European Union.

**As a result, readmission agreements came to be regarded as an important instrument in combating illegal migration.**

The highest number of agreements (124) by EU Member States was concluded in the period between 1990 and 2000. Starting from 1999, the European Union could conclude readmission agreements with third states. In 2008, this process started involving the countries of the former Soviet Union as the European Union concluded agreements with the Republic of Moldova, Ukraine and the Russian Federation. In 2010, a readmission agreement was signed with Georgia and another one with Armenia in 2013.

Prior to signing readmission agreements with European Union, the Republic of Armenia concluded bilateral agreements with 11 states, of which 10 were EU Member States and only one – the Russian Federation – was a CIS state.

## 1.2 Objectives of readmission agreements

The main objective of readmission agreements consists in facilitating the repatriation of persons who stay without legal grounds on the territory of the contracting parties to their countries of origin and countries of their last residence.

To set up an efficient repatriation process, agreements spell out the obligations of the contracting parties as well as the organizational and working procedures designed to facilitate the repatriation and transit of such persons, such as reimbursement of expenses, protection of personal data, etc.

### **Which is the main obligation of the contracting parties?**

The parties assume a mutual obligation to readmit persons whose status was declared illegal by the other contracting party.

### **This being so, the obligation on readmission covers the three following groups:**

- own nationals
- foreign nationals
- stateless persons

### **The irregularity of their status refers to the three following cases:**

- the person gained illegal entry into the country
- the person stayed illegally in the country
- the person resided illegally in this country

## 1.3 Issues settled through readmission agreements

Obviously, the repatriation of persons whose status is irregular is also implemented without recourse to readmission agreements. Here, voluntary repatriation is not applicable, as readmission does not extend to such persons.

How is the repatriation of persons carried out without recourse to readmission? In such cases, a decision on administrative removal or deportation is made in respect of such persons to form the basis for their repatriation. Such decision can be quite time-consuming. Besides, the regular procedure of administrative removal will be hardly enforceable unless there is cooperation from the country of origin in respect of the person to be deported. Readmission agreements allow coming to terms with the migrant's country of origin not only on the general cooperation framework but also on the coordination of readmission dates and assignment of authorities responsible for specific actions. The country of origin undertakes to provide the returnee with all required documents thus cutting the overall duration of the return procedure. This is important considering that in cases of administrative removal or deportation without a standing readmission agreement between the countries, the consular services of the country of origin are under no obligation to respect any specific time frames in providing documents to returnees.



In addition, readmission agreements facilitate matters with returning foreign or third-country nationals. Thus, parties undertake to readmit foreign nationals whose status is irregular and who were given an entry visa or a residence status by them, or who gained entry into the territory of another party directly from their country. This represents a crucial consideration from both perspectives. First of all, this engages the responsibility of the requested state in exercising proper control over the movement of foreigners from its territory to another country; besides, the requesting state may return such persons to the country from which such persons gained direct entry into their territory rather than to their countries of origin (in the absence of cooperation with the state in question). Moreover, under a standing readmission agreement the host country is under no obligation to identify foreign nationals as in case of their own citizens. It will suffice to prove that the person in question has arrived from the territory of the other party. The obligation to identify and return such persons to their countries of origin (if possible) rests on the requested state.

## **2. READMISSION AGREEMENTS SIGNED BY THE REPUBLIC OF ARMENIA**

### **2.1 Bilateral agreements**

Since 2002, Armenia has actively embarked on signing readmission agreements viewing them as an instrument to combat illegal migration. The authority primarily responsible for implementing such agreements is the State Migration Service under the RA MTA that is engaged in the entire course from drafting and appraisals up to their implementation.

As of today, the Republic of Armenia has concluded 11 agreements with 13 States, of which 12 are European States and one is a CIS State (the Russian Federation).

#### **List of readmission agreements signed by the RA**

<b>N°</b>	<b>Name of Agreement</b>	<b>Date of Signature</b>	<b>Effective since</b>
	Agreement between the Government of the Republic of Armenia and the Government of the Republic of Latvia on the extradition and admission of persons	June 26, 2002	May 17, 2003
	Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark on the readmission of persons with unauthorized stay	April 30, 2003	January 1, 2004
	Agreement between the Government of the Republic of Armenia and the Government of the Republic of Lithuania on the readmission of persons residing without authorization	September 15, 2003	May 22, 2004
	Agreement between the Government of the Republic of Armenia and the Swiss Federal Council on the readmission of persons with unauthorized stay	October 30, 2003	March 1, 2005

	Agreement between the Government of the Republic of Armenia and the Government of the Federal Republic of Germany on the readmission of persons with unauthorized stay and transit transport	November 16, 2006	April 20, 2008
	Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on the readmission of persons with unauthorized stay	November 13, 2007	July 1, 2008
	Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden on the readmission of persons residing without authorization	November 7, 2008	April 19, 2009
	Agreement between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Great Dukedom of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization	June 3, 2009	ratified by the RA on June 7, 2010
	Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Norway on the readmission of persons with unauthorized stay	January 29, 2010	June 26, 2010
	Agreement between the Republic of Armenia and the Czech Republic on the readmission of persons residing without authorization	May 17, 2010	April 1, 2011
	Agreement between the Government of the Republic of Armenia and the Government of the Russian Federation on the readmission	August 20, 2010	May 31, 2011

Under the agreements above, a total of 70 readmission applications on 118 persons have been received and duly processed as of April 2014. The applications were filed by the competent authorities of Sweden, Norway, Switzerland and the Russian Federation.

Presently, Armenia is negotiating readmission agreements with another 3 States, namely Ukraine, The Republic of Moldova and Georgia.

## 2.2 Readmission agreement between the European Union and Republic of Armenia

The Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization (**Annex 1**) was signed in Brussels on April 19, 2013 by E. Nalbandyan, the RA Minister of Foreign Affairs.

The preamble to the Agreement explicitly specifies that the main objective of the Contracting Parties is to strengthen their cooperation in order to combat illegal immigration more effectively.

The Contracting Parties intend to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of



persons who do not, or no longer, fulfill the conditions for entry to, presence in, or residence, on the territory of Armenia or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation. As already mentioned, the Republic of Armenia has signed bilateral readmission agreements with 10 EU member states so far. This agreement enables the establishment and enforcement of uniform procedures with all EU countries on matters pertaining to the persons residing without authorization on the territories of the parties.

As a fundamental principle, the Agreement clearly defines that the Requested and Requesting States shall, in the application of the Agreement to persons falling within its scope, ensure respect for human rights and for the obligations and responsibilities following from relevant international instruments applicable to them, in particular: the Universal Declaration of the Human Rights of 10 December 1948, the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms, etc.

The Agreement is composed of a Preamble, 24 Articles and 6 Annexes, which all make integral parts thereof.

Article 1 of the Agreement contains the definitions of the concepts (terms) used in the text and their practical legal implementation.

Article 2 of the Agreement entitled Fundamental Principles clearly emphasizes that in cooperating against irregular migration, the Requesting State should give preference to voluntary return over forced return where there are no reasons to believe that this would undermine the return of a person to the Requested State.

The Sections I and II of the Agreement set forth the readmission obligations of the Republic of Armenia and the European Union, while the Section III covers the legal procedures of readmission. The Agreement specifies the groups of persons subject to readmission under the established procedure along with clear readmission terms and procedures.

It is set forth that a readmission application must be submitted to the competent authority of the requested State for any transfer of the person to be readmitted.

Article 8 of the Agreement specifies the main requirements of the readmission application with a general form of the readmission application presented in the Annex 5 to the Agreement.

A readmission application may be submitted by any means of communication including electronic ones.

The means of evidence regarding the nationality are listed in Article 9 of the Agreement and respectively in its Annexes I and II, with means of evidence for third country nationals and stateless persons covered in the Annexes III and IV of the Agreement.

According to the Agreement, the transportation of persons to be readmitted may take place by any means, including by air. Article 13 of the Agreement prescribes the legal implications of the readmission in error.

The Agreement specifically points out the protection of personal data and the obligations of the Parties in this respect.

**The chapters below provide more details on various articles of the Agreement and explain their provisions.**

The Readmission Agreement between EU and RA took effect on January 1, 2014. As of April 2014, 6 readmission applications on 20 persons were received under this Agreement. Sweden was the Requesting State for all the applications above.

### **3. READMISSION OF OWN NATIONALS – WAYS TO PROVE NATIONALITY**

#### **3.1 In which cases does Armenia undertake to readmit its own nationals?**

In compliance with Article 3(1) of the Readmission Agreement between the European Union and the Republic of Armenia on persons residing without authorization, “Armenia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Armenia”.

Again, it must be noted that a national of the Republic of Armenia may have violated the conditions of the requesting state in respect of the following three aspects:

- entry into the territory of the requesting State;
- stay on the territory of the requesting State;
- residence in the requesting State.

**This brings up a question whether other types of violations (not related to the migration legislation) can become a ground for making a readmission request, for instance, an Armenian citizen with residence entitlements but without right to work becoming employed. Or, an Armenian citizen convicted in the country concerned and set free after purging his/her sentence, etc.**

*The Agreement clearly specifies that a person violating the migration legislation of the EU Member State can become subject to readmission; this does not apply to those who violate other legislative requirements (e.g. employment of foreigners).*

In addition to persons set forth in Article 3(1) of the Agreement, it specifies three groups of persons whom Armenia undertakes to readmit: They are as follows:

1. **minor unmarried children** of the persons mentioned in Article 3(1), regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State.



2. **spouses**, holding another nationality or being stateless, of the persons mentioned in Article 3(1), provided they have the right to enter and stay or receive the right to enter and stay in the territory of Armenia, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State.
3. Armenia shall also readmit persons **who have renounced the nationality of Armenia since entering the territory of a Member State**, unless such persons have at least been promised naturalization by that Member State.

The first two groups essentially cover the family members of the illegal migrant.

Children are subject to readmission, only if they are minor and unmarried. It is implied that if they are major of age, or have their own families, their situation will be regarded separately and will not be linked to that of the “paternal” family. It must be noted that their place of birth or their nationality are not taken into account, unless such children have an independent right of residence in that specific country or hold a valid residence permit issued by another EU Member State.

Similar regulations apply to spouses. In their case, becoming subject to readmission depends on whether the spouse holding a different nationality simultaneously holds or may hold a right to enter the territory of Armenia and stay there.

The third case applies to Armenian nationals who have renounced their Armenian citizenship upon entering the territory of that particular State. This does not apply only to persons who are promised naturalization by the Member State.

After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 120 days.

It must be noted here that If Armenia has not, within three working days, issued such documents, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.

If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of Armenia shall, within three working days and free of charge, issue a new travel document with a period of validity of the same duration. If Armenia has not, within three working days, issued a new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.

### 3.2 How is the Armenian nationality of a person proven?

Proving a person’s nationality or providing prima facie evidence thereof is viewed as the most critical and complicated process in the enforcement of readmission agreements. Usually,



readmission agreements specify the required grounds to prove a person's nationality or provide prima facie evidence in the form of a list of identification documents or documents considered prima facie evidence of the person's nationality as well as other means that can be helpful in determining the person's nationality, such as the language spoken by the person, or testimony by witnesses.

**Article 9 of the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization** lays down the means of furnishing prima facie evidence of nationality. Essentially, this covers three categories.

The first category covers persons who hold identification documents and therefore, their nationality can be deemed proven.

The second category covers persons whose nationality may be assumed on the basis of prima facie evidence furnished.

The third category covers persons who do not produce any documents whatsoever making it impossible either to assume or to prove their nationality without any grounds.

Let us now consider each category in greater detail.

#### **a/ Proven nationality of Armenia**

**Article 9(1) of the Agreement reads as follows:** "Proof of nationality pursuant to Article 3(1) and Article 5(1) can be particularly furnished through the documents listed in Annex 1 to this Agreement, including documents the validity of which has expired by up to six months. If such documents are presented, the Member States and Armenia shall mutually recognize the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents."

Evidently, this illustrates the aforementioned first category, where the nationality is considered as proven, meaning that the Contracting Parties mutually recognize the nationality without further investigation being required, if the following documents listed in Annex 1 to the Agreement are presented:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports),
- identity cards of any kind (including temporary and provisional ones),
- citizenship certificates and other official documents that mention or clearly indicate citizenship.

It must be noted that this list is **common for Armenia and EU Member States** and therefore may specify documents that do not exist in Armenia.

It must be borne in mind that nationality is also deemed proven even if the validity period of the documents so produced **has expired by up to six months**.

Proof of nationality cannot be furnished through **false documents**.





Article 9(1), a particular attention should be paid to the provision that the nationality is recognized **“without further investigation being required”**, which suggests that the Requested State (Armenia, in this case) accept own nationals, based on the documents furnished, without suspicion and further investigation. This, in its turn, means that submission of a readmission application is not compulsory for the transfer of the person to be readmitted. This is laid down under Article 7(2): “If the person to be readmitted is in possession of a valid travel document or identity card and, in the case of third country nationals or stateless persons, a valid visa or residence permit of the Requested State, the transfer of such person can take place without the Requesting State having to submit a readmission application or written notification referred to in Article 12(1) to the competent authority of the Requested State”.

It may ambiguously seem that these provisions contradict the statement laid down in Article 9(1) that “proof of nationality cannot be furnished through false documents”.

**Here a question may arise as to who it should be ascertained that the presented document are not false, if no investigation is conducted? We believe that it may appear possible in the following ways:**

1. When a person returns without a readmission application or a written notification, his documents are checked on a general basis by an officer of the border control authority at the RA border crossing point. Upon detection of a false document, further operations are also carried out as prescribed under RA legislation. However, in that case it is important to take into consideration that if the investigation reveals that the readmitted person is not an own national, the Agreement allows for the person to be returned to the state from where he has arrived.

2. When a person returns based on the readmission application, the general principle of the document investigation, as stipulated by the Agreement, is applied. Even in case the documents, listed under para. 1.1 are available, the opportunity of producing the readmission application of the person is not excluded, since Article 7(2) suggests that the submission of the application regarding transportation of the person is left to the discretion of the state that returns the person. If this is the case, as stated above, the application of the Requesting State addressed to the competent authority of the Requested State serves as a basis for the verification of the validity of the documents mentioned in the application.

#### **b/ Prima facie evidence of the Armenian nationality**

The second category of proving a person's nationality refers to instances where nationality may be assumed on the basis of prima facie evidence furnished.

**Let us examine the other case, illustrated under Article 9(2) of the Agreement:** “Prima facie evidence of nationality pursuant to Article 3(1) and Article 5(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Armenia shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.”

This means, that the Member States shall deem the nationality established, unless they can prove otherwise, if the following documents considered as prima facie evidence of nationality are presented:

- documents with validity expired by more than 6 months listed in para. 3.2;
- photocopies of any of the documents listed in para. 3.2;
- driving licenses or photocopies thereof;
- birth certificates or photocopies thereof;
- company identity cards or photocopies thereof;
- statements by witnesses;
- statements made by the person concerned and language spoken by him or her, including by means of an official test result;
- any other document which may help to establish the nationality of the person concerned;
- fingerprints;
- laissez-passer issued by the Requested State;
- service books and military identity cards;
- seaman's registration books and skippers' service cards;
- confirmation of identity as a result of a search carried out in the Visa Information System;
- in the case of Member States not using the Visa Information System, positive identification established from visa application records of those Member States.

It follows from the above that prima facie evidence of nationality is considered to include **expired original documents or their photocopies or any other indirect evidence** that can lead to allegations about a person's nationality.

Once such documents are submitted, the Member States and Armenia deem the nationality mutually recognized, **unless they can prove otherwise.**

It must be borne in mind that **it is the Requested State that assumes the responsibility to prove otherwise.**

The question of ultimate importance regarding this case is how the prima facie evidence is to be checked and what the mechanism to prove otherwise is.

**Let us examine possible cases considering the documents mentioned in Annex 2 to the Agreement.**

1. If documents confirming the identity of the person (documents with expired period of validity inclusive) or their photocopies, driving licenses or birth certificates or their photocopies, company identity cards, laissez-passer issued by the Requested State, service books and military identity cards are produced by the Requesting State, the person is to be searched for in the passport information system by the data in the above mentioned documents. It should be noted here that the person, being a national of the RA, may be missing in the system, insofar as he or she may not, for some reason, be registered with a passport of an RA citizen. If this is the case, the Passport and Visa Department of the



RA Police should attempt to find evidence regarding nationality of the person with other available means.

2. **If statements of witnesses or statements made by the person concerned or official test result are presented, the person may only be searched for in the passport information system of RA citizens by the data provided in the above-mentioned statements.**
3. When fingerprints of a person are furnished, it will appear possible to identify only those persons who are in possession of biometric passports, as well as those whose fingerprints are registered in the respective RA Police departments due to crimes committed in the past.
4. If only information regarding the language, spoken by the person, is presented, we believe that it will be a sufficient ground only for conducting an interview with him, since such information alone will not suffice to identify the person's nationality.

### **c/ Establishing Armenian nationality without documents**

This constitutes the third category above. If none of the documents listed in paras. 3.2 and 3.3 is available, it becomes quite hard to identify a person. Identification is generally held to be the most difficult task of the readmission process. It is thought that this group is most often targeted under readmission agreements.

#### **How does the Agreement address this issue?**

The diplomatic and consular representations of the Requested State are bound under the application of the Requesting State to interview the person to be readmitted, in order to establish his/her nationality. Let us examine this case in greater detail.

**Article 9(3) of the Agreement stipulates that** “If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic or consular representations of the Requested State concerned shall, upon a request from the Requesting State which is to be included in the readmission application, interview the person to be readmitted without undue delay, at the latest within five working days from the date of receipt of the readmission application in accordance with Article 11(2), in order to establish his or her nationality. The procedure for such interviews may be established in the implementing Protocols provided for in Article 20 of this Agreement”.

The practice of implementation of acting readmission agreements signed by Armenia in the past demonstrates that this is the most complicated and, at the same time, highly frequent case among all. It is deemed complicated for the reason that the person explicitly refuses to provide valid personal information and furnish any document whatsoever and consequently, to cooperate with the authorities of the admitting state. In similar situations, it appears difficult, if not impossible, for the latter to find any evidence that would provide grounds for submitting a readmission application to the state of the person's alleged nationality.

This is the reason behind the mechanism stipulated by the Agreement that allows the admitting state to apply to the diplomatic or consular representation of Armenia in their states with a claim to conduct an interview the person to establish the person's nationality.

**It is worth noticing that the process of organizing and conducting the interview confronts numerous challenges and risks.**

Possible risks are associated with such a circumstance as the limited personnel in the diplomatic and consular representations of the RA who work under intense pressure as a result of this, as well. Meanwhile, under certain circumstances a diplomatic representation located in one state provides services in several States. Under such conditions, along with possible risks of lacking free hours or personnel to conduct an interview, certain technical problems may arise as well, regard-ing organization of a trip to the Requesting State.

**To avoid violation of the RA commitment under the Agreement to ensure the organization of the interview in due time frames, we propose to take these issues under discussion once again to find possible solutions and avoid any possible hindrances in the course of implementing this Agreement.**

The next proposal refers to the submission of the request for an interview. According to Annex 5 to the Agreement, the necessity for an interview is mentioned in the readmission application. The readmission application is sent to the authority, competent for the implementation of the Agreement (to the State Migration Service of the Ministry of Territorial Administration, in the case concerned). As established under Article 9(3) of the Agreement, the interview must be conducted at the latest within five working days from the date of receipt of the readmission application.

When, upon the enactment of the Agreement, discussions on signing protocols of bilateral implementation commence with the EU states to have signed the Agreement, for the purpose of efficient use of the time frame, limited as it is, we propose to provide in these protocols for a mechanism to allow for the readmission applications that include an inter-view request to be simultaneously submitted to the RA diplomatic or consular representa-tions in the respective state as well, while being submitted to the State Migration Service.

This will serve as an opportunity to spare the time required for the application to be forwarded from State Migration Service to the diplomatic or consular representations in the state concerned.

Another concern is that the embassy or the consulate personnel may lack sufficient skills of identification of persons, which may cause considerable difficulties in the procedure. A possible solution to this problem may be found either by distance trainings in a video conference format or in printed form through dissemination of the materials elaborated for this purpose among the personnel of the RA Embassies in the EU states to have signed the Agreement.



#### 4. READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS MEANS OF EVIDENCE REGARDING THEIR NATIONALITY

As noted above, the main objective of readmission agreements consists in facilitating the repatriation of persons who stay without legal grounds on the territory of the contracting parties to their countries of origin and countries of their last residence.

To set up an efficient repatriation process, agreements spell out the obligations of the contracting parties as well as the organizational and working procedures designed to facilitate the repatriation and transit of such persons, such as reimbursement of expenses, protection of personal data, etc.

##### 4.1 In which cases does Armenia undertake to readmit third-country nationals and stateless persons?

According to Article 4(1) of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization, “Armenia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proven, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) hold at the time of submission of the readmission application a valid visa or residence permit issued by Armenia; or
- (b) illegally and directly entered the territory of the Member State after having stayed on, or transited through, the territory of Armenia.

Again, it must be emphasized that the national of the country or a stateless person may have violated the conditions of the requesting state in respect of the following three aspects:

- entry into the territory of the requesting state;
- presence on the territory of the requesting state;
- residence in the requesting state.

It follows from the above article that Armenia undertakes to readmit third-country nationals or stateless persons to whom it **issued entry visas or residence permits**. This being so, both documents must be **valid at the time of submitting a readmission application**.

Another case that obligates Armenia to readmit such persons is where they have gained **illegal entry into the territory of the state concerned directly from the territory of Armenia**. This being so, such approach does not differ whether the person concerned **resided in Armenia or only transited through its territory**. The readmission obligation does not apply if the third-country national or stateless person **has only been in airborne transit via an international airport in Armenia**.

After Armenia has given a positive reply to the readmission application, the Requesting Member State issues to the person to be readmitted with a EU standard travel document for expulsion purposes.

#### 4.2 How is the readmission evidence provided?

Means of evidence regarding third-country nationals and stateless persons are established under Article 10 of the Agreement. The principle underlying Article 10(1) and (2) is identical to that of Article 9(1) and (2): the former refers to means of evidence, and the latter refers to prima facie evidence. Article 10(3) establishes means of evidence of unlawfulness of entry, presence or residence of third-country nationals and stateless persons. Let us examine each of the paragraphs of Article 10 in greater detail.

**Article 10(1)** reads as follows: “Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognized by the Member States and Armenia without any further investigation being required”.

In other words, here too, as in the case of nationality, we are concerned with the proof of conditions for the readmission, which means that any such proof shall be mutually recognized by the Member States and Armenia without any further investigation required, if the following means of evidence listed under Annex 3 to the Agreement are furnished:

*visa and/or residence permit issued by the Requested State,*

*entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic).*

As noted above, the same principle applies to the third-country nationals and stateless persons, i.e. the furnished proofs are to be mutually recognized without any further investigation required. Meanwhile, proof cannot be furnished through false documents.

**Here, too, the validity of the means of proof should be obviously verified through the mechanism described under 3.2(a)(1).**

This means that if a third-country national or a stateless person is returned without a readmission application to the admitting State, the validity of the above-mentioned means of proof are to be verified on a general basis by a border control authority officer at the RA border cross-ing point. **It is essential that according to Article 7(2) of the Agreement, only those third-country nationals and stateless persons can be returned without the readmission application submitted by the Requesting State who were issued a valid visa or a residence permit by the Requested State.** At the same time, it should be taken into consideration that the Agreement allows to send a person back in case the means of proof (visa and residence permit) are revealed to be false.





If the person is returned on the basis of a readmission application, the latter is considered as a sufficient ground to check the validity of the data laid down therein, the case being if the person illegally and directly entered the territory of the Member States after having stayed on or transited through the territory of Armenia.

#### **4.3 Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons**

**Article 10(2) of the Agreement reads:** “Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this agreement; it cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Armenia shall deem the conditions to be established, unless they can prove otherwise.”

Once again, as in the case of nationality, Member States and Armenia shall deem the conditions to be established, unless they can prove otherwise, if the following means of evidence listed under Annex 4 to the Agreement, are presented:

- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State;
- information related to the identity and/or stay of a person which has been provided by an international organization (e.g. UNHCR);
- reports/confirmation of information by family members, traveling companions, etc.;
- statement by the person concerned;
- fingerprints;
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts, etc.) which clearly show that the person concerned stayed on the territory of the Requested State;
- named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State,
- information showing that the person concerned has used the services of a courier or travel agency;
- official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
- official statement by the person concerned in judicial or administrative proceedings.

Here, too, the responsibility to prove otherwise is laid upon the Requested State.

**The question persists as to how the presented conditions are to be checked and what the mechanism of proving otherwise is.**

In essence, the aforementioned means of evidence refer to the case when prima facie evidence is necessary to be furnished regarding the person’s illegal and direct entry to the territory of the Member States after having stayed on, or transited through the territory of Armenia, insofar as

any assumption can hardly be made on the above mentioned basis about the issuance of a visa or a residence permit by Armenia.

The RA Government Decree № 300-N on Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing without Authorization dated 19 March 2014<sup>1</sup> (Annex 2) provides answers to the questions on how the presented conditions are to be checked and what the mechanism of proving otherwise is.

According to the procedure established under the decree, the authority competent for the implementation of the Agreement – the State Migration Service of the RA Ministry of Territorial Administration – upon receiving the readmission application for third-country nationals or stateless persons, verifies the fact of the person’s direct entry to the territory of the Requesting State from the territory of the Republic of Armenia via the Border electronic information system of the RA National Security Service. In case such information is confirmed, they will continue to check the unlawfulness, verifying whether or not the entry, stay or residence of the person in the Requesting State were illegal. The latter mechanism is established under Article 10(3) of the Agreement.

#### **4.4 Establishing the unlawfulness of entry, presence or residence**

Interestingly, the Agreement refers specifically to the establishment by the Requesting State the unlawfulness of entry, presence or residence for third-country nationals, which is not the case with own nationals.

**Article 10(3) of the Agreement reads as follows:** “The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.”

As derived from the above-mentioned mechanism, if the visa or other residence permit for the territory of the Requesting State are missing in the travel documents of the person concerned, the unlawfulness of the person’s entry, presence or residence are established thereby. This provides grounds to the Requesting State for making an announcement to the Requested State that the person concerned does not possess any required travel documents, visas or residence permits, which is to be recognized by the Member States as prima facie evidence of unlawful entry, presence or residence. This suggests that the Requested State (Armenia, in this case) only needs to verify the fact of the direct entry of the third-country national or stateless person to the territory of the Requesting State from Armenia, while it is the onus of the Requesting State to provide proof or prima facie evidence of the unlawfulness of the entry.

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<sup>1</sup> For more details on this decree, see para. 8.3.





## 5. READMISSION IN ERROR

As a rule, readmission agreements include a provision establishing that the requesting State is obliged to take back the person if it is established that the requirements for the readmission laid down in the agreement are not met. Put differently, this provision aims at rectifying possible errors that may take place during implementation of readmission agreements. For instance, if after the person has been returned it is established that he or she is not a national of the State to have been returned to, or that no visa or residence permit had been issued by that State, the person is transferred back to the State to have been returned from. **It must be noted that the person is transferred back at the expense of the state which has originally returned the person in question.**

This issue is referred to under 13(1) of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization as follows: “The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of six months after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 of this Agreement are not met.”

**A special attention should be paid to the limited time frame of the readmission – all evidence must be furnished within 6 months after the transfer of the person concerned.**

Many questions arise in connection with the implementation of this process as well, as to **who the undertaker of the readmission process should be, what authority a person should apply to, if he or she finds that grounds for the readmission to Armenia are missing, by what means should the fact of non-fulfillment of the established requirements be proven, where the person is to reside while matters are settled in case he or she does not have a place of residence.**

In fact, the most obvious answer belongs to the first of the questions above – the process is to be undertaken by the person returned if the latter is found to have been returned in error and grounds for his/her return to Armenia are missing. If this is the case, the person is to apply to the competent authority. However, in practice the person may experience certain inconvenience, given that upon the entry to the RA, the person deals primarily with the border guard personnel, and in case the refuses to enter the RA, his or her entry to the state may be suspended until all clarifications are completed. This, in its turn, means that the person concerned may be compelled to remain passive and unable to present and settle his or her own case. **We deem the cooperation between the border control authority and the authority responsible for the implementation of the Agreement utterly crucial in this case. This suggests that the RA Border Security Service should immediately inform the State Migration Service so that they may resolve the problems faced by the person concerned through joint efforts. The answer to the question on the means of evidence regarding non-fulfillment of the requirements under the Agreement remains obscure to the moment.** For instance, it may happen that a person cannot produce any documents, but is established to be a national of the RA through an interview, is issued with a certificate of return to Armenia, but still denies his Armenian nationality. **Can the person appeal to the Court on the basis of the certificate of return? We think that this issue deserves a special examination.**

**Providing the person with a temporary accommodation is the most difficult of the above referenced issues, for no such possibility is available at present, and such accommodations relate to a number of complications.**

In consideration of the high importance of this issue, we suggest that an interagency working group to be established under the draft Decree on Measures for Implementation of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization to monitor the fulfillment of the commitments assumed under the Agreement and address potential problems should pay a special attention to this matter and seek possible solutions.

**We shall now return to Article 13 to examine the para. 2 thereof, which reads as follows:** “In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.” This implies that if any case is examined as a readmission executed in error, the entire information of the Requested State on the person concerned must be made available to the Requesting State.

## **6. TRANSIT OPERATIONS**

Readmission agreements, as a rule, dedicate a whole section to issues regarding transit operations. This is conditioned by the potentially unlawful residence of third-country nationals or stateless persons whose direct return to the states of their permanent residence or nationality may appear impossible. This is the reason behind the need to organize the transit of such persons through the territories of the Contracting Parties, which finds its reflection in the agreements.

In the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization, these issues are referred to under Section IV entitled Transit Operations comprising two articles on the principles and procedures of the transit. Let us examine them in greater detail.

### **6.1 Transit Principles**

Article 14(1) stipulates that: “The Member States and Armenia should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.” This means that the transit of persons should be well grounded and carried out strictly where the direct return of the person to the State of destination cannot be executed.

Article 14(1) reads as follows: “Armenia shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorize the transit of third-country nationals or stateless persons if Armenia so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.”

This paragraph draws a certain distinction between the two cases. For Armenia to allow the transit of third-country nationals or stateless persons, the permission of the Member State



and request for the transit are to be necessarily available, whereas if such a request is made by Armenia, along with the submission of the request a confirmation is required that the onward journey in possible other States of transit and the readmission by the State of destination is assured. Perhaps, such distinction relates to domestic regulations of the EU, while the permission of the Member State for the transit of third-country nationals or stateless persons evidently infers that the onward journey in possible other States of transit and the readmission by the State of destination are agreed upon.

Article 14(3) illustrates the three cases where the transit can be refused by the Contracting Parties:

(a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit; or

(b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or

(c) on grounds of public health, domestic security, public order or other national interests of the Requested State.

It can be inferred from the above-mentioned provisions is that in the first and second cases the reason behind the refusal of the transit is the protection of internationally recognized fundamental human rights, whereas in the third case it is the need to defend the national security interests of the Requested State.

Article 14(4) allows the Contracting Parties to revoke any authorization issued for the transit of the person “if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.”

This is a significant provision that allows some flexibility in the event of changing circumstances without putting at risk the lives and security of the persons to be transited.

## **6.2 Transit Procedures**

Article 15(1) establishes the procedure of submitting a transit application and the information included therein, as well as that the transit application may be submitted by any means of communication, including electronic ones.

It reads as follows: “An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:

(a) type of transit (by air, sea or land), possible other States of transit and intended final destination;

(b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and – where possible – place of birth, nationality, language, type and number of travel document);

(c) envisaged point of entry, time of transfer and possible use of escorts;

(d) a declaration that in the view of the Requesting State the conditions pursuant to Article 14(2) are met, and that no reasons for a refusal pursuant to Article 14(3) are known of”.

It is of note that here, too, the responsibility to prove otherwise, that is to say – to furnish reasons for the refusal, is upon the Requested State.

Article 15(2) establishes the time frame and procedure of replying to the application: “The Requested State shall, within three working days after receipt of the application and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal. If there was no reply within three working days, the transit shall be deemed to have been agreed to.”

It is important to note that 3 calendar days are provided for submitting a response and failure to do so does not preclude from executing the transit.

Article 15(3) highlights that “If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.”

According to Article 15(3): “The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.”

Article 15(5) establishes the time frames of the transit of the persons: “Transit of the persons shall be carried out within 30 days of receipt of consent to the request.”

We believe that the personnel of the state authorities involved in the process of implementing the Agreement should hold under close scrutiny all the time frames mentioned above and likewise established in the Agreement, insofar as their observance will equally demonstrate the extent of Armenia’s adherence to the commitments assumed under the Agreement.



## 7. ISSUES OF ENFORCEMENT AND MONITORING OF THE AGREEMENT

### 7.1 Issuance of the certificate of return to the Republic of Armenia by the RA diplomatic and consular representations to a person to be readmitted

Issuance of the travel documents required for the return is among the key mechanisms of ensuring the implementation of readmission agreements. Its significance particularly increases in cases when the person to be returned refuses to produce any document at all, and his/her nationality can be established solely through an interview by the diplomatic representation of his country of origin. Such persons are known to be accounted the most for return cases under readmission agreements.

Travel documents required for the return of a person to be readmitted are referred to under **Article 3(4) and (5)** of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization.

**Article 3(4)** of the Agreement reads as follows: “After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 120 days. If Armenia has not, within three working days, issued the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes”.

The issue of travel documents for the return of RA nationals are regulated by the **RA Government Decree No. 297-N of 24 March, 2011 On Approving the Description and Issuance Procedure of the Certificate of Return to the RA (Annex 3)**.

As stated under **Article 2(1)** of the Decree above: “Certificate of Return to the Republic of Armenia is a single-use travel document that provides RA nationals, persons recognized as refugees and granted asylum in the RA, persons not holding Armenian citizenship but possessing residence permit in the RA with an opportunity of urgent return to Armenia in case of a missing legal document authorizing them to cross the state border”.

We shall now examine to what extent the mentioned commitments assumed by the Republic of Armenia under the Agreement are supported by the RA legislation and point to flaws, if any. For this purpose, let us examine in detail the provisions of **Article 3(4)** of the Agreement, balancing them with the respective provisions in the RA Government Decree.

According to the Agreement, a positive reply to the readmission application must be available for the issuance of documents required for the return.

**Para. 4 of the issuance procedure approved under Annex 4 to the RA Government Decree** provides for the “issuance of the Certificate of Return equally to persons residing unlawfully in a foreign state without a legal document to ensure their return to the Republic of Armenia, based on the duly presented inquiry by a competent foreign authority as well as on an

inquiry made as prescribed by the agreement with the respective state on the transit and readmission of persons residing without authorization or based on the decision following an interview under the readmission agreement”.

**This quote implies that both the inquiry received under the readmission agreements and the decision made as a result of the interview are also considered grounds for issuing the certificate of return.**

According to the Agreement, the will of the person to be readmitted is not taken into consideration when issuing the travel document required for his/her return.

With reference to this, the RA Government Decree reads as follows: “In cases described under para. 4 of this Procedure, a competent authority of a requesting state shall be equally eligible to apply to a consular representation for issuance of the Certificate of Return to the person. If the latter refuses to fill in and sign the application form, it shall be filled in and signed (in the Armenian language or translated into Armenian) by an official of the foreign competent authority”.

**The aforementioned provisions reveal no inconsistency between the Agreement and the RA Government Decree on this issue.**

The Agreement prescribes that the document be issued immediately, the aim of which is rather ambiguous given that a time frame of no longer than three working days is specified in the same clause.

The Agreement prescribes that the travel document required for the return of the person be issued free of charge. No reference to this matter is found in the RA Government decree. Furthermore, among the documents required for receiving the Certificate of Return listed under **para. 5 of the issuance procedure approved under Annex 2** to the RA Government Decree reads as follows: “Document confirming the payment of the state duty or necessary details”.

Meanwhile, Article 15(1)(i) (State Duty Rates for Consular Services or Operations) of the RA Law On State Duty stipulates that in cases determined by the RA Government and envisaged by international treaties of the Republic of Armenia, “0” state duty rate is established for the issuance of the Certificate of Return to the RA.

**We may infer from these provisions that the RA Legislation is in conformity with the requirement of the Agreement for exempting the person to be readmitted from charges for issuance of the Certificate of Return.**

According to the Agreement, the travel document shall be issued to the person not later than within three working days.

With this respect, **Para. 22 of the Procedure approved under Annex 2** to the RA Government Decree reads as follows: “The consular representation, after verifying the person’s identity and nationality, shall issue the applicant with a Certificate of Return within one working day”. As to





the time frame of the verification of a person's identity and nationality, the following cases are distinguished under **Parts 3 and 4 of the Annex 2** to the Decree:

- In case of presenting an invalid (with expired validity period) or unusable passport or identity card of an RA citizen, or a pre-conscription certificate or a military service book issued by a competent authority, or a passport of a former ASSR citizen and a document denying the person's citizenship of the state of residence of the consular office to have accepted the application or of any state in the respective consular region, or a document confirming the identity and validating the status of a person recognized as a refugee and granted an asylum in RA or of a person not holding an RA citizenship but possessing an RA residence permit, **the identity and citizenship of the person shall be verified based on the presented documents within one working day.**
- Where none of the aforementioned documents is produced, or the produced document is not deemed trustworthy (due to unvalidated deletions or corrections, marks of replaced photographs, indistinct seals and stamps or if the document is predominantly worn out or other substantial evidence thereof), **the identity and citizenship of the person is checked based on the data in the State Register of Population** in the following way: Though E-Consulate electronic system.

The identity and citizenship of the person is verified by the consular office within one working day, if the personal data and electronic version of a person's photograph are available at the State Register of Population. In case of absence or irrelevance of such data, an inquiry is made by the Ministry or consular office to the Passport and Visa Department of the RA Police via electronic system within one working day. The latter, upon receiving the inquiry, digitalizes and sends back a document (with an attached photograph) regarding passport operations to the requesting authority via electronic system within three working days.

If in need of additional crosschecks and inquiries to state authorities of the RA, the Police may extend the deadline by no longer than ten working days.

Upon receiving the reply from the Police, the Ministry submits it electronically within one working day to the consular office which has made the inquiry.

- In case the system is unavailable, the verification is conducted by making an inquiry to the RA Ministry of Foreign Affairs. Upon receiving the application, the inquiry is made by the consular office via electronic system within one working day. After receiving the inquiry, the ministry verifies the identity and citizenship of the person and submits the reply to the consular office electronically within one working day.
- In case the applicant for the Certificate of Return has not been issued an RA passport, the his/her citizenship is verified within one working day from the moment the documents are produced as prescribed by the Procedure.
- If the person fails to present any document attesting to his/her identity or citizenship or provides false data, his/her identity and citizenship may also be verified based on the decision resulting from the interview envisaged by the readmission agreement.

To sum up the above provisions, let us state that the consular office issues the Certificate of Return within one working day after verifying the person's identity and citizenship. It takes

another working day to verify the person's identity and citizenship, except where data on the person are missing at the State Register of Population or are found irrelevant. In such cases, it takes up to 5 working days (more complicated cases may take 12 days) to make an inquiry and receive feedback from the Police.

As mentioned above, the first condition for issuing the return document under the Readmission Agreement must be the positive reply to the readmission application. This can occur in one case only – if the identity and citizenship of the person are established or at least assumed which, in its turn, implies that according to the procedure under the RA Government decree, “the Certificate of Return shall be issued to the person within one working day”.

At any rate, the time frame of 3 days set in the Agreement is affirmed under para. 21 of Annex 1 to the draft Decree On Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing without Authorization.

**It is worth mentioning that the documents required for verifying a person's identity are a matter of greater concern than the time frames of issuing the Certificate of Return.**

According to paras. 12 and 13 of the Procedure approved under Annex 2 to the RA Government Decree, “Data (photograph and other personal details) presented to establish a person's identity shall be compared with the data available in the presented document or recorded at the State Register of Population. A person's identity shall be deemed established if all compared personal data coincide”. In case of any inconsistency in the personal details (photograph, first name, last name, father's name, date of birth, etc.), the Certificate of Return is denied.

The practice of implementing readmission agreements effective for the Republic of Armenia reveals certain problems. We shall observe them on a case study. Under the Agreement between the Government of the Republic of Armenia and the Government of the Russian Federation on the Readmission of Persons Residing without Authorization, an inquiry was made by the Russian side to establish a person's citizenship. For this purpose, the State Migration Service of the RA Ministry of Territorial Administration sent an inquiry to the Passport and Visa Department of the RA Police which found that irrespective of the fact that the person had never been issued a RA citizen passport, he/she was nevertheless considered a national of the Republic of Armenia on grounds of his/her parents' Armenian nationality. However, the respective consular office of the RA failed to issue a Certificate of Return to the applicant demanding a photo identification of the latter with the photograph they had submitted. The Passport and Visa Department of the RA Police was not able to carry out the photo identification since as noted above, the person in question had never been issued a RA citizen passport, therefore, could not have filed any sample of the Application Form No.1.

Apart from this, we may observe cases when the photograph filed at the Passport and Visa Department appears to be too old rendering the person difficult to identify. The process gets driven into a vicious circle hindering people's return to their home country.

The head of the State Migration Service described the situation at hand in his letter to the RA Minister of Foreign Affairs and proposed to discuss and review, in the interests of RA citizens, the





additional requirement by the consulate for photo identification following the document identification of the person.

**We also deem it necessary to discuss the issue of making respective amendments to the RA Government Decree No. 297-N of 24 March, 2011, in view of the fact that, even in case a transfer has been executed in error under certain circumstances and discovered at a later point in time, the readmission agreement allows for the return of the person to the respective state at the expense of the other party.**

As for the certificate of return, the travel document required for the return of the person must be valid for 120 days.

With regard to this, the Government Decree reads as follows: “The certificate of return shall be valid for 1 month. In cases set forth under the Readmission Agreement, it may be valid for the period established in the Agreement”.

**Here as well, we find the requirement of the Agreement fulfilled.**

The next condition applies to the provision below. If Armenia has not, within 3 working days, issued the travel document, the EU reserves the right to return the person to the EU, using the EU standard travel document for expulsion purposes.

**Issues regarding this document shall be examined further in para. 7.2 below.**

At this point, let us consider Article 3(5) of the Agreement, which also concerns the travel document. It reads as follows: “If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of Armenia shall, within three working days and free of charge, issue a new travel document with a period of validity of the same duration. If Armenia has not, within three working days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes”.

It goes without saying that there is no indication to this issue in the aforementioned RA Government Decree. Instead, this provision is laid down under para. 21 of Annex 1 to the draft Decree On Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing Without Authorization.

**We do believe that once approved, the above-mentioned Decree shall be deemed a sufficient ground for the issuance of a new travel document.**

## **7.2 Notifying the competent authorities of the date and transfer itinerary of the persons to be transferred or readmitted by the Republic of Armenia**

According to Article 12(1) of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing Without Authorization, “without prejudice to Article 7(2), before returning a person, the competent authorities of the Requesting State shall notify in writing at least two working days in advance the competent authorities of the

Requested State regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.”

**The practice of implementing readmission agreements in the Republic of Armenia** manifests that the dates are often disregarded by the Requesting State itself. In certain cases, the notification of a person’s return may arrive later than the arranged date of his/her return. This, indeed, triggers problems and deserves separate discussion with the Competent Authorities of the Contracting Parties.

In all other cases, this issue relies upon the coordination of activities among the State authorities involved in implementation of the Agreement and is essential in view of the fact that the authorities, directly receiving persons to be returned are different from those responsible for the implementation of the Agreement. In the former case, we have the Border Guard Troops of the National Security Service of the RA and in the latter – the State Migration Service of the RA Ministry of Territorial Administration.

#### **Problems in view relating to the above-mentioned issues**

- As derived from Article 12(1) of the Agreement, the Competent Authority of the Requested State is notified of the transfer of the person at least two working days prior to the return of the person. This means, that the information must reach the Border Guard Troops from the competent authority (the State Migration Service) within 2 working days. As a matter of fact, at present the State Migration Service is compelled to submit the information to the National Security Service requesting to forward it to the Border Guard Troops.

**We believe that this procedure needs to be revised. It is utterly crucial to establish a direct communication between the the State Migration Service and the Border Guard Troops, simultaneously notifying the National Security Service. Such direct mode of communication will enable a timely communication of the information about the person to be readmitted to the Border Guard Troops.**

- If any assistance with transfer of the person is needed from the Armenian side, the border service officers ought to be notified and ready to deliver it.
- It is desirable to collect comprehensive information about the readmitted person, which is essential both in terms of gathering statistical data about these persons and monitoring the course of specific events (acceptance or rejection of the readmission application, success or failure of the return of the person, emergence or absence of problems, etc.).

#### **7.3 EU standard travel document for expulsion purposes**

It must be noted that no readmission agreement signed by the Republic of Armenia in the past made any reference to this document. In other words, this is the first time Armenia admits that a person can be returned based on the EU standard travel document as well.

What is the EU standard travel document (Annex 4) and when was it put into circulation?



The Council Recommendation Concerning the Adoption of a Standard Travel Document for the Expulsion of Third-country Nationals was approved on 30 November 1994. Among reasons behind the adoption of such a document may have presumably served the necessity to combat extensive flows of illegal immigration to European states as a result of the collapse of the USSR.

The content of the recommendation is as follows:

- Regarding the struggle against unauthorized immigration, residence and work by nationals of third countries on the territory of Member States is regarded as a matter of common interest;
- Noting that consultation and cooperation on the execution of expulsion measures is considered a priority action in the 1994 work programme;
- Acknowledging that the great majority of Member States experience difficulties in cases of third-country nationals possessing no travel documents who are required to be expelled from their territory;
- Desirous of improving the efficiency with which expulsion measures are executed.

The Council Recommends that:

- with effect from 1 January 1995 the standard travel document valid for a single journey shall be used as appropriate by all Member States in the case of third-country nationals being expelled from the territory of the Union;
- the document shall be established in the language of the Member State executing the expulsion order;
- the document, where appropriate, shall be translated into both French and English.

As we mentioned above, in view of the fact that the document has never before been used in the Republic of Armenia, it is necessary to officially communicate it to the Border Security Service of the RA National Security Service as a document entitling its holder to enter the Republic of Armenia, for the latter to transfer it to all the border crossing points of the RA.

To this end, para. 4 of the draft Decree On Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing Without Authorization commissions the Director of National Security Service to ensure the use of the EU standard travel document for expulsion purposes as a document entitling its holder to enter the Republic of Armenia.

In practice, measures taken to ensure the use of this document should be coordinated in the following way: after the enactment of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing Without Authorization, the State Migration Service of the RA Ministry of Territorial Administration, as the Competent Authority responsible for the implementation of the agreement, addresses the EU Competent Authority responsible for the implementation of the agreement with a request to be officially provided with the Standard Travel Document for the Expulsion of Third-country Nationals for the purpose of transferring it to the RA National Security Service.

## 7.4 Monitoring the compliance with commitments assumed under the Agreement

To monitor the compliance with commitments assumed under the Agreement and to examine any issues that may arise in this regard, para. 5 of the RA Government Decree On Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing Without Authorization provides for setting up an interagency working group.

Annex 2 to the Decree approved the members of the working group:

Head of the State Migration Service of the RA Ministry of Territorial Administration (group leader);

a representative of the RA Ministry of Foreign Affairs;

a representative of the National Security Service under the Government of the RA;

a representative of the RA Police under the Government of the RA.

**What questions are there presently in view concerning the formation and activity of the working group?**

- What scope of competence will the working group possess? Will it be authorized to consider and make a final decision on a particular readmission application? **We believe it would be appropriate to grant the working group such an authority since this would ensure more effective processing coordination especially for the applications submitted under the accelerated procedure with the time frame of 2 days, if the group members promptly discuss and decide on any particular case.**
- Is it necessary for the group to adopt working practices before starting its activities? **We believe it is more reasonable for the group to start its activities and accordingly adopt its working practices, for instance no later than within 6 months. Such approach would ensure a maximum possible approximation of the working practices to the reality covering all the functions within the capacity and responsibility of the group.**
- How to monitor the implementation of the agreement? What are the mechanisms involved? **Since the working group will include the public officials responsible for the enforcement of the Agreement, they will come to monitor their own activities; this can fail to provide a full and complete picture of the real situation. To ensure the most efficient monitoring, we recommend engaging international and non-governmental organizations as well as the civil society in the activities of the group.**



## **8. RA SUBLEGISLATIVE ACTS TO ENSURE CONSIDERATION OF APPLICATIONS RECEIVED UNDER AGREEMENTS**

### **8.1 RA Government Decree N 1360–N of September 22, 2011**

To ensure the application of bilateral readmission agreements signed so far by the Republic of Armenia, the Government of the Republic of Armenia passed a decree N 1360–N dated September 22, 2011 on Approving the Procedure for the RA Public Authorities to Consider Applications from Foreign States under Agreements on Readmission of Persons Residing without Authorization on the Territory of a Foreign State and on Declaring Void the Government Decree N 1073–N of September 17, 2009 and the Government Decree N 1795–N of October 20, 2005 (Annex 5).

The aforesaid decree recognized the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia as the competent authority under the Agreement on Persons Residing without Authorization on the Territory of a Foreign State. At the same time, the provisions of this decree do not cover international agreements that assign other competent authorities for their enforcement (e.g. the Ministry of Foreign Affairs handles agreements with Benelux states, Germany, Bulgaria, while the Passport and Visa Department of the Police of the Republic of Armenia handles the agreement with Denmark).

It must be noted that signing the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization has made it necessary to include a provision in the above decree to state that it does not cover the application of the mentioned readmission agreement. The RA Government Decree N 289–N dated March 19, 2014 was amended by adding Para. 5.1 that reads as follows: “The provisions of this Decree shall by no means cover the relations concerning application of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization”.

### **8.2 Decree N 1228–A by the Prime Minister of the Republic of Armenia dated December 12, 2012**

To ensure implementation of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization, the RA Prime Minister adopted the Decree N 1228–A on Approving the Action Plan under the Readmission Agreement dated December 12, 2012 (Annex 4).

The decree above lays out the preparatory actions to ensure the proper implementation of the Agreement in the RA. Particularly, the decree provides for the following:

- Employ a staff member for the State Migration Service of the RA Ministry of Territorial Administration to ensure the performance of duties by the competent authority responsible for the implementation of the Agreement;
- Organize trainings for the personnel of the authorities involved in the readmission process (Border Guard Service of the National Security Service under the RA Government, RA Police under the RA Government, RA Ministry of Foreign Affairs, State Migration Service of the RA Ministry of Territorial Administration);

- ensure the possibility to reply within 2 working days to readmission applications under the accelerated procedure and within 12 calendar days to applications under the common procedure by providing to this end:
  - access for the State Migration Service of the RA Ministry of Territorial Administration to the passports database of RA nationals;
  - access for the State Migration Service of the RA Ministry of Territorial Administration to the data on exits by air from the Border Electronic Management Information System;
- Ensure that the person to be readmitted is issued a certificate of return with a validity period of 6 months free of charge and within a maximum of 3 working days;
- Ensure the interview to identify the person to be held by the RA competent diplomatic or consular representations in the Requesting State concerned.

It must be noted that almost all of the activities above have been completed creating the necessary conditions for the implementation of the agreement.

### **8.3 RA Government Decree N 300-N dated March 19, 2014**

On March 19, 2014, the Armenian Government adopted the Decree N 300-N on Measures for Implementation of the Agreement between the Republic of Armenia and the European Union on the Readmission of Persons Residing without Authorization.

It follows from the Decree that the authorities below are involved in the readmission process:

- State Migration Service of the RA Ministry of Territorial Administration (RA SMS MTA);
- RA Ministry of Foreign Affairs (RA MFA);
- Passport and Visa Department of the RA Police (RA Police PVD);
- RA National Security Service (NSS).

The Decree assigns the State Migration Service of the RA Ministry of Territorial Administration as the competent authority for the RA.

The Decree also provides for an interagency working group to monitor the compliance with the commitments assumed under the Agreement and to address any problems that may arise in this regard.

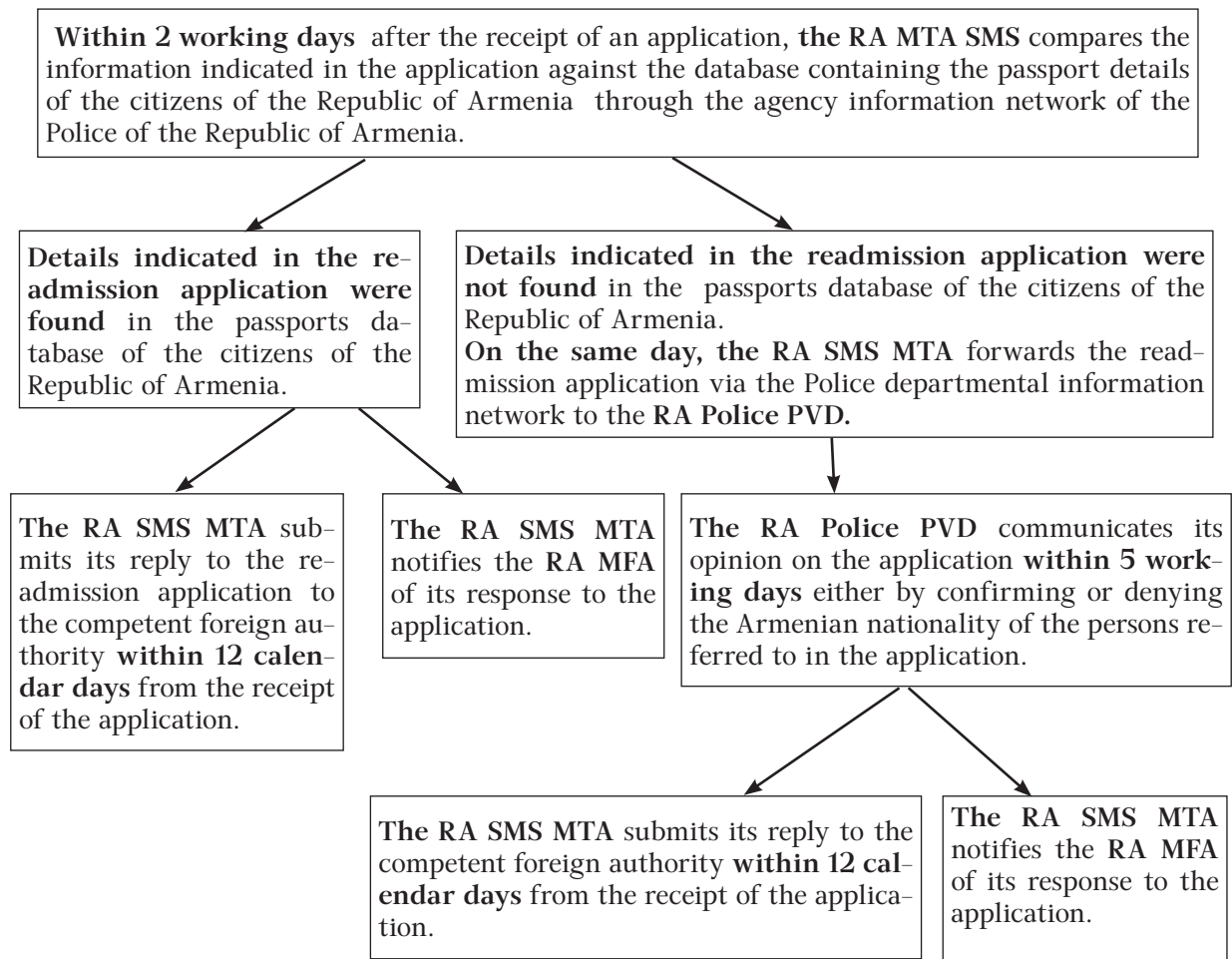
The decree assigns the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia to receive applications on the readmission of the nationals of the Republic of Armenia and third-country nationals residing in Member States of the European Union without authorization or applications on the transit of third country nationals through the territory of the Republic of Armenia. The State Migration Service is responsible for the registration of received requests in both soft and hard copies.

The decree specifies procedures and time frames for responding to each of the three types of requests (readmission of the nationals of the Republic of Armenia, readmission of third-country nationals and transit of third-country nationals), with the schematic diagram below:

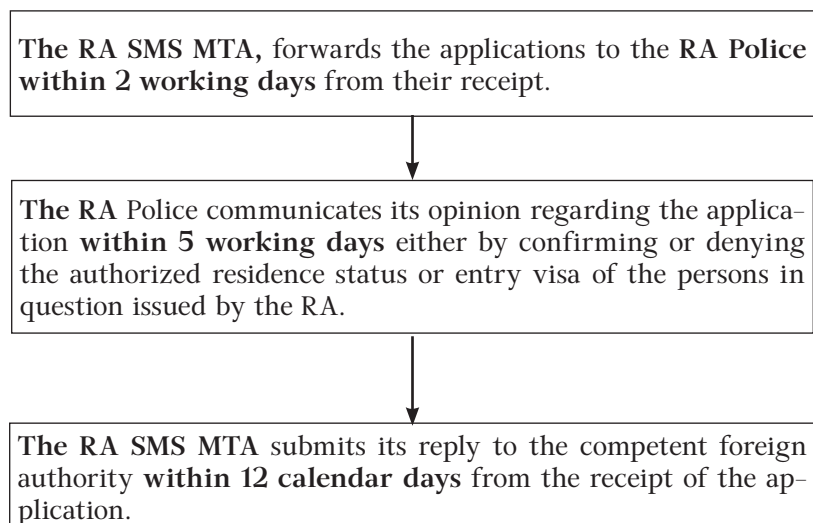




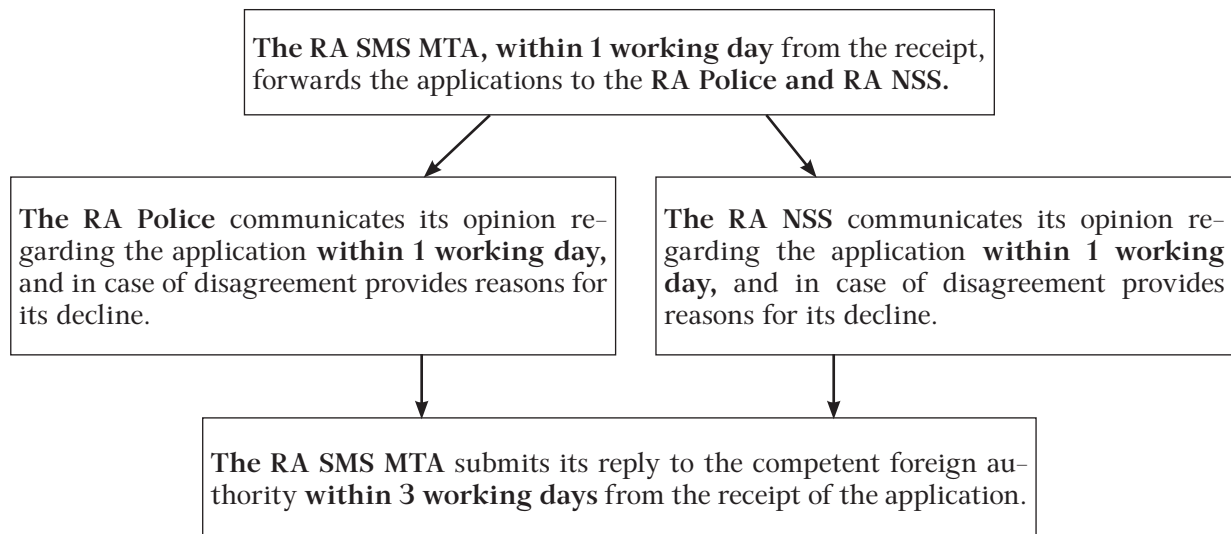
### Readmission applications for nationals of the RA



### Readmission applications for third-country nationals

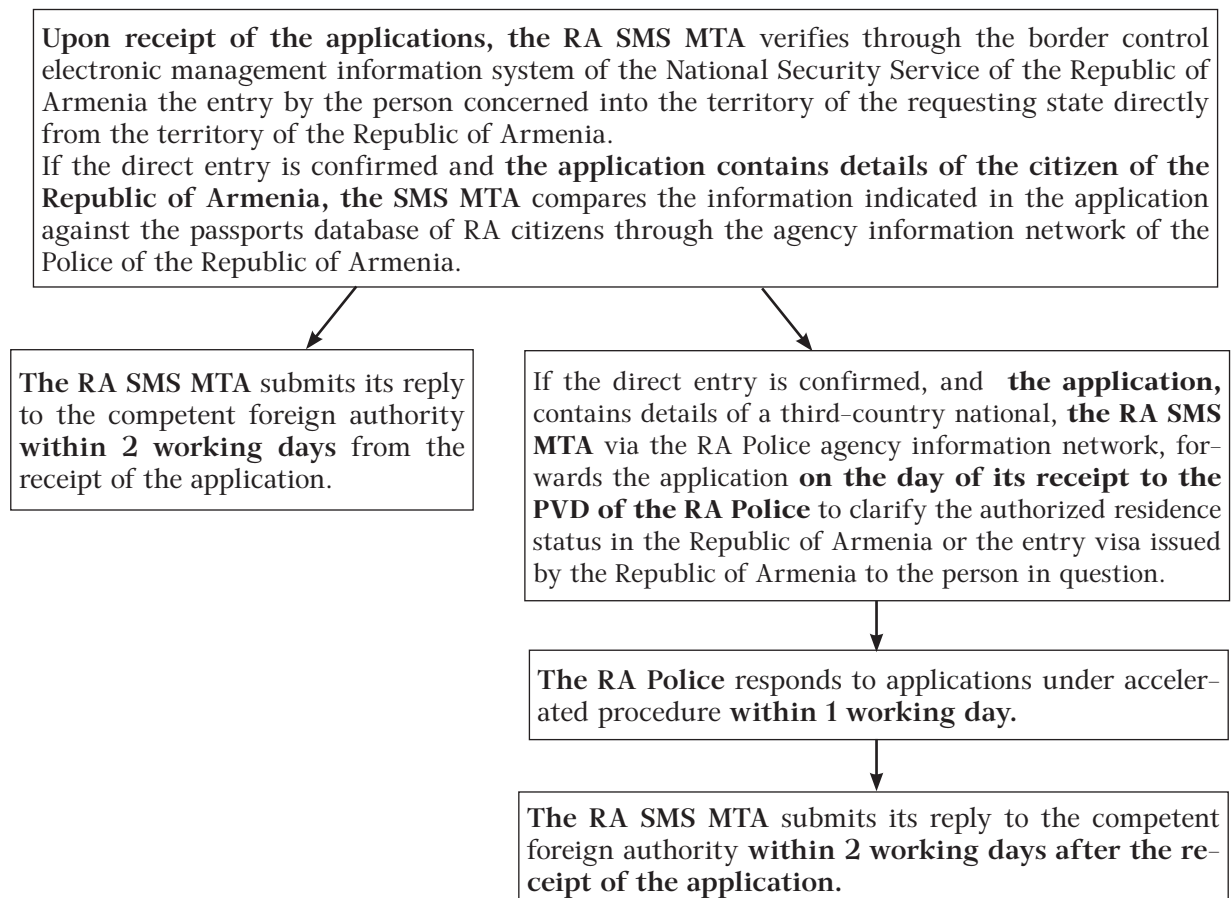


### Transit applications for third-country nationals



The government draft decree also specifies the procedure and time frames for responding to applications received under accelerated procedure.

### Applications under accelerated procedure





# ANNEXES

## ANNEX 1

### AGREEMENT

#### between the European Union and the Republic of Armenia on Readmission of Persons without Authorization

THE CONTRACTING PARTIES,

THE EUROPEAN UNION, hereinafter referred to as “the Union”,

and

THE REPUBLIC OF ARMENIA, hereinafter referred to as “Armenia”,

DETERMINED to strengthen their co-operation in order to combat illegal immigration more effectively,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfill the conditions for entry to, presence in, or residence, on the territory of Armenia or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

EMPHASIZING that this Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Armenia arising from international law and, in particular, from the Convention of 28 July 1951 relating to the Status of Refugees as amended by the Protocol of 31 January 1967, and the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms,

CONSIDERING that in accordance with Protocol No 21 on the position of the United Kingdom of Great Britain and Northern Ireland and of Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom of Great Britain and Northern Ireland and Ireland will not take part in this Agreement unless they notify their wish to that effect in accordance with that Protocol,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union, do not apply to the Kingdom of Denmark, in accordance with the Protocol No 22 on the position of the Kingdom of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union,

HAVE AGREED AS FOLLOWS:

## ARTICLE 1

### Definitions

For the purpose of this Agreement:

- (a) “Contracting Parties” shall mean Armenia and the Union;
- (b) “National of Armenia” shall mean any person who holds the citizenship of Armenia in accordance with the legislation of the Republic of Armenia;
- (c) “National of a Member State” shall mean any person who holds the nationality, as defined for Union purposes, of a Member State;
- (d) “Member State” shall mean any Member State of the European Union bound by this Agreement;
- (e) “Third-country national” shall mean any person who holds a nationality other than that of Armenia or one of the Member States;
- (f) “Stateless person” shall mean any person who does not hold a nationality;
- (g) “Residence permit” shall mean a permit of any type issued by Armenia or one of the Member States entitling a person to reside on its territory. This shall not include temporary permissions to remain on its territory in connection with the processing of an asylum application or an application for a residence permit;
- (h) “Visa” shall mean an authorization issued or a decision taken by Armenia or one of the Member States which is required with a view to entry in, or transit through, its territory. This shall not include airport transit visa;
- (i) “Requesting State” shall mean the State (Armenia or one of the Member States) submitting a readmission application pursuant to Article 8 or a transit application pursuant to Article 15 of this Agreement;
- (j) “Requested State” shall mean the State (Armenia or one of the Member States) to which a readmission application pursuant to Article 8 or a transit application pursuant to Article 15 of this Agreement is addressed;
- (k) “Competent authority” shall mean any national authority of Armenia or one of the Member States entrusted with the implementation of this Agreement in accordance with Article 20(1)(a) thereof;
- (l) “Transit” shall mean the passage of a third country national or a stateless person through the territory of the Requested State while traveling from the Requesting State to the country of destination;
- (m) “Border region” shall mean an area which extends up to 15 kilometres from the territories of seaports including custom zones, and international airports of the Member States and Armenia.



## ARTICLE 2

### Fundamental principles

While strengthening cooperation on preventing and combating irregular migration, the Requested and Requesting State shall, in the application of this Agreement to persons falling within its scope, ensure respect for human rights and for the obligations and responsibilities following from relevant international instruments applicable to them, in particular

- the Universal Declaration of the Human Rights of 10 December 1948;
- the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;
- the International Covenant of 16 December 1966 on Civil and Political Rights;
- the UN Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Convention of 28 July 1951 relating to the Status of Refugees and the
- Protocol of 31 January 1967 relating to the Status of Refugees.

The Requested State shall in particular ensure, in compliance with its obligations under the international instruments listed above, the protection of the rights of persons readmitted to its territory.

The Requesting State should give preference to voluntary return over forced return where there are no reasons to believe that this would undermine the return of a person to the Requested State.

# SECTION I

## READMISSION OBLIGATIONS BY ARMENIA

### ARTICLE 3

#### Readmission of own nationals

1. Armenia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proven, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Armenia.
2. Armenia shall also readmit:
  - minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State,
  - spouses, holding another nationality or being stateless, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of Armenia, unless they have an independent right of residence in the Requesting Member State or hold a valid residence permit issued by another Member State.
3. Armenia shall also readmit persons who have renounced the nationality of Armenia since entering the territory of a Member State, unless such persons have at least been promised naturalization by that Member State.
4. After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 120 days. If Armenia has not, within three working days, issued the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purpose.<sup>2</sup>
5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of Armenia shall, within three working days and free of charge, issue a new travel document with a period of validity of the same duration. If Armenia has not, within three working days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.<sup>3</sup>

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<sup>2</sup> In line with the form set out in EU Council recommendation of 30 November 1994.

<sup>3</sup> Ibid.



## ARTICLE 4

### Readmission of third-country nationals and stateless persons

1. Armenia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proven, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:
  - (a) hold at the time of submission of the readmission application a valid visa or residence permit issued by Armenia; or
  - (b) illegally and directly entered the territory of the Member State after having stayed on, or transited through, the territory of Armenia.
2. The readmission obligation in paragraph 1 shall not apply if the third country national or stateless person has only been in airside transit via an international airport of Armenia.
3. Without prejudice to Article 7(2), after Armenia has given a positive reply to the readmission application, the Requesting Member State issues to the person whose readmission has been accepted the EU standard travel document for expulsion purposes.<sup>4</sup>

## SECTION I

### READMISSION OBLIGATIONS BY THE UNION

## ARTICLE 5

### Readmission of own nationals

1. A Member State shall readmit, upon application by Armenia and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of Armenia provided that it is proven, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.
2. A Member State shall also readmit:
  - minor unmarried children of the persons mentioned in paragraph 1, regardless of their place of birth or their nationality, unless they have an independent right of residence in Armenia,
  - spouses, holding another nationality or being stateless, of the persons mentioned in paragraph 1, provided they have the right to enter and stay or receive the right to enter and stay in the territory of the Requested Member State, unless they have an independent right of residence in Armenia.
3. A Member State shall also readmit persons who have renounced the nationality of a Member State since entering the territory of Armenia, unless such persons have at least been promised naturalization by Armenia.
4. After the Requested Member State has given a positive reply to the readmission application, the competent diplomatic or consular representation of that Member State shall,

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<sup>4</sup> Ibid.

irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 120 days.

5. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the competent diplomatic or consular representation of that Member State shall, within three working days and free of charge, issue a new travel document with a period of validity of the same duration.

## **ARTICLE 6**

### **Readmission of third-country nationals and stateless persons**

1. A Member State shall readmit, upon application by Armenia and without further formalities other than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of Armenia provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:
  - (a) hold at the time of submission of the readmission application a valid visa or residence permit issued by the Requested Member State; or
  - (b) illegally and directly entered the territory of Armenia after having stayed on, or transited through, the territory of the Requested Member State.
2. The readmission obligation in paragraph 1 shall not apply if the third country national or stateless person has only been in airside transit via an international airport of the Requested Member State.
3. The readmission obligation in paragraph 1 is for the Member State that issued a visa or residence permit. If two or more Member States issued a visa or residence permit, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date. If no such documents can be presented, the readmission obligation in paragraph 1 is for the Member State of last exit.
4. Without prejudice to Article 7(2), after the Member State has given a positive reply to the readmission application, Armenia issues to the person whose readmission has been accepted the travel document required for his or her return.



## SECTION II READMISSION PROCEDURE

### ARTICLE 7

#### Principles

1. Subject to paragraph 2, any transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 3 to 6 shall require the submission of a readmission application to the competent authority of the Requested State.
2. If the person to be readmitted is in possession of a valid travel document or identity card and, in the case of third country nationals or stateless persons, a valid visa or residence permit of the Requested State, the transfer of such person can take place without the Requesting State having to submit a readmission application or written notification referred to in Article 12(1) to the competent authority of the Requested State.
3. Without prejudice to paragraph 2, if a person has been apprehended in the border region, including airports, of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following this person's apprehension (accelerated procedure).

### ARTICLE 8

#### Readmission application

1. To the extent possible, the readmission application is to contain the following information:
  - (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and –where possible – place of birth, and the last place of residence) and, where applicable, the particulars of minor unmarried children and/or spouses;
  - (b) in case of own nationals, indication of the means with which proof or prima facie evidence of nationality as set out by Annexes 1 and 2 respectively will be provided;
  - (c) in case of third country nationals and stateless persons, indication of the means with which proof or prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons as provided for by Annexes 3 and 4 respectively will be provided;
  - (d) photograph of the person to be readmitted.
2. To the extent possible, the readmission application shall also contain the following information:
  - (a) a statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
  - (b) any other protection, security measure or information concerning the health of the person, which may be necessary in the individual transfer case.
3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.
4. A readmission application may be submitted by any means of communication including electronic ones.



## ARTICLE 9

### Means of evidence regarding nationality

1. Proof of nationality pursuant to Article 3(1) and Article 5(1) can be particularly furnished through the documents listed in Annex 1 to this Agreement, including documents the validity of which has expired by up to six months. If such documents are presented, the Member States and Armenia shall mutually recognize the nationality without further investigation being required. Proof of nationality cannot be furnished through false documents.
2. Prima facie evidence of nationality pursuant to Article 3(1) and Article 5(1) can be particularly furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States and Armenia shall deem the nationality to be established, unless they can prove otherwise. Prima facie evidence of nationality cannot be furnished through false documents.
3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic or consular representations of the Requested State concerned shall, upon a request from the Requesting State which is to be included in the readmission application, interview the person to be readmitted without undue delay, at the latest within five working days from the date of receipt of the readmission application in accordance with Article 11(2), in order to establish his or her nationality. The procedure for such interviews may be established in the implementing Protocols provided for in Article 20 of this Agreement.

## ARTICLE 10

### Means of evidence regarding third-country nationals and stateless persons

1. Proof of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall be particularly furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognized by the Member States and Armenia without any further investigation being required.
2. Prima facie evidence of the conditions for the readmission of third-country nationals and stateless persons laid down in Article 4(1) and Article 6(1) shall be particularly furnished through the means of evidence listed in Annex 4 to this Agreement; it cannot be furnished through false documents. Where such prima facie evidence is presented, the Member States and Armenia shall deem the conditions to be established, unless they can prove otherwise.
3. The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide prima facie evidence of the unlawful entry, presence or residence.



## **ARTICLE 11**

### **Time limits**

1. The application for readmission must be submitted to the competent authority of the Requested State within a maximum of nine months after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfill the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request by the Requesting State, be extended but only until the obstacles have ceased to exist.
2. A readmission application must be replied to in writing
  - a) within two working days if the application has been made under the accelerated procedure (Article 7(3));
  - or
  - b) within twelve calendar days in all other cases.

This time limit begins to run with the date of receipt of the readmission request. If there was no reply within this time limit, the transfer shall be deemed to have been agreed to. Reply to a readmission application may be submitted by any means of communication including electronic ones.

3. Reasons for the refusal of a readmission request shall be given in writing.
4. After agreement has been given or, where appropriate, after expiry of the time limits laid down in paragraph 2, the person concerned shall be transferred within three months. On request of the Requesting State, this time limit may be extended by the time taken to deal with legal or practical obstacles.

## **ARTICLE 12**

### **Transfer modalities and modes of transportation**

1. Without prejudice to Article 7(2), before returning a person, the competent authorities of the Requesting State shall notify in writing at least two working days in advance the competent authorities of the Requested State regarding the transfer date, the point of entry, possible escorts and other information relevant to the transfer.
2. Transportation may take place by any means including by air. Return by air shall not be restricted to the use of the national carriers of Armenia or the Member States and may take place by using scheduled or charter flights. In the event of escorted returns, such escorts shall not be restricted to authorized persons of the Requesting State, provided that they are persons authorized by Armenia or any Member State.
3. If the transfer takes place by air, possible escorts shall be exempted from having to obtain necessary visas.

## ARTICLE 13

### Readmission in error

The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of six months after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 of this Agreement are not met.

In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.

## SECTION IV

### TRANSIT OPERATIONS

## ARTICLE 14

### Principles

1. The Member States and Armenia should restrict the transit of third-country nationals or stateless persons to cases where such persons cannot be returned to the State of destination directly.
2. Armenia shall allow the transit of third-country nationals or stateless persons if a Member State so requests, and a Member State shall authorize the transit of third-country nationals or stateless persons if Armenia so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.
3. Transit can be refused by Armenia or a Member State:
  - (a) if the third-country national or the stateless person runs the real risk of being subjected to torture or to inhuman or degrading treatment or punishment or the death penalty or of persecution because of his race, religion, nationality, membership of a particular social group or political conviction in the State of destination or another State of transit;
  - (b) if the third-country national or the stateless person shall be subject to criminal sanctions in the Requested State or in another State of transit; or
  - (c) on grounds of public health, domestic security, public order or other national interests of the Requested State.
4. Armenia or a Member State may revoke any authorization issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured. In this case, the Requesting State shall take back the third-country national or the stateless person, as necessary and without delay.



## **ARTICLE 15**

### **Transit procedure**

1. An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information:
  - (a) type of transit (by air, sea or land), possible other States of transit and intended final destination;
  - (b) the particulars of the person concerned (e.g. given name, surname, maiden name, other names used/by which known or aliases, date of birth, sex and – where possible – place of birth, nationality, language, type and number of travel document);
  - (c) envisaged point of entry, time of transfer and possible use of escorts;
  - (d) a declaration that in the view of the Requesting State the conditions pursuant to Article 14(2) are met, and that no reasons for a refusal pursuant to Article 14(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

A transit application may be submitted by any means of communication including electronic ones.

2. The Requested State shall, within three working days after receipt of the application and in writing, inform the Requesting State of the admission, confirming the point of entry and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal. If there was no reply within three working days, the transit shall be deemed to have been agreed to.  
Reply to a transit application may be submitted by any means of communication including electronic ones.
3. If the transit operation takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.
4. The competent authorities of the Requested State shall, subject to mutual consultations, assist in the transit operations, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.
5. Transit of the persons shall be carried out within 30 days of receipt of consent to the request.

## **SECTION V**

### **COSTS**

## **ARTICLE 16**

### **Transport and transit costs**

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.

## SECTION VI DATA PROTECTION AND RELATION TO OTHER INTERNATIONAL OBLIGATIONS

### ARTICLE 17

#### Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of Armenia or a Member State as the case may be. The processing and treatment of personal data in a particular case shall be subject to the domestic laws of Armenia and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC and of the national legislation of that Member State adopted pursuant to that Directive.

Additionally, the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
  - the particulars of the person to be transferred (e.g. given names, surnames, any previous names, other names used/by which known or aliases, sex, civil status, date and place of birth, current and any previous nationality),
  - passport, identity card or driving license (number, period of validity, date of issue, issuing authority, place of issue),
  - stop-overs and itineraries,
  - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up-to-date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;



- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

## **ARTICLE 18**

### **Relation to other international obligations**

1. This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Armenia arising from international law including from international conventions to which they are party, in particular from the international instruments listed in Article 2 and:
  - the international conventions determining the State responsible for examining applications for asylum lodged;
  - international conventions on extradition and transit;
  - multilateral international conventions and agreements on the readmission of foreign nationals.
2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

## **SECTION VII**

### **IMPLEMENTATION AND APPLICATION**

## **ARTICLE 19**

### **Joint readmission committee**

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as “the committee”) which will, in particular, have the task:
  - (a) to monitor, and exchange information regarding, the application of this Agreement, excluding personal data;
  - (b) to address issues arising out of the interpretation or application of the provisions of this Agreement;
  - (c) to decide on implementing arrangements necessary for the uniform application of this Agreement;
  - (d) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Armenia pursuant to Article 20;
  - (e) to recommend amendments to this Agreement and its Annexes.
2. The decisions of the committee shall be binding on the Contracting Parties.
3. The committee shall be composed of representatives of the Union and Armenia.
4. The committee shall meet where necessary at the request of one of the Contracting Parties.
5. The committee shall establish its rules of procedures.

## **ARTICLE 20**

### **Implementing Protocols**

1. Without prejudice to the direct applicability of the present Agreement, on request of a Member State or Armenia, Armenia and a Member State shall draw up an implementing Protocol which shall, inter alia, cover:
  - (a) designation of the competent authorities, border crossing points and exchange of contact points;
  - (b) conditions for escorted returns, including the transit of third-country nationals and stateless persons under escort;
  - (c) means and documents additional to those listed in the Annexes 1 to 4 to this Agreement;
  - (d) the modalities for readmission under the accelerated procedure;
  - (e) the procedure for interviews.
2. The implementing Protocols referred to in paragraph 1 shall enter into force only after the joint readmission committee referred to in Article 19 has been notified.
3. Armenia agrees to apply any provision of an implementing Protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter. Member States agree to apply any provision of an implementing Protocol concluded by one of them also in their relations with Armenia upon request of the latter, subject to the practical feasibility of its application to other Member States.

## **ARTICLE 21**

### **Relation to bilateral readmission agreements or arrangements of Member States**

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorization which have been or may, under Article 20, be concluded between individual Member States and Armenia, in so far as the provisions of the latter are incompatible with those of this Agreement.

## **SECTION VIII**

### **FINAL PROVISIONS**

## **ARTICLE 22**

### **Territorial application**

1. Subject to paragraph 2, this Agreement shall apply to the territory in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applicable and to the territory of Armenia.
2. This Agreement shall apply to the territory of the United Kingdom of Great Britain and Northern Ireland and of Ireland only pursuant to a notification by the European Union to Armenia to that effect. This Agreement shall not apply to the territory of the Kingdom of Denmark.





## **ARTICLE 23**

### **Entry into force, duration and termination**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the last Contracting Party has notified the other that the procedures referred to in paragraph 1 have been completed.
3. This Agreement shall apply to the United Kingdom of Great Britain and Northern Ireland and to Ireland on the first day of the second month following the date of the notification referred to in Article 22(2).
4. The Agreement is concluded for an unlimited period.
5. This Agreement may be amended by mutual consent of the Contracting Parties. Amendments shall be drawn up in the form of separate protocols, which shall form an integral part of this Agreement, and enter into force in accordance with the procedure laid down in this Article.
6. Each Contracting Party may, by officially notifying the other Contracting Party and after prior consultation of the committee referred to in Article 19, completely or partly, temporarily suspend the implementation of this Agreement. The suspension shall enter into force on the second day following the day of such notification.
7. Each Contracting Party may terminate this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

## **ARTICLE 24**

### **Annexes**

**Annexes 1 to 6 shall form an integral part of this Agreement.**

Done in the city of Brussels on the 19<sup>th</sup> day of April in the year 2013 in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Armenian languages, each of these texts being equally authentic.

**For the European Union**

**For the Republic of Armenia**

## ANNEX 1

### COMMON LIST OF DOCUMENTS, THE PRESENTATION OF WHICH IS CONSIDERED AS PROOF OF NATIONALITY

(ARTICLES 3(1), 5(1) AND 9(1))

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports);
- identity cards of any kind (including temporary and provisional ones);
- citizenship certificates and other official documents that mention or clearly indicate citizenship.

## ANNEX 2

### COMMON LIST OF DOCUMENTS, THE PRESENTATION OF WHICH IS CONSIDERED AS PRIMA FACIE EVIDENCE OF NATIONALITY

(ARTICLES 3(1), 5(1) AND 9(2))

- documents listed in Annex 1, the validity of which has expired by more than six months;
- photocopies of any of the documents listed in Annex 1 to this Agreement;
- driving licenses or photocopies thereof;
- birth certificates or photocopies thereof;
- company identity cards or photocopies thereof;
- statements by witnesses;
- statements made by the person concerned and language spoken by him or her, including by means of an official test result;
- any other document which may help to establish the nationality of the person concerned;
- fingerprints;
- laissez-passer issued by the Requested State;
- service books and military identity cards;
- seaman's registration books and skippers' service cards;
- confirmation of identity as a result of a search carried out in the Visa Information System;<sup>5</sup>
- In the case of Member States not using the Visa Information System, positive identification established from visa application records of those Member States.

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<sup>5</sup> Ibid.



## ANNEX 3

### COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PROOF OF CONDITIONS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

#### (ARTICLES 4(1), 6(1) AND 10(1))

- visa and/or residence permit issued by the Requested State,
- entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic).

## ANNEX 4

### COMMON LIST OF DOCUMENTS WHICH ARE CONSIDERED AS PRIMA FACIE EVIDENCE OF CONDITIONS FOR THE READMISSION OF THIRD-COUNTRY NATIONALS AND STATELESS PERSONS

#### (ARTICLES 4(1), 6(1) AND 10(2))

- description issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State;
- information related to the identity and/or stay of a person which has been provided by an international organization (e.g. UNHCR);
- reports/confirmation of information by family members, traveling companions, etc.;
- statement by the person concerned;
- fingerprints;
- documents, certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, car rental agreements, credit card receipts, etc.) which clearly show that the person concerned stayed on the territory of the Requested State;
- named tickets and/or passenger lists of air, train, coach or boat passages which show the presence and the itinerary of the person concerned on the territory of the Requested State;
- information showing that the person concerned has used the services of a courier or travel agency;
- official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
- official statement by the person concerned in judicial or administrative proceedings.

## ANNEX 5



Emblem of the Republic of Armenia

<p>.....</p> <p style="text-align: center;">(Designation of requesting authority)</p>	<p>.....</p> <p style="text-align: center;">(Place and date)</p>
<p>Reference:.....</p> <p>To.....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">(Designation of requested authority)</p>	

- o ACCELERATED PROCEDURE (Article 7(3))
- o INTERVIEW REQUEST (Article 9(3))

### READMISSION APPLICATION

**pursuant to Article 8 of the Agreement between the European Union and  
the Republic of Armenia on the readmission of persons residing without  
authorization**

#### A. PERSONAL DETAILS

1. Full name (underline surname): .....
2. Maiden name: .....
3. Date and place of birth: .....
4. Sex and physical description (height, color of eyes, distinguishing marks , etc.) .....
5. Also known as (earlier names, other names used/by which known or aliases): .....

Photograph

6. Nationality and language: .....

7. Civil status:

- o married
- o single
- o divorced
- o widowed

**If married:**

name of spouse: .....



Names and age of children (if any): .....  
.....  
.....

8. Last address in the Requested State:  
.....

**B. PERSONAL DETAILS OF SPOUSE (IF APPROPRIATE)**

1. Full name (underline surname): .....
2. Maiden name: .....
3. Date and place of birth: .....
4. Sex and physical description (height, color of eyes, distinguishing marks, etc.) .....

5. Also known as (earlier names, other names used/by which known or aliases):  
.....

6. Nationality and language:  
.....

**C. PERSONAL DETAILS OF CHILDREN (IF APPROPRIATE)**

1. Full name (underline surname): .....
2. Date and place of birth:  
.....
3. Sex and physical description (height, color of eyes, distinguishing marks, etc.)  
.....
4. Nationality and language:  
.....

**D. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE**

1. State of health (e.g. possible reference to special medical care; Latin name of contagious disease):  
.....

Indication of particularly dangerous person (e.g. suspected of serious offense; aggressive behavior):  
.....

E. MEANS OF EVIDENCE ATTACHED

1. .... (Passport No)	..... (date and place of issue)
..... (issuing authority)	..... (expiry date)
2. .... (Identity card No...)	..... (date and place of issue)
..... (issuing authority)	..... (expiry date)
3. .... (Driving license No)	..... (date and place of issue)
..... (issuing authority)	..... (expiry date)
4. .... (Other official document No....)	..... (date and place of issue)
..... (issuing authority)	..... (expiry date)

F. OBSERVATIONS

.....  
.....

.....  
(Signature) (Seal/stamp)



## ANNEX 6



Emblem of the Republic of Armenia

..... (Designation of requesting authority)	..... (Place and date)
Reference: .....  To ..... ..... ..... (Designation of requested authority)	

### TRANSIT APPLICATION pursuant to Article 15 of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization

#### A. PERSONAL DETAILS

1. Full name (underline surname): .....
2. Maiden name: .....
3. Date and place of birth:  
.....
4. Sex and physical description (height, color of eyes, distinguishing marks ,etc.)  
.....
5. Also known as (earlier names, other names used/by which known or aliases):
6. Nationality and language:  
.....
7. Type and number of travel document  
.....

Photograph

#### B. TRANSIT OPERATION

1. Type of transit:
  - ☐ by air
  - ☐ by land
  - ☐ by sea
2. State of final destination:  
.....
3. Possible other States of transit  
.....





4. Proposed border crossing point, date, time of transfer and possible escorts

.....  
.....  
.....

5. Admission guaranteed in any other transit State and in the State of final destination (Article 13, paragraph 2)

yes  
no

6. Knowledge of any reason for a refusal of transit  
(Article 13, paragraph 3)

yes  
no

#### D. OBSERVATIONS

.....  
.....  
.....  
.....

.....  
(Signature) (Seal/stamp)

### **Joint declaration concerning Articles 3(3) and 5(3)**

The Contracting Parties take note that, according to the nationality laws of the Republic of Armenia and the Member States, it is not possible for a citizen of the Republic of Armenia or the European Union to be deprived of his or her nationality. The Parties agree to consult each other in due time should this legal situation change.

### **Joint declaration concerning the Republic of Iceland**

The Contracting Parties take note of the close relationship between the European Union and the Republic of Iceland, particularly by virtue of the Agreement of 18 May 1999 concerning the association of this country with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that Armenia conclude a readmission agreement with the Republic of Iceland on the same terms as this Agreement.



**ANNEX 2**  
**GOVERNMENT OF THE REPUBLIC OF ARMENIA**  
**DECREE**

**N 300-N dated 19 March 2014**

**ON MEASURES FOR IMPLEMENTATION OF THE AGREEMENT BETWEEN THE  
REPUBLIC OF ARMENIA AND THE EUROPEAN UNION ON READMISSION OF  
PERSONS RESIDING WITHOUT AUTHORIZATION**

In compliance with Article 51(2) of the RA Law on International Treaties of the Republic of Armenia, the Government of the Republic of Armenia shall decree to:

1. approve, in compliance with Annex 1, the procedure for state authorities of the Republic of Armenia to consider applications received under the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization;
2. recognize the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia as the competent authority responsible for the implementation of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization;
3. assign the Head of the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia to coordinate the activities related to the training of the personnel of the Ministry of Foreign Affairs of the Republic of Armenia, the National Security Service under the Government of the Republic of Armenia, the Police of the Republic of Armenia under the Government of the Republic of Armenia involved in the readmission process;
4. assign the Head of the National Security Service under the Government of the Republic of Armenia to ensure that the travel document issued by the European Union is used as a standard document to entitle its holder to enter the Republic of Armenia;
5. set up an interagency working group and approve its members in line with Annex 2 in order to monitor the compliance with commitments assumed under the Agreement and to examine any issues that may arise in this regard;
6. assign the Minister of Foreign Affairs of the Republic of Armenia, the Head of the National Security Service under the Government of the Republic of Armenia and the Chief of the Police of the Republic of Armenia under the Government of the Republic of Armenia to submit details on their respective representatives to the the interagency working group leader within 20 days after this Decree takes effect;
7. This decree shall take effect on the 10 th day following the date of its official publication.

Prime Minister  
of the Republic of Armenia  
T. Sargsyan

26 March 2014  
Yerevan



**Annex 1**  
**to RA Government Decree**  
**N 300-N dated March 19, 2014**

**PROCEDURE**

**FOR THE INTERAGENCY GROUP TO MONITOR THE COMPLIANCE WITH  
COMMITMENTS ASSUMED UNDER THE AGREEMENT BETWEEN THE REPUBLIC OF  
ARMENIA AND THE EUROPEAN UNION ON READMISSION OF PERSONS RESIDING  
WITHOUT AUTHORIZATION AND TO EXAMINE ANY ISSUES THAT MAY ARISE IN  
THIS REGARD**

**I. GENERAL PROVISIONS**

1. This procedure shall regulate the relations concerning the procedure and time frames for the state authorities of the Republic of Armenia to consider applications received under the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing without Authorization.
2. The State Migration Service under the Ministry of Territorial Administration of the Republic of Armenia (hereinafter referred to as State Migration Service) shall receive applications to readmit nationals of the Republic of Armenia and third-country nationals residing on a territory of a EU Member State (hereinafter referred to as foreign state) without authorization as well as applications to transit third-country nationals through the territory of the Republic of Armenia.
3. The State Migration Service shall keep a special register of the received applications in both soft and hard copies.

**II. RESPONDING TO APPLICATIONS ON READMISSION OF NATIONALS OF THE  
REPUBLIC OF ARMENIA RESIDING ON THE TERRITORY OF A FOREIGN STATE WITHOUT  
AUTHORIZATION**

4. Within 2 working days after the receipt of an application on readmission of an RA national, the State Migration Service shall compare, via the agency information network of the Police of the Republic of Armenia (hereinafter referred to as Police), the data found in the application against the database containing the passport details of the citizens of the Republic of Armenia.
5. If the State Migration Service does not find the data in the readmission application in the database, it shall on the same day forward the readmission application via the Police departmental information network, to the Passport and Visa Department of the Police.
6. The Passport and Visa Department of the Police shall communicate its opinion on the readmission application within 5 working days either by confirming or denying the Armenian nationality of the person in question. Within the same time frame, the Passport and Visa Department of the Police shall notify the State Migration Service of any additional document or a list of documents to be submitted, if necessary.
7. The State Migration Service submits its reply to the readmission application of the competent foreign authority within 12 calendar days after its receipt.



8. The State Migration Service notifies the Ministry of Foreign Affairs of the Republic of Armenia (hereinafter referred to as Ministry of Foreign Affairs) of its response to the application.

### **III. RESPONDING TO APPLICATIONS ON READMISSION OF THIRD-COUNTRY NATIONALS RESIDING ON THE TERRITORY OF A FOREIGN STATE WITHOUT AUTHORIZATION**

9. The State Migration Service shall, within 2 working days after the receipt of an application on readmission of a third-country national, forward it to the Police.

10. The RA Police shall communicate its opinion regarding the application on readmission of a third-country national within 5 working days either by confirming or denying the authorized residence status or entry visa of the person in question issued by the Republic of Armenia.

11. The State Migration Service shall submit its reply to the readmission application of the competent foreign authority within 12 calendar days after its receipt.

### **IV. RESPONDING TO APPLICATIONS ON TRANSIT OF THIRD-COUNTRY NATIONALS RESIDING ON THE TERRITORY OF A FOREIGN STATE WITHOUT AUTHORIZATION**

12. Upon receiving an application on transit of a third-country national residing on the territory of a foreign state without authorization through the territory of the Republic of Armenia, the State Migration Service shall, within 1 working day, forward it to the Police and the National Security Service under the Government of the Republic of Armenia (hereinafter referred to as National Security Service).

13. The Police and the National Security Service shall communicate their opinions on the transit application within 1 working day and in case of disagreement shall provide reasons for its decline.

14. The State Migration Service shall submit its reply to the application of the competent foreign authority on transiting third-country nationals through the territory of the Republic of Armenia within 3 working days after its receipt.

### **V. RESPONDING TO APPLICATIONS ON READMISSION OF PERSONS RESIDING ON THE TERRITORY OF A FOREIGN STATE WITHOUT AUTHORIZATION UNDER ACCELERATED PROCEDURE**

15. Upon receiving applications on readmission of persons residing on the territory of a foreign state without authorization under accelerated procedure, the State Migration Service shall verify via the border control electronic management information system of the National Security Service of the Republic of Armenia the entry by the person concerned into the territory of the requesting state directly from the territory of the Republic of Armenia.

16. If the direct entry is confirmed, and the application contains any information on the national of the Republic of Armenia, the State Migration Service shall compare such information against the passport database of the citizens of the Republic of Armenia through the RA Police agency information network.

17. If the direct entry is confirmed, and the application contains any information on a third-country national, the State Migration Service shall, via the RA Police agency information network, forward the application on the day of its receipt to the Passport and Visa Department of the Police to clarify the authorized residence status in the Republic of Armenia or the entry visa issued by the Republic of Armenia to the person in question.

18. The RA Police shall respond to applications under accelerated procedure within 1 working day.

19. The State Migration Service shall submit replies to the applications to readmit persons residing without authorization under accelerated procedure to the foreign competent authority within 2 working days after the receipt of the application.

## **VI. COORDINATION OF READMISSION OF PERSONS RESIDING ON THE TERRITORY OF A FOREIGN STATE WITHOUT AUTHORIZATION**

20. If it proves difficult to verify the nationality and identity of a person residing on the territory of a foreign state without authorization, the competent diplomatic or consular representations of the Requested State concerned shall, within 5 working days upon receiving the application, interview the person in question to establish their identity.

21. The competent diplomatic or consular representation of Armenia shall free of charge and not later than within 3 working days after the receipt of the application of the competent foreign authority issue the the persons without travel documents to be readmitted by the Republic of Armenia with a certificate of return with a period of validity of 120 days. If the person concerned cannot be transferred within the period of validity above, he/she shall be issued with a new certificate of return within 3 working days.

22. Upon receiving information from the competent foreign authority on the day and itinerary of transferring the persons to be readmitted by or transited through the Republic of Armenia, the State Migration Service shall forward it to the National Security Service.

**Minister-Chief of Government Staff  
of the Republic of Armenia  
V. Gabrielyan**



**Annex 2**  
**to RA Government Decree**  
**N 300-N dated March 19, 2014**

**MEMBERS**

**OF THE INTERAGENCY WORKING GROUP TO MONITOR THE COMPLIANCE WITH  
COMMITMENTS ASSUMED UNDER THE AGREEMENT BETWEEN THE EUROPEAN  
UNION AND THE REPUBLIC OF ARMENIA ON READMISSION OF PERSONS  
RESIDING WITHOUT AUTHORIZATION AND TO EXAMINE ANY ISSUES THAT  
MAY ARISE IN THIS REGARD**

the Head of the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia (working group leader);

- a representative of the Ministry of Foreign Affairs of the Republic of Armenia;
- a representative of the National Security Service under the Government of the Republic of Armenia;
- a representative of the Police of the Republic of Armenia under the Government of the Republic of Armenia.

**Minister-Chief of Government Staff  
of the Republic of Armenia  
V. Gabrielyan**

**OF APPLICATIONS ON READMISSION OF NATIONALS OF THE REPUBLIC OF  
ARMENIA AND THIRD-COUNTRY NATIONALS RESIDING ON THE TERRITORY  
OF A FOREIGN STATE WITHOUT AUTHORIZATION AND APPLICATIONS FOR  
TRANSIT OF THIRD-COUNTRY NATIONALS THROUGH THE TERRITORY OF THE  
REPUBLIC OF ARMENIA**

[illegible]



## **ANNEX 3**

### **GOVERNMENT OF THE REPUBLIC OF ARMENIA DECREE**

**N 297-N dated 24 March 2011**

#### **ON APPROVING THE DESCRIPTION AND ISSUANCE PROCEDURE OF THE CERTIFICATE OF RETURN TO THE REPUBLIC OF ARMENIA**

Guided by Article 14 of the Republic of Armenia Law on Legal Acts and the aim to regulate the issuance procedure for the certificate of return to the Republic of Armenia, the Government of the Republic of Armenia decrees to:

1. Approve:
  - 1) the description of the certificate of return to the Republic of Armenia, in compliance with Annex 1;
  - 2) the issuance procedure for the certificate of return to the Republic of Armenia, in compliance with Annex 2;
2. instruct the Minister of Foreign Affairs of the Republic of Armenia, the Chief of the Police of the Republic of Armenia under the Government of the Republic of Armenia and the Head of the National Security Service under the Government of the Republic of Armenia to set up within 5 days after this Decree takes effect, subdivisions responsible for the activities laid down therein;
3. instruct the Minister of Foreign Affairs of the Republic of Armenia to designate, within 5 days after this Decree takes effect, the diplomatic and consular representations responsible for issuing certificates of return to the nationals of the Republic of Armenia and persons authorized to reside in the Republic of Armenia who stay in foreign countries where the Republic of Armenia has no diplomatic or consular missions.
4. This decree shall take effect on the 10th day following the date of its official publication.

**Prime Minister  
of the Republic of Armenia  
T. Sargsyan**

**28 March 2011  
Yerevan**

**Annex 1**  
**to RA Government Decree**  
**N 297-N dated 24 March 2011**

DESCRIPTION OF THE CERTIFICATE OF RETURN TO THE REPUBLIC OF ARMENIA

1. The Certificate of Return to the Republic of Armenia (hereinafter referred to as certificate of return) shall be a single-use travel document for return to Armenia.
2. The certificate of return shall be a 21x14 cm rectangular application form.
3. The upper part of the front page of the form shall bear the inscription «ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅՈՒՆ» and “REPUBLIC OF ARMENIA” with upper case in Armenian and English, respectively,
  - 1) with a UV-sensitive multicolor coat of arms of the Republic of Armenia in the center;
  - 2) Under the coat of arms of the Republic of Armenia, the document shall bear the inscription «ՎԵՐԱԴԱՐՁԻ ՎԿԱՅԱԿԱՆ» and “CERTIFICATE OF RETURN” in Armenian and English, respectively, with the serial number of the certificate below it green under UV light.
4. On the reverse, the document shall contain some space for the data below to be filled in Armenian, Russian and English in the sequence below:
  - 1) Embassy/consulate of the Republic of Armenia – city;
  - 2) Date of issue (day, month and year of issue of the certificate)
5. Each section of the records in para. 4 of this Procedure shall be followed by the phrases below in respective languages: “REPUBLIC OF ARMENIA/CERTIFICATE OF RETURN” and “This Certificate entitles its holder to return to the Republic of Armenia.” Then, again the certificate shall contain some space for required details below: last name; first name; father’s name; date of birth (day, month, year); place of birth; the certificate is valid through (day, month, year):
6. The form shall also provide space for a 35x45 mm photograph of the holder of the certificate and the signature of the issuing official.
7. The certificate form shall be made of protected paper covered with multicolor UV-sensitive fibers. The Certificate shall be the security features below:
  - 1) Iris printer to provide smoothly interflow of colors;
  - 2) Secure background with thin-line patterns;
  - 3) watermark with a diagram of continuous lines;
  - 4) a micro note intelligible only by zoom.
  - 5) serial number;
  - 6) UV-ink; everything printed in this ink reflect green against UV-light.

*(Annex edited on 10.01.13 N 114-N)*

**Chief of Government Staff**  
**of the Republic of Armenia**  
**D. Sargsyan**



**Annex 2**  
**to RA Government Decree**  
**N 297-N dated 24 March 2011**

**PROCEDURE**

**ON ISSUING A CERTIFICATE OF RETURN TO THE REPUBLIC OF ARMENIA**

**I. GENERAL PROVISIONS**

1. The Certificate of Return to the Republic of Armenia (hereinafter referred to as certificate of return) is a single-use travel document that shall provide RA nationals, persons recognized as refugees and granted asylum in the RA, persons not holding an RA citizenship but possessing an RA residence permit (hereinafter referred to as seekers of a return certificate) with an opportunity of urgent return to the Republic of Armenia if they lack the legal document authorizing them to cross the state border.
2. For the purposes of this Procedure, legal documents to authorize crossing the state border shall cover the passport of a national of the Republic of Armenia (including diplomatic passport), valid and usable travel documents (hereinafter referred to as legal documents) issued to the refugee or a stateless person by the Republic of Armenia.
3. The Certificate of Return shall be issued to persons specified under Para. 1 of this Procedure if they either lack any legal documents or if their legal documents are invalid (expired) or unusable passport or if they were never issued any such documents and are in urgent need to return to Armenia. Legal documents shall be deemed unusable if they are predominantly worn out or damaged or contain illegible personal data or blurred photograph, visa, border cross stamps or pages with such stamps as well as notes in violation of the procedure under the legislation of the Republic of Armenia or lack any of such pages.
4. Persons staying illegally on the territory of a foreign state and lacking legal documents shall also be issued with such certificates to ensure their return to the Republic of Armenia in compliance with the inquiry sent duly by the foreign competent authority, including the procedure or decision following the interview under the agreement with the state in question on readmission and transit (hereinafter referred to as readmission agreement) of persons without authorization.

## II. APPLICATION PROCEDURE AND REQUIRED DOCUMENTS

5. A return certificate seeker shall in person (also by post) or with the help of an authorized person or legal representative as prescribed by law of the Republic of Armenia apply to the diplomatic representation or consular office of the Republic of Armenia in the foreign state (hereinafter referred to as consular office) and submit the documents below:
- 1) application-questionnaire filled in (paras. 1-7 are obligatory) and signed by the applicant;
  - 2) 2 identical color photographs 35x45 mm (no more than 6 months old);
  - 3) Document or any necessary details confirming the payment of the state duty;
  - 4) Original invalid or unusable passport (or any other legal document) or original passport of a former ASSR citizen, if available. If the person submits the passport of a former ASSR citizen, he/she shall also submit a reference denying his/her citizenship of the state of residence of the consular office to accept the application or of any state in the respective consular region, or
  - 5) in case of lacking legal documents:
    - a. other original documents confirming his/her nationality and/or identity (identity card, military service book or pre-conscription certificate issued by the competent authority of the Republic of Armenia (also former ASSR) or certified copies of these documents (if available);
    - b. reference from the Police of the area in question (or other competent authority) on the disappearance, theft or loss of the passport as a result of robbery or any other crime, or natural or man-made disasters (if available);
    - c. original driver's license (if available);
    - d. copy of the lacking legal document (if available).
  - 6) In case children who are nationals of the Republic of Armenia were not issued a passport of the national of the Republic of Armenia:
    - a. original birth certificate issued by a competent authorities of the Republic of Armenia or the foreign state or its photocopy certified as prescribed by the law of the Republic of Armenia;
    - b. original passports or identity cards of the parent (parents).
6. If the application on behalf of the return certificate seeker is filed by his/her parent, brother, sister, spouse, child or any other authorized and legal representative, they shall also submit the documents below.
- 1) The parent shall submit the original and copy of his/her passport (identity card) as well as copies of the passport (identity card) and birth certificate of the seeker of return certificate and original power of attorney.
  - 2) The brother or sister shall submit the original and copy of their passport (identity card) and original of their birth certificate as well as copies of the passport (identity card) and birth certificate of the seeker of return certificate and original power of attorney.
  - 3) The spouse shall submit the original and copy of his/her passport (identity card) as well as copies of the passport (identity card) and marriage certificate of the seeker of return certificate and original power of attorney.
  - 4) The child shall submit the original and copy of his/her passport (identity card) and the copy of his/her birth certificate as well as the copy of the passport (identity card) of the seeker of return certificate and original power of attorney.



- 5) Other authorized person shall submit his/her passport (identity card), the power of attorney and a copy of the passport (identity card) of the seeker of return certificate. In this case, the power of attorney must be certified as prescribed by the legislation or international treaties of the Republic of Armenia.
- 6) The legal representative shall submit his/her passport (identity card), a document on his/her status of a legal representative and a copy of the passport (identity card) of the seeker of return certificate.
7. In the case covered under para. 4 of this Procedure, the competent foreign authority can also apply to the consular office for a certificate of return on behalf of the person. If the person in question refuses to fill in and sign the application-questionnaire, it shall be filled in (in the Armenian language or translated into Armenian) and signed by an official of the foreign competent authority.

### **III. ESTABLISHING THE IDENTITY AND NATIONALITY OF THE PERSON**

8. The identity and nationality of the person shall be established within 1 working day if any of the documents below is submitted:
  - 1) an invalid (expired) passport or identity card of a national of the Republic of Armenia;
  - 2) an unusable passport or identity card of a national of the Republic of Armenia;
  - 3) a military service book or a pre-conscription certificate issued by the competent authority of the Republic of Armenia;
  - 4) a passport of a national of the former ASSR and a document denying the evidence of person's citizenship of the state of residence of the consular office to have accepted the application or of any state in the respective consular region;
  - 5) a document confirming the identity and status of a person recognized as a refugee and granted asylum in the Republic of Armenia, or of a person not holding Armenian citizenship but possessing an RA residence permit.
9. The identity and nationality of the person shall be established through records in the State Register of Population of the Republic of Armenia (hereinafter referred to as the State Register of Population) if:
  - 1) none of the documents in para. 8 of this Procedure is available;
  - 2) the document submitted is not deemed trustworthy (due to unvalidated deletions or corrections, marks of replaced photographs, indistinct seals and stamps or if the document is predominantly worn out or other substantial evidence thereof).
10. If the return certificate seeker does not hold a passport of the Republic of Armenia, his/her nationality shall be established in compliance with the RA Law on Citizenship of the Republic of Armenia within 1 working day after submitting the documents listed in this Procedure.
11. The identity and nationality of a person can also be established by the decision following the interview as prescribed by the readmission agreement if the person in question submits no documents on his identity and nationality or provides false data.
12. The data on establishing the identity of a person, i.e. the photograph and other personal details are compared against the data available in the documents submitted or in the State Register of Population. A person's identity shall be deemed established if all compared personal data coincide.

13. In case of any inconsistency in the personal details (photograph, first name, last name, father's name, date of birth, etc.), the Certificate of Return shall be denied.

#### **IV. PROCEDURE AND TIME FRAMES FOR VERIFYING DATA IN THE STATE REGISTER OF POPULATION**

14. The personal details of a person shall be verified against the data in the State Register of Population by the means prescribed below:

- 1) E-Consulate electronic system (hereinafter referred to as system);
- 2) if such system is unavailable, an inquiry with the Ministry of Foreign Affairs of the Republic of Armenia (hereinafter referred to as the Ministry).

15. The consular office shall submit such inquiry to the Ministry electronically within 1 working day after accepting the application. The sender shall enclose to the inquiry all the documents available except the document confirming the payment of the state duty or the necessary details.

16. Upon receiving the inquiry, the Ministry shall establish the identity and nationality of the person in question through the system and submit the findings to the the consular office electronically within 1 working day.

17. If the State Register of Population contains the personal details and photograph of the person in question, the consular office shall establish his/her identity and nationality through the system within 1 working day.

18. If the personal details and electronic photograph are unavailable in the State Register of Population or are somehow irrelevant, the Ministry or consular office shall within 1 day send an inquiry to the Passport and Visa Department of the Police of the Republic of Armenia under the RA Government (hereinafter referred to as the Police) via the system.

19. Within 3 working days upon receiving the inquiry, the latter shall digitalize and send back the photograph of the person in question along with an application on passport operations to the requesting authority.

20. If in need of any additional crosschecks or inquiries to the state authorities of the Republic of Armenia, the Police shall be entitled to extend the deadlines fixed under Para. 19 of this Procedure by up to 10 working days.

21. The Ministry shall, within 1 working day upon receiving the reply of the Police, submit it electronically to the consular office to have made the inquiry.

#### **V. PROCEDURE FOR ISSUANCE A CERTIFICATE OF RETURN**

22. Within 1 working day upon establishing the person's identity and nationality, the consular office shall issue the applicant with a certificate of return.

23. In case of submitting their applications personally and choose so, the return certificate seekers may also receive their certificates by registered post at their own expense. In case of submitting the application by post or via legal or authorized representatives, the return certificate seekers shall receive their certificates in person after their identity is established, except for cases laid down in para. 27 of this Procedure.

24. The return certificate seekers shall be entitled to file their applications by post, while their legal or authorized representatives shall have to submit them personally.



25. The certificate of return shall be valid for 1 month. In cases envisaged under the Readmission Agreement, it may be valid for the period set in the Agreement.

26. The person can also receive a certificate of return on the basis of unverified data, if the interview reveals details in support of his/her Armenian nationality, as prescribed by the re admission agreement. Such certificates of return shall bear the note «Ո.Ճ.Տ.» (unverified data) in the left-hand upper corner of the front page.

27. In certain cases when return certificate seekers stay in countries or places with no or limited access to consular offices, the Ministry can hand their certificates to their legal or authorized representatives. The Ministry shall issue the applicant with a certificate of return within 1 working day upon establishing the person's identity and nationality.

**Chief of Government Staff  
of the  
Republic of Armenia  
D. Sargsyan**



## APPLICATION-QUESTIONNAIRE FOR THE CERTIFICATE OF RETURN TO THE REPUBLIC OF ARMENIA

(Please, fill in the form clearly and legibly. Paras. 1-7 are compulsory)

Please, issue me with a certificate of return to the Republic of Armenia due to the lack of a passport (other document) for the reasons below:

- ☐ not available (lost, stolen, etc.);
- ☐ invalid (expired);
- ☐ unfit for use;
- ☐ never issued at all

(mark with V)

Photograph

35 X 45mm

1*	Last name	
2*	First name	
3*	Father's name	
4*	Date of birth	
5*	Place of birth (country, city/village)	
6*	Nationality	
7*	Other nationality if any	
8	Address in the RA (region (marz), city/village, street, house/apartment) and phone number	_____ _____
9	Place and date of issue of the lost passport or other document and issuing authority	
10	Data on my family members staying with me (please, fill in their data in line with paras. 1-6)	_____ _____
11	Exact (or approximate) date of exit from the RA	
12	Purpose of departure from the RA	
13	Actual address and phone number in the country in question;	
14	E-mail address (optional)	



15	Names, last names and addresses of family of other relatives residing in the RA who can be contacted, if necessary	
16	Date of return to the RA	_____ 20 ____
17	Itinerary and transport of return to the RA (if known)	
18	Completion date	_____ 20 ____

With my signature below, I hereby confirm that the photograph and all the data I provided are authentic.

☐ Please, post my certificate of return to the RA at my expense to \_\_\_\_\_

\_\_\_\_\_  
(specify the post service)

the address below: \_\_\_\_\_

\_\_\_\_\_  
(country, region(marz), city/village, street, house, apartment, zip code,

\_\_\_\_\_  
recipient's name, phone number)

The application is submitted by \_\_\_\_\_, the return certificate seeker. (Fill in if the application is filed by the legal or authorized representative of the return certificate seeker)

Applicant:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(first name, last name)

#### IN-SERVICE REMARKS

The data are verified.

\_\_\_\_\_  
(Consul's signature)

\_\_\_\_\_ 20

*(the form ed. 10.01.13 N 114-N)*

*(the Annex amended 15.03.12 N 288-N, ed. 10.01.13 N 114-N)*

## ANNEX 4

### STANDARD TRAVEL DOCUMENT FOR EXPULSION PURPOSES

In line with the form set out in EU Council recommendation of 30 November 1994

MEMBER STATE

.....

Registration N°

Document N°

Valid for one journey

from: ..... to: .....

Name: .....

Forename: .....

Date of birth: .....

Height: .....

Distinguishing marks: .....

Nationality: .....

Address in home country (if known) .....

.....

Issuing authority: .....

Seal/Stamp Issued at: .....

Issued on .....

Signature: .....

.....

Remarks/Observations: .....

.....

.....

.....

.....

.....

PHOTO



## ANNEX 5

### GOVERNMENT OF THE REPUBLIC OF ARMENIA

#### DECREE

N 1360-N dated 22 September 2011

**ON APPROVING THE PROCEDURE FOR THE PUBLIC AUTHORITIES OF THE REPUBLIC OF ARMENIA TO CONSIDER APPLICATIONS FROM FOREIGN STATES UNDER AGREEMENTS ON READMISSION OF PERSONS RESIDING WITHOUT AUTHORIZATION ON THE TERRITORY OF A FOREIGN STATE AND ON DECLARING VOID THE GOVERNMENT DECREE N 1073-N OF SEPTEMBER 17, 2009 AND THE GOVERNMENT DECREE N 1795-N OF OCTOBER 20, 2005.**

In compliance with Article 51(2) of the RA Law on International Treaties of the Republic of Armenia, the Government of the Republic of Armenia shall decree to:

1. Approve, in compliance with the Annex, the procedure for the public authorities of the Republic of Armenia to consider applications received under readmission agreement on the Readmission of Persons Residing without Authorization;
2. Recognize the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia as the competent authority of the Republic of Armenia in respect of the agreements on persons residing without authorization on the territory of a foreign state.
3. Assign the Chief of the Police of the Republic of Armenia under the Government of the Republic of Armenia to ensure access to relevant data for the State Register of the Republic of Armenia to the State Migration Service of the Ministry of Territorial Administration.
4. Declare void:
  - 1) RA Government Decree N 1073-N of September 17, 2009 on Approving the Procedure for the RA Public Authorities to Consider Applications from Sweden under the Agreement of November 7, 2008 between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden on the Readmission of Persons Without Authorization.
  - 2) RA Government Decree N1795-N of October 20, 2005 on Competent Authorities for the Implementation of the Agreement on Persons without Authorization.
5. This Decree shall by no means affect the international treaties providing for other competent authorities responsible for implementing the agreement.
- 5.1. This Decree shall by no means affect the relations regarding application of the Agreement between the European Union and the Republic of Armenia on the Readmission of Persons Residing Without Authorization.  
*(para. 5.1 amended 10.01.13 N 289-N)*
6. This decree shall take effect on the 10th day following the date of its official publication.

**Prime Minister  
of the Republic of Armenia  
T. Sargsyan**

**28 September 2011  
Yerevan**

## PROCEDURE

### FOR PUBLIC AUTHORITIES OF THE REPUBLIC OF ARMENIA TO CONSIDER APPLICATIONS RECEIVED UNDER AGREEMENTS ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORIZATION ON THE TERRITORY OF A FOREIGN STATE

1. The State Migration Service under the Ministry of Territorial Administration of the Republic of Armenia (hereinafter referred to as State Migration Service) shall receive applications to readmit nationals of the Republic of Armenia and third-country nationals residing on a territory of a EU Member State (hereinafter referred to as foreign state) without authorization as well as applications to transit third-country nationals through the territory of the Republic of Armenia.
2. The State Migration Service shall keep a special register of such applications by their type.
3. Within 3 working days upon receiving an application, the State Migration Service shall forward it to the Police of the Republic of Armenia under the Government of the Republic of Armenia (hereinafter referred to as the Police).
4. The Police shall:
  - 1) within 15 working days communicate its opinion about applications on readmission of nationals of the Republic of Armenia residing without authorization on the territory of a foreign state either by confirming or denying the evidence on the Armenian nationality of the person in question;
  - 2) within 15 working days communicate its opinion about applications on readmission of third-country nationals either by confirming or denying the authorized residence status or entry visa of the person in question issued by the Republic of Armenia.
5. The State Migration Service shall also forward the applications on readmission of the persons specified under Para. 4(1; 2) of this Procedure to the National Security Service of the Government of the Republic of Armenia (hereinafter referred to as National Security Service) and the Ministry of Foreign Affairs of the Republic of Armenia (hereinafter referred to as Ministry of Foreign Affairs), as appropriate. Within 15 working days, these public agencies shall communicate their opinions on the applications.
6. After receiving an application on transit of a third-country national residing on the territory of a foreign state without authorization through the territory of the Republic of Armenia, the State Migration Service shall within 1 working day forward it to the Police, the National Security Service and the Ministry of Health of the Republic of Armenia. The public agencies above shall, within 5 working days, communicate their opinions about the application and provide reasons for their decline in case of disagreement.
7. Based on this feedback, the State Migration Service shall draft and submit its reply to the competent foreign authority within 5 working days in cases under paras. 4 and 5 and within 1 working day in cases under para. 6 of this Procedure.



8. Upon receiving any information from the competent foreign authority on the itinerary and day of transferring the persons to be readmitted by the Republic of Armenia, the State Migration Service shall forward it to the border troops of the National Security Service.
9. The diplomatic mission or consular office of the Republic of Armenia in a foreign state shall, within 5 working days upon receiving the application of the competent foreign authority, issue the persons to be readmitted by the Republic of Armenia, who lack any travel documents, with a certificate of return valid for at least 60 days in compliance with the certificate form approved in the RA Government Decree N 297-N dated March 24, 2011 on Approving the Description and Issuance Procedure of the Certificate of Return to the Republic of Armenia. If the person concerned cannot be transferred within the period above, he/she shall receive, within a maximum of 5 working days, a new certificate of return with the same validity.
10. If establishing the nationality and identity of a person proves difficult, the State Migration Service, the Police, the National Security Service and the Ministry of Foreign Affairs may, upon request of a foreign state, delegate their staff members to the state to interview the person in question. Representatives of the diplomatic missions and consular offices of the Republic of Armenia in foreign states also may interview such persons.

**Chief of Government Staff  
of the Republic of Armenia  
D. Sargsyan**

## **ANNEX 6**

### **PRIME MINISTER OF THE REPUBLIC OF ARMENIA**

#### **DECREE**

**№ 1228-A of 12 December 2012**

#### **ON APPROVING THE ACTION PLAN UNDER THE READMISSION AGREEMENT BETWEEN THE REPUBLIC OF ARMENIA AND THE EUROPEAN UNION**

In compliance with para. 5 of the Procedure under para. 1 of the Decree NH-174-N of the President of the Republic of Armenia dated 18 July 2007, approve the Action Plan under the Readmission Agreement between the Republic of Armenia and the European Union, as prescribed by the Annex.





Annex to  
Decree N 1228-A  
of the RA Prime Minister  
of 12 December 2012

#### ACTION PLAN

#### UNDER THE READMISSION AGREEMENT BETWEEN THE REPUBLIC OF ARMENIA AND THE EUROPEAN UNION

NN	Scheduled Measures	Action	Responsible implementing authority	Time frames
1.	Set up an interagency working group and approve its members to monitor the compliance with commitments assumed under the Agreement and to examine any issues that may arise in this regard	Draft the RA Government Decree on Actions for Implementation of the Readmission Agreement between the European Union and the Republic of Armenia	State Migration Service of the RA Ministry of Territorial Administration RA Ministry of Foreign Affairs RA Police under the Government of the RA National Security Service under the Government of the RA	3rd decade of January 2013
2.	Employ a staff member for the State Migration Service of the RA Ministry of Territorial Administration to ensure the performance of duties by the competent authority responsible for the implementation of the Agreement	Draft an RA Prime Minister decree to amend the RA Prime Minister Decree N 620 on the Maximum Number of Staff Members and Deputy Heads at Public Authorities dated November 6, 1998	State Migration Service of the RA Ministry of Territorial Administration	2nd decade of December 2012
3.	Organize trainings for the personnel of the authorities involved in the readmission process (Border Guard Service of the National Security Service under the RA Government, RA Police under the RA Government, RA Ministry of Foreign Affairs, State Migration Service of the RA Ministry of Territorial Administration)	Include a relevant instruction in the RA Government draft Decree on Actions for Implementation of the Readmission Agreement between the European Union and the Republic of Armenia	State Migration Service of the RA Ministry of Territorial Administration	3rd decade of January 2013

4.	Ensure the use of the EU standard travel document for expulsion purposes as a document entitling its holder to enter the RA	Include a relevant provision in the RA Government draft Decree on Measures for Implementation of the Readmission Agreement between the European Union and the Republic of Armenia	National Security Service under the Government of the RA	3rd decade of January 2013
5.	Ensure the possibility to reply within 2 working days to readmission applications under the accelerated procedure and within 12 calendar days to applications under the common procedure	<p>5.1. Provide the State Migration Service of the RA Ministry of Territorial Administration with access to the database of passports of RA citizens; To this end:</p> <p>a. Draft a RA Government decree on reallocating the budget of 2012, amending the RA Government Decree N 1919-N of December 22, 2011 and making allocation to the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia;</p> <p>b. Purchase and install the device upon the funding;</p> <p>c. Install relevant software in a separate computer of the State Migration Service of the RA Ministry of Territorial Administration upon establishing a computerized communication</p> <p>5.2. Ensure access for the State Migration Service of the RA Ministry of Territorial Administration to the data on exits by air from the Border Electronic Management Information System;</p>	<p>State Migration Service of the RA Ministry of Territorial Administration RA Ministry of Finance</p> <p>State Migration Service of the RA Ministry of Territorial Administration RA Police under the RA Government</p> <p>State Migration Service of the RA Ministry of Territorial Administration National Security Service under the RA Government State Migration Service of the RA Ministry of Territorial Administration</p>	<p>3rd decade of November 2012</p> <p>3rd decade of December 2012</p> <p>3rd decade of January 2013</p>



6.	Ensure that the person to be readmitted is issued with a certificate of return with a validity period of 6 months free of charge and within 3 working days;	Draft RA Government decrees on amending the RA Government Decree N 297-N on Approving the Description and Issuance Procedure of the Certificate of Return to the Republic of Armenia dated March 24, 2011 and RA Government Decree 1360-N dated September 22, 2011 on Approving the Procedure for the RA Public Authorities to Consider Applications from Foreign States under Agreements on Readmission of Persons Residing without Authorization on the Territory of a Foreign State and on Declaring Void the Government Decree N 1073-N of September 17, 2009 and the Government Decree N 1795-N of October 20, 2005	RA Ministry of Foreign Affairs	3rd decade of January 2013
7.	Ensure the interview to establish a person's identity to be held by the RA competent diplomatic or consular representations in the Requesting State concerned	Include a relevant instruction in the RA Government draft Decree on Measures for Implementation of the Readmission Agreement between the European Union and the Republic of Armenia	RA Ministry of Foreign Affairs	3rd decade of January 2013

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Agreement between the Government of the Republic of Armenia and the Swiss Federal Council on the readmission of persons with unauthorized stay

Agreement between the Government of the Republic of Armenia and the Government of the Federal Republic of Germany on the readmission of persons with unauthorized stay and transit transport

Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on the readmission of persons with unauthorized stay

Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden on the readmission of persons residing without authorization

Agreement between the Government of the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands) on the readmission of persons illegally residing without authorization

Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Norway on the readmission of persons with unauthorized stay

Agreement between the Republic of Armenia and the Czech Republic on the readmission of persons residing without authorization



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