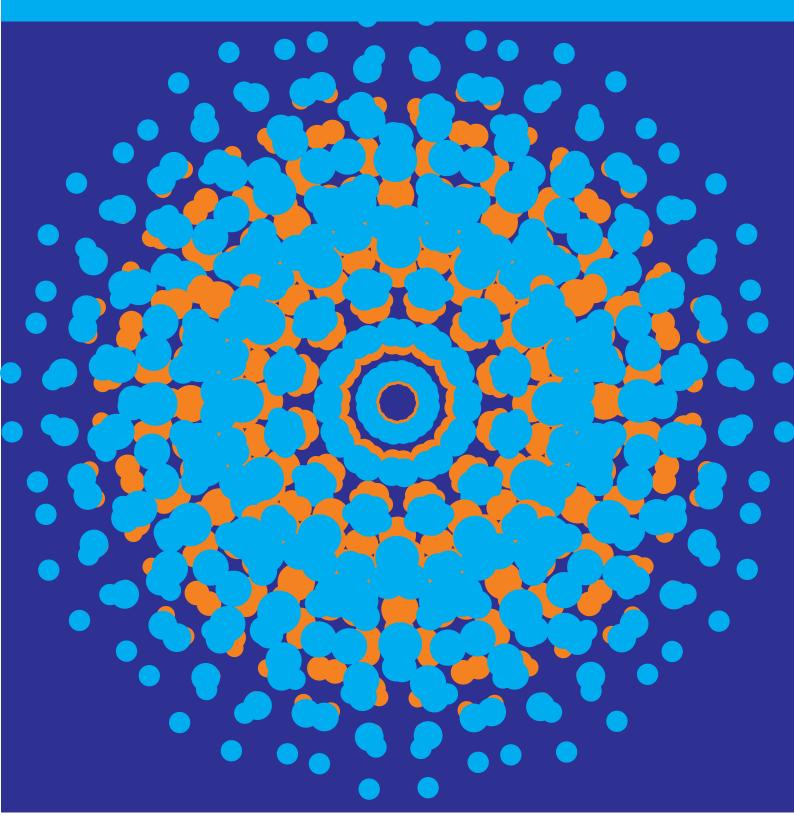# Review and Needs Assessment of Readmission Management in Armenia

Review and Needs Assessment of Readmission Management in Armenia

YEREVAN 2014

The opinions expressed in the report are those of the author and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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Contents

Foreword

The "Review and Needs Assessment of Readmission Management in Armenia" was conducted within the framework of IOM's "Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia" Regional Project funded by the European Commission, the IOM Development Fund, the Governments of Switzerland and Belgium, and the "Building capacity of government structures in Armenia, Azerbaijan and Georgia for the effective management of readmission and return" Regional Project funded by the IOM Development Fund.

The Review examines the issues of readmission management and implementation of readmission agreements by Armenia, it focuses on the legislation in place in Armenia and the cooperation of the various state bodies in processing of the readmission cases, as well as implementation practices of Armenia's readmission agreements. The Review provides recommendations on various aspects of effective management of readmission cases. The Review served as a basis for the development of the IOM "READMIT Manual" and the digital course on Readmission elaborated by the IOM.

Before finalization, the Review was commented by the Armenian state bodies and main inter-governmental organizations involved in the field of readmission management.

We would like to thank the Project Donors, the European Union and the IOM Development Fund for the opportunity to provide technical assistance in migration and readmission management in Armenia and for their financial support to fund the Review.

We would like to acknowledge the great work done by the author of the Review, Mr Sergey Brestovitsky; the Project Manager, Ms Kristina Galstyan; and the colleagues in the IOM Regional Office for South-Eastern Europe, Eastern Europe and Central Asia (in particular Ms Katarina Lughofer), who all contributed to the Review.

The IOM could not have efficiently carried out its task without the valuable support of the Armenian Government, which provided help and direction in welcoming and guiding the expert – particularly, the Police of Armenia, the National Security Service of Armenia, the State Migration Service of Armenia, the Ministry of Foreign Affairs of Armenia, the Ministry of Health of Armenia, the Ministry of Justice of Armenia, among others. We would also like to thank the Office of the United Nations High Commissioner for Refugees in Armenia, as well as the EU Delegation to Armenia and the Embassies of Bulgaria, Germany, Lithuania, the Russian Federation and Switzerland in Yerevan for their valuable comments and guidance.

We are confident that the main findings of the Review will be useful for effective management of readmission cases.

Ilona Ter-Minasyan
Head of Office
IOM Mission in Armenia

1. Background and methodology

1.1 Introduction

On 19 April 2013 in Brussels, the Republic of Armenia signed an agreement with the European Union on the readmission of persons residing without authorization. On behalf of the EU, the agreement was signed by Rory Montgomery, Permanent Representative of Ireland to the EU, and by Cecilia Malmström, EU Commissioner for Home Affairs. For Armenia, Minister for Foreign Affairs Edward Nalbandian signed the agreement.[1] The main objective of this agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons residing without authorization. In October 2013 the agreement was ratified. In turn, this means that Armenia expresses its readiness to fulfil the obligations laid down by this treaty.

In response to the establishment of a readmission mechanism and corresponding developments of the migration system in Armenia, the International Organization for Migration (IOM) carried out a review of the relevant legislation, mapping out also the level of cooperation of the various state bodies in processing of the readmission cases in order to further determine the best paradigm of further actions in this area.

The main objective of this study was to assess what should be done by competent state entities involved in the migration management in Armenia in order to properly implement their obligations under readmission agreements. Accordingly, the particular areas of the study were determined as follows:

1. Theory and practice of Readmission agreements – what is the nature and implementation practice of such specific international treaties in general and how any State should respond in context of such mechanisms.

2. Migration situation in Armenia – detailed study of the migration situation in Armenia aims at two important goals: firstly, attempt to assess and suggest the scope of the potential return migration flow or in other words how many migrants are expected to be returned under readmission and, secondly, what is political attitude of Armenian authorities towards this process.

3. Competent state entities involved – assessment of the current capacity existing at the moment for management of readmission cases.

One more strategic goal of the assignment is to contribute to build the capacities of policymakers and practitioners in the Republic of Armenia by developing a corresponding training tool shaped as a Readmission Manual. Within the work on the assignment, such a tool was developed both as a printed manual as well as an interactive learning programme. This manual is envisaged to become a proper didactic instrument for Armenian authorities in order to build on capacities for a readmission mechanism and to manage the process. This would equip the authorities with resources helping to use these principles in practical migration management.

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[1] Council of the European Union. Press release: EU-Armenia readmission agreement. 2013, Brussels.

1.2 Methodology

Readmission is a relatively new process for Armenia despite the fact that a number of agreements have been already signed some years ago. The actual application has remained rare and statistics on readmission do not exist. Therefore, the main method used in this study is qualitative analysis of world practice of implementation of readmission agreements and the potential application of this practice in the Republic of Armenia, taking into account migration realities in this country.

For this analysis the following data has been used:

- Legal documents
- Texts of readmission agreements
- Reports, surveys, researches on migration situation in Armenia
- Good practices for implementation of readmission mechanisms in other countries
- Context information

In addition to a review of documents, during the period of 23 – 25 September 2013 IOM Armenia has arranged for an assessment visit including a series of meetings with Armenian officials representing the state agencies involved in the implementation of readmission agreements. These meetings provided the opportunity for interviews with responsible officers as well as familiarization with the conditions in which they carry out their duties. Among these visits was a trip to the border checkpoint in Zvartnots international airport which included familiarization with the Migrant Accommodation Centre run by the Border Guard Service of the National Security Service.

In general these visits showed two very important points:

(1) High professionalism of the officials interviewed; and

(2) Only State Migration Service (SMS) representatives have clear understanding of readmission process as a whole: other agencies need more general information on readmission nature and process.

The interviews were conducted with:

- IOM Mission in Armenia
- Police of the Republic of Armenia (Directorate for Passports and Visas)
- National Security Service
- Border Guard of the National Security Service
- European Commission Delegation to Armenia
- State Migration Service at the Ministry of Territorial Administration
- Ministry of Health
- Ministry of Foreign Affairs
- Office Français pour l'Immigration et l'Intégration (as organization dealing with reintegration issues)
- Embassies of Bulgaria, Germany, Russian Federation, Lithuania, Switzerland, Czech Republic

The interviews were arranged in a semi-structured manner. The preliminary list of questions was elaborated and coordinated with IOM Armenia. The central focus of these questionnaires was put on the following aspects of the agencies' work:

- Role in return and readmission process
- Legal aspects
- Regulations within the agency
- Cooperation and communication
- Training
- Infrastructure and equipment

2. Standards of readmission – European approach to migration policy and role of readmission within this framework.

In accordance with the IOM definition, "readmission is the act by a State accepting the re-entry of an individual (own national, third-country national or stateless person).[2] In general, it is only a specific case of return migration management.[3] It accordingly means that readmission procedures should be implemented within the existing framework of migration management in the country and by existing migration management administrative structures.[4] At the same time, this instrument is considered one of the most advanced forms in the organization and implementation of the removal of migrants who have no legal grounds to stay on the territory of their destination country.

It has certain characteristics that distinguish it from other forms of migrant expulsion. First of all, readmission must always operate under international agreement. This means, in a legal context, that the readmission is implemented pursuant not to domestic law but international treaty, and from a management perspective it means that two management sides are involved and this action cannot be implemented unilaterally.

The second principal feature of readmission is that it is not a kind of administrative penalty. Such a presupposition requires special treatment of readmitted persons including special protections in the event of their detention and relief or cancellation of a re-entry ban. These, regardless of the international character of the readmission process, require corresponding grounds to be provided by domestic legislation.

Finally, within the readmission process, irregular migrants can be returned not only to their State of origin, but as well to the State from which they directly came.

Taking into account the above mentioned peculiarities, the quality of readmission management mostly depends on the following essential elements:

a) The contents of Readmission Agreements;

b) The mechanism of international cooperation including data exchange systems;

c) The state of national migration legislation and existence of legal instruments to deal with specific requirements of readmission related issues;

d) The certain level of cooperation and interaction between state executive authorities involved into implementation of readmission agreements;

e) The availability of infrastructure and resources needed for practical application of readmission procedures.

Of course, these general prerequisites must be put into the particular context of the State which builds a readmission system and there are a lot of other details which need to be taken into account. The experience of States that have already introduced such procedures and best international practices in the return of migrants can help.

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[2] *IOM Glossary of Migration Terms*, IOM (Geneva, 2011).

[3] More about theory and practice of return management is provided in the "R" module of the attached R.E.A.D.M.I.T. Manual.

[4] The only case when special deployments within migration management administration were organized especially for readmission perposes is the example of the Russian Federation. In the Russian Federation, the special department was installed within the Federal Migration Service but it was dissolved again when the procedures became well established.

Today, the European Union is commonly recognized as a trendsetter in both the areas of concluding readmission treaties as well as implementing a practical mechanism of migrant return. Since 1994 readmission procedure officially became the instrument of the European Union's external policy – when the Council of European Union adopted corresponding recommendations.[5] Such long period of empirical exercise[6] resulted in elaboration of principles and best practices which deserve to be used as the model and basis for building other country specific models (such an approach for example has been used in the Russian Federation for developing its readmission policy). In policy terms, readmission agreements in the European Union are considered a necessary tool for efficient management of migration flows into and out of the EU. As they should facilitate the swift return of irregular migrants, they are supposed to be a major element in tackling irregular immigration.[7] The assessment of European principles and practices of readmission is even more important when one considers the fact that the most recent and most important readmission agreement for Armenia is the one concluded with the EU. It will be confirmed by the review of Armenian migration policy below.

The core presupposition to be taken into account while exploring European experience and best practices in the area of readmission is that the return in general and readmission as its particular method are integral part of common EU migration policy. Therefore, they need to be considered in combination.

Establishing common EU policies on irregular immigration is currently at the top of EU priorities. In accordance with the Communication of the European Commission published in 2006[8] the irregularity of migration is described as follows:

1. The clandestine entry of third-country nationals in the territory of the Member States by land, sea, and air;

2. The practice of third-country nationals to overstay their visas or change the purposes of their entry and residence without permission of the authorities of the Member States; and

3. The continuation of residence of rejected asylum-seekers in the Member States despite their obligation to leave the territory of the EU after a final negative decision on their asylum application is taken.

In other words, it is what is defined in the EU readmission agreements; for instance the agreement between the European Union and the Republic of Armenia: "all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State".[9]

In 1999 the Amsterdam treaty[10] entered into force and it laid down new principles and responsibilities in the field of the common foreign and security policy, including common strategies and procedures on migration. As a result, since early 2000 the EU has invested considerable efforts to establish effective policy tools for combating illegal entry and residence of third-country nationals in the EU and one

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5   Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country.

6   Brief but comprehensive history of the EU dealing with readmission process is described in Manual on Readmission for Experts and Practitioners: Selected Foreign Readmission and Return Practices, IOM, 2010

7   European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

8   European Comission, Communication from the Commission on policy priorities in the fight against illegal immigration of third-country nationals, 2006.

9   Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation, (2013)

10   Treaty of Amsterdam amending the Treaty of the European Union; the Treaties establishing the European Communities and certain related acts.

of the most important components of this policy became the effective removal and return of irregular immigrants to their countries of origin. These efforts have led to a proliferation of all kinds of EU policy instruments throughout the first decade of the XXI century. These measures were in line with the integrated management of the external borders of the EU and the use of advanced technologies in the issuance of visas and residence permits.

Practical exercises in the removal and particularly the return of migrants were followed by theoretical elaboration of the topic. Thus, the **Guiding principles of implementing readmission agreements were introduced by the EU**[11] **and were also formalized in a number of official documents. T**hey can also be taken into consideration while assessing the readiness of the third countries to implement their obligations within the framework of agreements concluded with the European Union and t**he majority of these points can be utilized or at least taken into account while elaborating readmission practice in Armenia.**

Thus, the EU primarily considers the readmission agreements as technical instruments which bring procedural improvements to cooperation between the administrations[12] of two States involved into readmission process. This technical tool should be standardized to the largest extent possible. Standard forms are to be provided for the return/readmission of persons residing without authorization.[13] As per the above, standard attributes were worked out such as official standard forms of readmission request and reply, agreed upon travel documents and so on. The same refers also to the issue of time limits which are recommended to be fixed, realistic and doable both for third countries and the Member States.[14]

Among other approaches to the development of return mechanisms, including a readmission procedure, it is important to mention the promotion of vulnerable forms. The EU considers voluntary return as the most humane and at the same time most effective mechanism of return management. Even in case of forced actions such as readmission, the principle of voluntary departure should be promoted by establishing a general rule that a «period for voluntary departure» should normally be granted.[15]

Example: AVR from EU

Article 7(2) to (4) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-country Nationals stipulates that a return decision should provide for an appropriate period of voluntary departure ranging between seven days and 30 days, without prejudice to the exceptions referred below. Member States may set their national AVR programmes which are adopted by their national legislation. For example, in Austria the voluntary return process is implemented by IOM on the basis of the Memorandum of Understanding concluded with Austrian Ministry of Interior and this document has binding power.

Moreover, regardless of the involuntary nature of readmission, it should be implemented with observing and respecting all basic human rights. This means provision of a minimum set of basic rights for persons residing irregularly pending their removal, including access to basic health care and education for children, a limit on the use of coercive measures in connection with the removal, and ensuring that such

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[11] EU legislation: Readmission agreements. Available from http://europa.eu/legislation_summaries/other/l33105_en.htm

[12] European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

[13] EU legislation: Readmission agreements. Available rom http://europa.eu/legislation_summaries/other/l33105_en.htm

[14] European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

[15] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Brussels.

measures are not excessive or disproportionate, limiting the use of detention and establishing minimum safeguards for detainees.[16]

Readmission is a cross-cutting issue and some related areas of migration management are involved and should be developed to meet requirements of effective implementation of readmission procedure. For example, successful and effective readmission procedures can be guaranteed by an appropriate level of identity management. Readmission of applicants is subject to proof or presumption, depending on the available identity documents like a passport or ID card. A number of other documents may be used to establish a presumption of nationality (driving license, extract from civil register, statements by witnesses, particulars supplied by the person concerned or information from the authorities). Proof of entry may be also established by various stamps, travel documents or fingerprints, and on presumption established inter alia by means of statements by the person concerned or officials, travel documents, hotel bills, or any data showing that the individual has used the services of a facilitator or travel agency.[17]

One of the most serious difficulties faced while dealing with readmission is the difficulty in elaboration of concrete plans for resource allocations, infrastructure building and so on. The root of such weakness is the lack of reliable data on potential returnees. Therefore, all the forecasts and risk analysis exercises in this area may be built only on expert estimations and other similar types of intelligence. The extension of data collection to provide a useful basis to assess the implementation of readmission agreements and keeping statistics on readmission cases will support state agencies involved in return management and will eventually provide them with basis for risk analysis and give them opportunities to flexibly respond to potential challenges and changes in migration situations. Within this context, many researchers as well as the EU officials also mention the necessity to establish the monitoring system which will include reliable indicators and, as a result, provide information for analysis. In countries with a relatively low caseload, like Armenia, the analytical reports on readmission might be produced once a year. In case of the EU, the European Commission constantly works in this direction and examines options for the extension of the existing Eurostat data collection on returns to allow these statistics to provide a useful basis to assess the implementation of readmission agreements. In the meantime, Frontex gathers statistical data on joint return operations and Eurostat keeps general statistics on return (not including any personal data) with a view to obtaining more reliable data on the actual numbers of readmissions executed.[18] The European Union, having great experience in implementation of readmission, makes even more efforts in this area. The issue is explored on an academic level as well as on the level of the European Commission. In 2011, the evaluation of the readmission agreements concluded by the European Union was conducted and published. Analysis of the data on readmission allows us to look at this problem more realistically. For example, an accelerated procedure is carried out by the local border authorities for persons arrested in a border area. However, based on the evaluation, the use of transit and accelerated procedures is extremely low. Some EU Member States have not used either clause at all, although they are always included in the negotiating directives given to the Commission and often prove to be serious obstacles in the negotiations. Such information allows countries of origin, including Armenia, not to focus on this aspect while developing capacities for implementation of the readmission obligations.

One more issue is the relation between the agreements concluded by Armenia earlier with separate EU Member States and the latest agreement with the European Union (EURAs). Armenia had agreements

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[16]   Ibid.

[17]   EU legislation: Readmission agreements. Available from http://europa.eu/legislation_summaries/other/l33105_en.htm

[18]   European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

signed with 11 European States just before signing the agreement with the EU in 2013. The strategic provisions of the Amsterdam treaty led to very practical consequences in this area and now even the Member States from this list need to apply EURAs (not bilateral) for all their returns.[19] This provision is also stipulated in the Agreement between the European Union and the Republic of Armenia.[20] Therefore, the existing bilateral agreements with EU Member States are no longer current for the Republic of Armenia.[21]

The content of the readmission agreements should be as standardized as possible. It should be written to represent self-standing, directly operational instruments which do not even necessarily require the conclusion of bilateral implementing protocols. However, there are exceptions to this trend when protocols are sometimes mandatory for the introduction of any special terms.[22] Such protocols are almost always developed and attached to the agreements.

Almost all of the readmission agreements with the European Union include third-country national clauses, and the agreement with the Republic of Armenia is not an exception. At the same time, by 2011 such clauses in the EURAs with countries not bordering the EU were only used 28 times.[23] In particular, this means that no readmission trap[24] caused by a great number of third country nationals to be sent to its territory is expected for Armenia. A majority of EU States even stipulate it as a matter of policy that they should send persons directly to their countries of origin. There are only two particular conditions that may intensify sending third country nationals to any transit territories. The first one is the geographical position relative to the EU (direct neighbours, some Mediterranean countries) and second - where there exists a big potential risk of irregular migration transiting its territory to the EU. Nor do any of them refer to Armenia as it has no common border with the EU and, according to the representatives of EU diplomatic missions in Yerevan the country is not among the top States of origin of irregular migration flows and therefore does not pose any migration threat to the EU.

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[19] Ibid.

[20] Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation, 2013.

[21] Although they are in force and theoretically can be implemented.

[22] As per transition period reserved in the Agreement between EU and the Russian Federation, for example.

[23] European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

[24] The readmission trap is the commonly used term for the situation when a State concludes a readmission agreement and receives third-country national but have no capacities to send them further to their State of origin. Most often this lack of the capacities means that receiving State has no readmission agreements with countries of origin.

3. Assessment of the situation in the Republic of Armenia

3.1 General migration trends and patterns for the Republic of Armenia

It is important to clearly understand the context in which the readmission process will function. As for Armenia, it is traditionally a source country with a long history and strong migration traditions, and with a huge and well organized diaspora abroad. At least 35 per cent of the population has emigrated from Armenia in the last ten years and migration continues to be widespread. It is a classic example of a push-pull migration scheme. On the one hand, the economic situation in the Republic is characterized by a high rate of unemployment[25] and low rates of salaries.[26] On another, the natural driver of population mobility – migration to countries with higher socioeconomic development level – is multiplied for Armenian migrants who have strong ties to the diaspora, migration experience and functioning informal mechanisms for oversees employment.

It is commonly recognized that the preferred destinations for Armenian migrants is the Russian Federation, other former Soviet republics[27] and the United States.[28] Although the European Union is not in this list, in the context of this assessment the two destinations – the Russian Federation and the European Union – are of particular importance because of existing functioning readmission mechanisms established.

3.2 Labour migration

Labour migration represents an absolute majority of Armenian international migration outflows[29] and it plays a central role in the lives of many citizens in Armenia. About 8 per cent of the population over 16 years of age is involved in labour migration from Armenia. More than 90 per cent of migrants are male between the ages of 20 and 50. The destination country for 93 per cent of labour migrants is the Russian Federation. This fact is well grounded and understandable. There are no special visa regimes between the two States and travel expenses to the Russian Federation are relatively cheap. Knowledge of Russian by Armenian migrants as well as cultural and religion similarities also make the Russian Federation a more attractive destination point. Those migrants who leave for the Russian Federation (and particularly to Moscow) can more freely move and repeatedly return for their personal affairs[30] a s opposed t o travelling to Europe or America. Therefore, having in mind the importance of the phenomenon (labour migration) for analysis of the Armenian migration situation, some critical factors should be particularly considered as influence on potential return flows.

Firstly, it is important to note that Armenian labour migration flows are, in most cases, of a temporary nature. It is estimated that 94 per cent of all migrants are temporary migrant workers, while only 3 per cent leave the country with the purpose of permanently settling abroad and 2 per cent leave in order to

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[25] Based on the data of the National Statistic Service of the Republic of Armenia, the unemployment rate in 2013 was 16.2% (http://www.armstat.am/en/?nid=126&id=08010)

[26] Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010.

[27] Johansson, A., *Return Migration to Armenia*. (Amsterdam: AMIDSt / University of Amsterdam, the Netherlands, 2008).

[28] Armenia, "Migration Profile", MPC Team on the basis of CARIM East database and publications, (2013).

[29] Migration situation in the Republic of Armenia, CIS, available from http://www.e-cis.info/page.php?id=19705

[30] Manasyan, H., *Social Impact on emigration and rural-urban migration in Eastern and Central Europe*. 2012.

study abroad.[31] Researchers mention that the majority of labour migrants have no intention to integrate into the destination country but tend to return to Armenia and further on to begin a new cycle.[32] This situation suggests that the number of Armenian migrants potentially at risk of being forcibly removed from countries of their destination is relatively low.

The second characteristic of Armenian emigration is its age-sex structure. Armenia is rather a unique sending State where labour migration is strongly dominated by men, which runs contrary to the global feminisation trend of labour migration flows.[33] Many researchers agree that the overwhelming majority of the migrants are 20-54 years old[34] married men[35] leaving to work abroad – mainly to the Russian Federation.[36] The clear intention of those male migrants is to get work abroad for supporting of their families. They are interested in regular return and avoiding any negative consequences of removal such as re-entry ban.

Thirdly, the organizational aspect of labour transfer from Armenia attracts attention. In the majority of cases, migrant workers find a job abroad before actually leaving the country and the migration process is organized with the help of friends or relatives who are already in the country of destination. As for the Russian Federation as a main destination, having such a receiving community, it is now quite easy to manage proper grounds for legal work. One migrant worker out of five either uses the services of a private intermediary abroad or in Armenia.[37] In this case, legalization is even easier although more expensive. Recalling that the main purpose of migration is finding employment,[38] it can be concluded that the overall intention of the majority of those who leave Armenia is to travel abroad to support their family left behind and to come back home.

Underscoring the fact that only a small number of the migrants who have left Armenia had the intention of permanently residing abroad, we should note that permanent migration constitutes up to approximately 3 per cent of Armenians living abroad.[39] Again, this is usually a self-organized process that has been thoroughly prepared and in most cases utilizes legal migration avenues. Migrants intending to permanently settle abroad usually take their families to the destination countries and they are first of all elite migrants - skilled professionals and workers.[40] Again, this kind of migration requires preparation and rarely results in expulsion.

3.3 Immigration to Armenia

Keeping in mind that the readmission agreements signed by Armenia also cover third country nationals, it is important to briefly review the inflows of migrants to the territory of the Republic. Apart from

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[31] Devillard, A., *Labour migration in Armenia;existing trends and policy options*. 2012.

[32] Johansson, A*., Return Migration to Armenia*. Amsterdam: AMIDSt / University of Amsterdam, the Netherlands. 2008.

[33] Devillard, A., *Labour migration in Armenia; existing trends and policy options* (2012).

[34] Manasyan, H., *Social Impact on emigration and rural-urban migration in Eastern and Central Europe*. 2012.

[35] Devillard, A., *Labour migration in Armenia; existing trends and policy options*. 2012.

[36] It is important to note that during the recent massive exodus from Armenia (1988-1995) men were leaving alone; later on they began to leave with their families (Heghine Manasyan, 2012). But trend of lone Armenian males living in host countries remained in the 200s contributing to concerns that male migration would have negative impacts on the family situation in countries of origin.

[37] Devillard, A., *Labour migration in Armenia; existing trends and policy options*. 2012.

[38] Migration situation in the Republic of Armenia, CIS, available from http://www.e-cis.info/page.php?id=19705

[39] Minasyan, A., *Return migration to Armenia in 2002-2008.* Yerevan: OSCE, 2008.

[40] Manasyan, H., S*ocial Impact on emigration and rural-urban migration in Eastern and Central Europe*, 2012.

refugee flows which are not a subject of this report,[41] the immigration includes labour migrants, students and returning ethnic Armenians. Immigration to the Republic of Armenia is rather limited.[42] Recently however, Armenia also receives labour immigration flows.[43] The majority of those who come to Armenia to work temporarily are citizens of the Islamic Republic of Iran and ethnic Armenians coming from Georgia.[44] The largest group here are Iranians and some of them aim at employment and self-employment.[45] Today, the immigrant population is 10.5 per cent of the population, composed mostly of labour migrants from CIS countries and a few non-CIS countries, such as the Islamic Republic of Iran and the Syrian Arab Republic.[46]

The students are mainly from the Islamic Republic of Iran, India, the Syrian Arab Republic, the Russian Federation, China, as well as ethnic Armenian students from Georgia, the Russian Federation, the Islamic Republic of Iran and the United States. The number of students is about 5,000 per year.

Those who arrive to reside in Armenia are mostly ethnic Armenians. Special residence status for ethnic Armenians was granted to 5,000 foreigners from 2007 to 2010. In addition, more than 900 immigrants were granted the status of permanent resident.[47] Estimations indicate that upwards of a few thousand migrants have returned to Armenia from Europe in the past years. These numbers should be taken as mere estimations since no statistics are available on return migration to Armenia.[48]

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[41] For sure the refugee flows have an effect on all aspect of Armenian life including migration situation. The most recent crisis in the Syrian Arab Republic has exacerbated problems in the national human resources market. At the same time some reports highlight funds allocated by developed countries for support of the Syrian Arab Republic Armenians who have fled to the Republic.

[42] Migration situation in the Republic of Armenia, CIS. Available from http://www.e-cis.info/page.php?id=19705

[43] Devillard, A., *Labour migration in Armenia; existing trends and policy options*. 2012.

[44] Migration situation in the Republic of Armenia, CIS. Available from http://www.e-cis.info/page.php?id=19705

[45] Devillard, A*., Labour migration in Armenia; existing trends and policy options*. 2012.

[46] Migrant Integration Policy Index. OSCE. 2013. Available from http://www.osce.org/odihr/107297

[47] Migration situation in the Republic of Armenia, CIS. Available from http://www.e-cis.info/page.php?id=19705

[48] Johansson, A., *Return Migration to Armenia*. Amsterdam: AMIDSt / University of Amsterdam, the Netherlands. 2008.

4. Migration Policy in the Republic of Armenia

4.1 General

As was common for former Soviet republics, Armenian migration policy and practices in the 1990s were focused primarily on solving the problems of refugees and forced migrants. It was a period of establishing corresponding national legislative mechanisms, state structures and institutions, and the development of cooperation with other States and specialized international organizations. Regional cooperation in the frameworks of the CIS was limited by coordinated attempts to elaborate the system of regional protection of refugee rights and solving current tasks related to the novelty of cross-border population movements.[49] Armenia experienced this trend to the full extent during 1988-1999 when it had to manage large refugee flows coming from Azerbaijan and Nagorno Karabagh and the state regulation of other migration issues was mainly based on day-to-day management.[50] Such a common situation of a transit period after the dissolution of the Soviet Union and the formation of the new Euro-Asian migration system followed corresponding gaps in the development of a legal platform and an institutional framework for the management of regular migration.

The systematic development of migration regulation as a comprehensive component of national policy began in the early 2000s when the first Concept of State Regulation of Migration in the Republic of Armenia was adopted. Eventually, this development culminated in the most recent strategic document determining main goals, priorities and approaches of Armenia in the migration field - Concept for the Policy of State Regulation of Migration in the Republic of Armenia approved by the RA Government in its protocol N51 on 30 December 2010.[51] The overall idea of the Concept is to encourage immigration and especially re-emigration (e.g. return) to the Republic. The main objectives provided in the document include protection of the rights of Armenian workers abroad (through ensuring legal migration); development of economic ties (through joint projects with Armenian associations abroad); encouragement for investment in Armenia; and a return policy. Regarding the latter, the document considers the return of migrants an important policy objective based on the approach of taking measures for "suspension of emigration from the country and encouragement of immigration to Armenia". Building favourable conditions for return is considered a way to achieve this objective. At the same time, the formal conditions for building capacities for readmission mechanisms are also suggested in the Concept: promoting the system of border controls, introducing biometric electronic documents, concluding agreements with other countries, and so on.[52] Similar provisions are available in other strategic documents adopted in Armenia. Thus, the 2009 Concept Paper on Development of Armenia and Diaspora Co-operation is tasked with promoting national consolidation and repatriation and the Draft of the Concept Paper on Organization of Repatriation Process was developed that year. All of these initiatives have contributed to the development of the Armenian return policy.

One more important priority highlighted in the Concept is the prevention of irregular migration originating in the Republic of Armenia (RA) and the improvement of the legislative framework relating to

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[49] Ivakhnyuk, I. *Key migration trends in the post-soviet region . Migration management and its linkages with economic, social and environmental policies*. 2008.

[50] Chobanyan, H. *On migration policy framework in the Republic of Armenia*. CARIM East. 2012.

[51] Subsequently, in accordance with N1593 protocol decision (November 10, 2011) of the Armenian government, the '2012-2016 Action Plan for Implementation of the State Policy on Migration Regulation in the RA' was approved.

[52] Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010.

irregular migration. In order to achieve this policy goal, the "continuation of the process of negotiation and conclusion of agreements with States interested in the return of RA nationals that reside in foreign countries without permission to stay" is prioritized.[53] This priority also was stipulated in the Plan of Actions following the Concept, Concept of Studying and preventing irregular migration from the Republic of Armenia and realized in the implementation of visa policy and border management development.[54]

Armenia is a member of the following international organizations actively working on migration issues: IOM, Council of Europe, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership. It is subject to the European Neighbourhood Policy and Black Sea Synergy.[55]

Migration policy is based on national objectives and usually derives from, and relates to, other elements of public policy; for example, labour market policy, foreign policy, demographic policy and so on. There are linkages between economic, social, trade, labour, health, cultural, and security policy areas.[56] In the case of Armenia, the migration policy strategy run by the government to a great extent refers to the foreign policy course of the country. Indeed, development of readmission mechanisms by Armenia is interlinked with two very important component of its foreign policy: Armenian – EU integration and Armenian relations with the Russian Federation and its Eurasian dimension. These two important cornerstones, on which the building of national migration policy is constructed, deserve to be reviewed in more detail.

4.2 Armenian integration with the EU

Officially, close relations of the European Union and Armenia as an independent State were established in the 1990s when the Partnership and Cooperation agreement (PCA) was signed between the two parties in 1996 (and entered into force in 1999). Furthermore, in November 2006 the EU-Armenia summit adopted and to put into force the European Neighbourhood Policy (ENP)[57] Action Plan, which made possible more intensive political, economic and cultural relations with the EU. Following this, the Government announced EU integration as a political direction for the country. This approach covers all policy areas, including migration, starting from border management and ending with combating illegal migration and human trafficking. Readmission and visa issues of course had been emphasized in the EU-Armenia Action Plan as well. The Eastern Partnership,[58] launched in May 2009, became a qualitatively new stage of ENP.

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[53] Ibid.

[54] In 2012, Government Decree 823-n extended the list of states Citizens of Which need visas prior to entering Armenia. A year earlier the Action Plan and Timetable for Implementation of Border Security and Integrated State Border Management Strategy of the Republic of Armenia (2011-2015) was adopted.

[55] Armenia, Migration Profile. MPC Team on the basis of CARIM East database and publications. 2013.

[56] Essentials of Migration Management, Volume 1. IOM. 2004.

[57] The European Neighborhood Policy (ENP) is a foreign relations instrument of the EU aimed to forge closer ties with countries to the South and East of the EU without offering them a membership perspective. Through this policy, the EU seeks to promote greater economic development, stability and better governance in its neighborhood. It works since 2004, when action plans for closer ties with seven new neighbours were presented. The countries involved in the first round were Ukraine, the Republic of Moldova, Israel, Jordan, Morocco, Tunisia and the Occupied Palestinian Territory. The second ENP round was outlined in 2005, when the Commission issued country reports on Egypt and Lebanon, as well as the Southern Caucasus countries of Armenia, Azerbaijan and Georgia.

[58] The Eastern Partnership is an initiative of the EU governing their relationship with the Eastern Europe and the Southern Caucasus post-Soviet States - Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, intended to provide a venue for discussions of trade, economic strategy, travel agreements, and other issues between the EU and its eastern neighbours. It is underpinned by a shared commitment to international law and fundamental values - democracy, the rule of law and respect for human rights and fundamental freedoms - and to the market economy, sustainable development and good

In this context, the primary objective of Armenia's migration policy was determined to be a deepening of cooperation with the EU in relation to migration flows from Armenia; including harmonization of migration legislation and the institutional framework, joining the Mobility Partnership,[59] and establishing cooperation[60] with the **Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).**[61] In the Joint Declaration on a Mobility Partnership, the parties have decided to establish reciprocity in migration issues, with a purpose of better managing legal and labour migration, including circular and temporary migration.[62] One of the potential benefits provided for Armenia by this document is regulated labour opportunities in the participating European States. It was going to offer the Armenian migrant equal treatment and rights, including even transfer of pension rights via circular migration schemes.[63] However, to date, no concrete steps have been implemented in this framework[64] and it is even more blurry now after Armenia has clearly determined its inclination towards the Eurasian dimension with the Russian Federation in the centre. Negotiations about the EU-Armenia Association Agreement began in the Autumn of 2010. But even earlier, in April 2009, the need for concluding visa facilitation and readmission agreements between the EU and Armenia had been highlighted during a meeting of the EU-Armenia Parliamentary Cooperation Committee, since the establishment of readmission mechanisms is the standard attribute to migration policy of the European Union.[65]

The above-mentioned Joint Declaration on a Mobility Partnership between Armenia and the European Union promotes an effective return and readmission policy. As a result, on 19 September 2011 the Commission proposed to open negotiations on agreements to facilitate the procedures for issuing short-stay visas as well as on the readmission of irregular migrants between the European Union and Armenia. *On 19 December, the Council of the European Union adopted a decision authorizing the Commission to open negotiations for readmission, as well as visa facilitation agreements with Armenia.*

4.3 Armenia within Eurasian migration system

In 2013 the process of the EU association was suspended, when Armenian President Serzh Sargsyan announced in Moscow on 3 September, that Armenia would be joining the Customs Union (CU) with the Russian Federation, Belarus and Kazakhstan[66] and the Single Economic Space (SES)[67] and that it was

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governance.

[59] In general, the goal of the Mobility Partnership is the control of migration flows between Armenia and the EU, the struggle against illegal migration and regulation of legal entry allowances for RA citizens. The two sides have signed Joint Declaration on a Mobility Partnership between Armenia and the EU in October 2011.

[60] The Cooperation Agreement signed between Armenia and Frontex in 2012 promotes collaboration regarding the issue of migration. The areas of cooperation are: information exchange, professional trainings and joint operations.

[61] Makaryan, G., *Costs and Benefits of Labour Mobility between the EU and the Eastern Partnership Partner Countries*. Yerevan. 2012.

[62] European Parliament. Available from http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0289&language=EN

[63] Joint Declaration on a Mobility Partnership between the European Union and Armenia, 2011.

[64] Armenia, Migration Profile. MPC Team on the basis of CARIM East database and publications, 2013.

[65] Grigorian, A., *EU-Armenia: Visa Facilitation Possibilities* (2011).

[66] On 1 January 2010, the Russia-Kazakhstan-Belarus Customs Union came into effect and as of 1 July 2011, all customs borders between these three States have been removed.

[67] The Single Economic Space (SES) became operational on 1 January 2012. The SES has been formed by the three countries of the Customs Union: Belarus, Kazakhstan, and the Russian Federation. The ideao of SES is to transform the Customs Union into a higher form of integration ensuring freedom of movement of goods, services, capital, labor, and equal treatment of economic entities.

working toward that goal. These developments formally didn't affect readmission negotiations and in October 2013 the readmission agreement together with the accompanying visa-facilitation agreement were ratified. However, modifying the general political course would, by nature, influence relations between Armenia and EU, including migration management. Moreover, such a step will have an effect on the regulation of emigration to the main destination country for Armenian migrants – the Russian Federation, and, in particular, on assessments regarding implementation of the existing readmission mechanism between two States.

Citizens of Customs Union member-countries will be able to work without restrictions on its territory. Administrative procedures such as work permits and quotas on foreign labour will be eliminated. Over the last few years, the CU and SES have developed a set of functioning rules and institutions that allow us to infer what is going to happen with migration within the bloc. The package includes two agreements regulating labour migration within the union: Agreement on the Legal Status of Migrant Workers and Their Family Members and the Agreement on Cooperation among Member States on Counteracting Illegal Labour Migration from Third Countries. The first agreement is most important as it grants labour migrants the same rights as national workers in the destination countries. It includes the abolishment of work licenses and permits and granting social and other rights to migrants and members of their families (medical care, education; pensions are not yet covered). It is supposed to remove the main barrier to legal labour migration; the difficult process of registering a person's legal stay in the country of immigration. Accession to the CU and SES should assume full access to the SES labour market. SES membership envisages providing migrant workers from approved countries with the same rights as national workers about job placement and access to social services for migrants and members of their families. This would lead to multiple gains for the recipient countries through increased payment of taxes, an improved situation as regards crime, lower state expenditure, improved social conditions, which are vital to the wellbeing of migrants, as well as increased money transfers to the countries of origin. This extension of legal opportunities to enter, stay and work in the Russian Federation, of course, correspondingly decrease the illegal component of this migration flow since the illegal status of the majority of Armenian migrants is the reason why they have no opportunities to stay in host countries.[68]

4.4 Armenian Policies on Return Migration and Reintegration

The earlier Concept Papers (2000 and 2004) of the Armenian Government on migration regulation in Armenia lacked the relevant policy for return and reintegration issues. It can be explained through the intensive outflows from Armenia during the 1990s when existing polices focused only on addressing emigration-related issues. At the same time, this problem was completely understood by the Republic of Armenia and this follows the development and implementation of a corresponding policy aimed at supporting and assisting those who return to Armenia.[69] Therefore, in 2010, when the new Concept Paper on the State Regulation of Migration in the Republic of Armenia was approved, it recognized "assistance to the return of Armenian nationals from foreign countries and to their reintegration in their home country" as a policy priority.[70]

Accordingly, the "Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia in 2012-2016" transformed the main approaches and mechanisms

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[68] Migration situation in the Republic of Armenia, CIS, available from http://www.e-cis.info/page.php?id=19705.
[69] Ibid.
[70] Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010.

of the Concept Paper into concrete actions with specific responsible institutions and timelines. The measures identified in the Action Plan are to support the return of Armenian citizens to Armenia and future reintegration in their home country from foreign countries and to prevent irregular migration from Armenia:

- "Implementation of employment projects aimed at reintegration of the citizens, returning to the Republic of Armenia, in the labour market and introduction of new projects.
- Provision of advisory services to those returning to the Republic of Armenia by state entities dealing with migrants, as well as ensuring active partnership relations with NGOs operating in the field.
- Negotiating with receiving countries on issues related to providing reintegration support to those returning to Armenia.
- Further development of internet-based informational systems supporting the return of Armenian citizens, which will enable those people to contact directly relevant state bodies of Armenia through e-communication, to receive very quick and clear information regarding their concerns, and to disseminate information on such systems among RA citizens living abroad."[71]

The measures ensuring the implementation of the readmission agreement between the European Union and the Republic of Armenia also translated into some practical actions: development of corresponding legislation in the form of presidential and governmental decrees on the measures ensuring that implementation of the "RA-EU readmission agreement" should be elaborated, assigning the central competent agency,[72] the decision to link the State Migration Service (SMS) to the informative network of the Police of the Republic of Armenia, establishment of an interdepartmental working group to discuss emerging problems, to carry out monitoring on fulfilment of tasks defined by the agreement, and SMS staff training activities.[73]

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[71] 2012-1016 Action Plan on the implementation of the concept for the policy of the state regulation of migration in RA.
[72] State Migration Service (SMS).
[73] Chobanyan, H., *Return Migration and Reintegration Issues: Armenia*. CARIM-East Research Report (2013).

5. Legislation

As customary for a majority of States, the legal framework for migration in the Republic of Armenia is not codified but consists of some special legal acts related particularly to migration issues and a number of norms constituted by other, more general legal provisions. Various aspects of migration in Armenia are governed by the Constitution, international treaties, separate laws and government decisions. The domestic legal framework of migration is still considered by a majority of experts as requiring further development. The IOM, for example, by continuously monitoring the legal system of migration in Armenia, finds current migration realities and trends not adequately covered by the existing legislation.

This is understandable because grounds for domestic legislation in the area of migration were laid in 1990–2002, when the most urgent needs emerged in the area of forced migration from conflict zones. Such important legal acts as The Law on Refugees (1999), on Political Asylum (2001), "On allocating the apartments built for the refugees deported from the Republic of Azerbaijan in 1988-1992 with ownership rights" (2002), "On citizens that have not served the compulsory military service in violation of the defined procedure" (2003), were mainly adopted to provide socioeconomic guarantees for persons that had forcibly migrated to Armenia. Until now this block of laws regulating how Armenia deals with forced migrants remains the most elaborated and still the most important in the Republic. The work in this area is continuing and in 2008 the Law "On Refugees and Asylum" has been reworked. As a whole, the basic elements of national asylum system are currently in place.

Generally, through migration legislation, States regulate the issues of entry, exit and stay of foreigners on their territory and also take legal measures to regulate emigration mainly with the aim to protect their citizens abroad. The balance usually depends on the nature of the migration situation. Such States as the United States, the Russian Federation and EU Member States pay more attention to the safeguarding of their migration systems and accordingly develop legislation related to immigration control. However, in case of Armenia, the second issue has been considered as the most important, taking into account prevailing outflows of migration. The national legal framework for regulation of general migration inflows in the Republic of Armenia has been developing in the context of a rather liberalized migration policy. As a result of the above-mentioned circumstances, Armenia has no special law on the exit and entry or status of foreigners and these issues are mainly regulated by the Law on Foreigners. Actually, this Law regulates all the aspects related to migration into Armenia, except that of asylum deals. General rules and principles of the migration system in Armenia are set in the Constitution. Article 25 guarantees citizens freedom of movement and the right to return to the Republic. It is also important to note that Article 6 provides supremacy of international agreements and moreover introduces the ratified international treaties as a constituent part of the legal system. In more detail, the following provisions are established by Armenian legal system for main migration issues:

5.1 Border management and immigration control

National borders define the territory over which a State exercises sovereignty. The first and the most important area of state regulation in the migration sphere are the management and control of state borders. Border control measures include regulating entry and exit through state borders, checks of necessary grounds for entry and stay of foreigners, enforcement of illegal entry, and more. Persons,

animals, vehicles, luggage and other goods crossing the border are subject to border and customs control.[74]

The main legal instruments related to the management of border crossings and the organization of immigration control in Armenia are the Law on State Border, the Law on Border Guard Troops and provisions of the "Strategy of Border Security and Integrated Border Management" adopted in 2010, and the 2011-2015 Integrated Border Management (IBM) Action Plan. At the same time, these instruments are applicable to enlarge the building of state capacities in this sphere. Therefore, the most important legal act regulating the procedure of entering the country is the Law on Foreigners. In particular, it determines:

1. Place of entry into Armenia: Border crossing points.

2. Documents used as the grounds for entry:
   (1) Valid passport,
   (2) An entry visa (if they do not fall under the visa-free regime), or
   (3) Document attesting the residence status.

These documents are checked by the border guard troops when entering or departing by land transport.[75]

3. State visa regulations:
   (1) Need to obtain a visa as a general rule,
   (2) Exemption from visa requirements for citizens of certain countries,[76]
   (3) Possible method to obtain visa - in an Armenian diplomatic mission, at the border crossing points or electronically,[77]
   (4) Grounds for refusal to issue a visa (or to extend a visa).

4. Documents used as the grounds for exit:
   (1) Valid passport, and
   (2) Valid document attesting lawful stay or residence.

5. The regulations of forcible return: in cases of a lack of travel documents or legal grounds to stay in Armenia, foreigners (except asylum-seekers) are forcibly returned from the state border by the same carrier. If the immediate return is impossible, they may be detained in a transit area or in a special facility provided for that purpose.

Migration-related offenses are included in the Criminal Code of Armenia,[78] according to which crossing the state border without relevant documents or permits is punished by a fine of 100-200 of minimum salaries or imprisonment for up to 3 years.

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[74] Law on State Border of the Republic of Armenia, 1998.

[75] Decision # 200 on Approving the Procedure for Operation of Competent Public Agencies at State Border Crossing Points of the Republic of Armenia.

[76] The list of **countries** whose nationals are unilaterally exempted from the requirement of obtaining a visa: http://ww.mfa. am/u_files/file/consulate/Visa/visafreelisteng1.pdf; the list of **countries,** with which Armenia has a visa-free regime according to bilateral and multilateral agreements: http://www.mfa.am/u_files/file/consulate/Visa/whoneedsvisa_eng.pdf.

[77] The e-visa can be issued by Armenian MFA

[78] Article 329. Illegal state border crossing.

5.2 Identity management and travel documents

Given their importance as to legal regulations prescribed for crossing the border and immigration, travel documents deserve a separate chapter as they are the cornerstone of identity management as a whole and serve as proof of nationality or of the conditions for the readmission of third-country nationals in readmission practice.

Passport

Passports, as per a number of commonly used definitions, is a government-issued travel document that certifies the identity and nationality of its holder for the purpose of international travel. Armenian legislation provides for both of these principle characteristics. Passport or travel document (hereinafter referred to as "passport") – is an internationally recognized travel document verifying identity, which is issued by a foreign State or an international organization and entitles the bearer to cross the state border.[79] At the same time, a passport is a document verifying citizenship in the Republic of Armenia.[80]

There are two types of passports now used in Armenia for international travel. The old Armenian passports (serving both as national identifications cards and as travel documents) should be stamped by the Directorate for Passports and Visas of the Armenian Police to be validated as an international travel document. The new biometric passport was introduced in 2012 as a result of work begun in 2007.[81] It automatically provides the right to international travel to its holder. However, since it is not mandatory to change from the old to the new passport, many Armenian nationals holding the old passports are still required to receive the validation stamp prior to travelling.[82]

A notation regarding refusal of entry into the territory of Armenia is made in the form established by the Government of the Republic of Armenia in the foreigner's passport.[83] The expulsion decision is noted on the foreigner's passport.

Visa

An entry visa is an authorization by the authorized state institution of the Republic of Armenia, which entitles a foreigner to enter the Republic of Armenia, transit through the territory of the Republic of Armenia, stay in the Republic of Armenia and exit from the Republic of Armenia, for the purposes, under the conditions, and within the terms indicated therein.[84] The entry visas can be issued by:

(1) Ministry of Foreign Affairs (diplomatic representations or consular offices)[85] for the official and diplomatic entry visas, for electronic entry visas, at border crossing points.

(2) Police, for visitor and transit entry visas, on the border or in the territory of the Republic of Armenia.

In accordance with the Law on Foreigners, there are four types of entry visas in Armenia: visitor visas, official visas, diplomatic visas and transit visas. The entry visa is not required for citizens of certain

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79 Law of the Republic of Armenia on foreigners, 2006.

80 Law of the Republic of Armenia on Citizenship of the Republic of Armenia, 1995.

81 "Procedure on organization of the activity of the Government of the Republic of Armenia and other submitted bodies of state governance" (2007).

82 Temesvári, M., and Vasala Kokkinaki, C. *Analysis of Armenian Migration Legislation and Practice as Compared to EU Standards*, 2013.

83 Law of the Republic of Armenia on foreigners, 2006.

84 Ibid.

85 http://www.mfa.am/en/by-countries/.

States.[86] The particulars are regulated by under-law acts, in particular, government decisions providing details of visa procedures and determining lists of States whose citizens need to obtain visa with invitations. In addition to visa waiver programmes introduced for States that Armenia considers as safe or friendly, the liberalized visa policy also addresses certain categories of persons such as nationals of Armenian origins[87] and students.

5.3 Stay and work

There are three different residency statuses for foreign nationals in the Republic of Armenia: temporary, permanent and special.[88]

- Temporary residence status is granted for the purpose of study, work and entrepreneurial activities as well as for spouses or other relatives of Armenian nationals.[89] The temporary residency status is issued for one year with the possibility of extension for another year.
- Permanent residency status is granted to foreign nationals who have close relatives,[90] accommodations and means of subsistence in Armenia, and who have lawfully resided in Armenia for at least three years, or to a foreigner carrying out entrepreneurial activities in the Republic of Armenia. The permanent residency status is granted for five years with a possibility of extension for the same term each time.
- Special residency status can be granted to persons of Armenian origin, as well as to other foreigners, who carry out economic or cultural activities in Armenia. The permit is granted for ten years and it can be extended.

The Code on Administrative Offences[91] defines the sanctions for the foreigner who stays in Armenia without a valid passport or residence permit. Penalties are also envisaged for a person who invited a foreigner without covering the cost of his accommodation, health care and travel.

Foreign workers in Armenia have the same rights as citizens and carry out their activities on the basis of work permits. Although the Law on Foreigners envisages the admission of foreigners for the purpose of work, the granting of a work permit and providing the legal bases for the access to the labour market of foreigners in Armenia, in practice, due to a lack of secondary legislation, the system is not implemented.[92] There is no established quota system for migrant workers. However certain measures are undertaken to protect local markets by priorities given to local employees. The Code on Administrative Offences[93] defines sanctions for the employer (in the case of a legal entity, their executive directors) if they employ foreigners without a work permit or without appropriate resident status. The employer is punished by a fine of 100–150 of minimum salaries.

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[86] The list of **countries** whose nationals are unilaterally exempted from the requirement of obtaining a visa: http://www.mfa.am/u_files/file/consulate/Visa/visafreelisteng1.pdf; the list of **countries,** with which Armenia has a visa-free regime according to bilateral and multilateral agreements: http://www.mfa.am/u_files/file/consulate/Visa/whoneedsvisa_eng.pdf.

[87] Decree 1154-N of the Government of Armenia . Establishment the procedure for obtaining an entry visa under special conditions.

[88] Law of the Republic of Armenia on Foreigners, 2006.

[89] As per Armenian legislation foreigners lawfully residing in Armenia have the same rights as Armenian nationals.

[90] Parent, spouse, brother, sister, child, grandmother, grandfather, grandchild.

[91] Article 201.

[92] Temesvári, M. and Vasala Kokkinaki, C. Analysis of Armenian Migration Legislation and Practice as Compared to EU Standards, 2013.

[93] Article 201.

5.4 Expulsion[94] and detention

Forced return by government authorities under national law enforcement procedures takes place when migrants having no lawful right to remain in the host State do not leave the country voluntarily if required to do so. In any case, the preference and focus should be put on offering migrants the opportunity to use all possibilities to return voluntarily, and Armenian legislation provides for such an opportunity[95]. At the same time, forced return and expulsion are seen by many countries as an important component of an effective return policy and a properly functioning migration management system, necessary for the credibility of the system. The existence of forced return procedures often creates an incentive for individuals to choose to return voluntarily.[96]

Foreigners with no legal grounds to stay in Armenia are obliged to leave the country on their own. The failure to depart independently can lead to their expulsion. The latter is ordered by a court upon the request of the Police and results in a court decision on the expulsion, or refusal of expulsion, of the foreigner. The decision should include information on the procedure of expulsion (day, route, border crossing point, expense coverage, prior place of residence, obligation of appearance before being expelled, ban[97] on leaving the place of residence without permission, arrest or release prior to expulsion). The expulsion is executed by the Police. If the expulsion is impossible within 90 days, the police issue a temporary residence permit valid for up to one year. The Police register all expelled foreigners and includes their data in the database of undesirable foreigners. The Police inform the Ministry of Foreign Affairs and the consular authorities of the State of origin of the expelled foreigner within three days. The expulsion expenses are covered by the foreigner or by the state budget of the Republic of Armenia.[98] It is not permitted to expel a foreigner if there is a violation of human rights in the State where the foreigner will be expelled; in particular if the foreigner is threatened with persecution on grounds of racial, religious affiliation, social origin, citizenship or political convictions, or if the foreigner may be subject to torture or cruel, inhuman or degrading treatment, or punishment or the death penalty.[99]

The return of a foreigner who arrives to the Republic of Armenia without authorization can be enacted by a refusal of entry as legal grounds and using the established mechanism of using the same air carrier. If it is impossible to return a foreigner who has been refused entry, the foreigner may be detained in a transit area or in a special facility provided for that purpose.

As mentioned earlier, when foreigners violate the procedure and terms of their stay in Armenia, they have an administrative liability according to the Code on Administrative Offences of the Republic of Armenia.[100] A foreigner subject to expulsion from the Republic of Armenia (and even more to detention) enjoys all the rights to judicial remedies provided by the laws of the Republic of Armenia. A detained or arrested foreigner enjoys the following rights:[101]

- To information in their own language,
- To appeal; the appeal has a suspensory effect on the expulsion,
- To legal support and consular support,
- To apply to a court for release,
- To necessary medical assistance.

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94 Upon Armenian law, expulsion is the forcible removal of a foreigner from the Republic of Armenia in case of absence of legal grounds for his or her stay or residence in the Republic of Armenia.

95 Law of the Republic of Armenia on foreigners, 2006.

96 More about return policy in "R" Module of the R.E.A.D.M.I.T. Manual.

97 A 3-year entry ban is imposed for expelled foreigners.

98 Law of the Republic of Armenia on foreigners, 2006.

99 More details on legal grounds for non-refoulment are described in "International cooperation" para of this chapter below.

100 Articles 200 and 201.

101 Law of the Republic of Armenia on foreigners, 2006.

Within 48 hours after the arrest and placement in a special facility, the responsible administrative body (Police) needs to apply to the court to obtain permission to detain the foreigner for up to 90 days. The same body also needs to inform the consular authorities of the country of origin of the foreigner and/or the foreigner's close relatives in Armenia within 24 hours. An arrested foreigner may be detained in special facilities until the court has taken a decision on his/her expulsion but only for a maximum period of 90 days, without the possibility for extension.

In the absence of a central special shelter, irregular migrants in Armenia are currently held in the Vartashen,[102] Nubarashen,[103] and Abovian[104] penitentiaries.

In regard to short-term detention at border crossing points, the Government of the Republic of Armenia adopted a Decree in July 2013 on the "Operation of Special Facilities (SAC) located within the Crossing Points of the State Border and Transit Zones of the Republic of Armenia."[105] This decree became effective in August 2013.

This Decree regulates the procedure pertaining to the short-term accommodation,[106] detention and release of foreigners at the border crossing points. As stipulated under Article 37/1 of the Law on Foreigners and Article 35/2 (2) of the Law on Refugees and Asylum, the border guards shall accompany the foreigners to the SAC. Each border crossing point (BCP) shall have a SAC in place in order to facilitate the identification and pre-screening of foreigners and ensure their corresponding treatment and referral.[107] Currently only two border crossing points have reception facilities for foreigners; one at the Zvartnots International Airport (Yerevan) and the other at Bagratashen BCP, which is currently being refurbished under an EC funded project.[108] Under this project, the reconstruction of other two BCPs on the border with Georgia will also take place (Bavra and Gogavan), including construction of SACs which shall be finalized by the end of 2015.[109]

The legal basis for the establishment and running of special facilities for migration purposes is still in progress in Armenia. The number of governmental decisions supporting implementation of the aforementioned laws, as well as addressing other migration-related issues mainly form legal block in this field (the regulations issued as Government decisions regulate operational aspects of migration management, therefore altogether they form migration legislation system). The most recent legal provision in this area as mentioned in an IOM report on detention facilities[110] stipulates operations of and conditions in special facilities for detention of foreigners at the border crossing points and transit areas - 18 July 2013, No. 783-N, substituted previous No. 127-N. At the moment, special facilities are established only in the Checkpoint of Zvarnots International airport for those who have been refused entry.

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[102] Vartashen is a small pre-trial detention facility for foreign nationals and charged Armenian officials and police situated on the outskirts of Yerevan with capacity for 154 inmates. It is considered to be the best detention centre in Armenia.

[103] Nubarashen is a pre-trail detention facility on the outskirts of Yerevan with capacity for 1,200 detainees.

[104] Abovian is a pre penitentiary institution as well as detention facility after conviction for female and minor offenders.

[105] Government of the Republic of Armenia, Decree, N783-N, "On the Operation of the Special Facilities located within the Crossing Points of the State Border and Transit Zones of the Republic of Armenia and Accommodation of Aliens in such facilities."

[106] The accommodation within SACs is foreseen to be for maximum period of 72 hours.

[107] In case of asylum-seekers, these shall be accommodated in SAC until their asylum request is accepted and registered – See Appendix to Decree N788-N Article 5.

[108] UNDP managed project called "Modernization of Bagratashen, Bavra, and Gogavan Border Crossing Points of the Republic of Armenia".

[109] Loxton, A and Lughofer, K. Needs assessment of special accommodation centers for foreigners in the Republic of Armenia, IOM, Yerevan, 2014.

[110] Ibid.

These foreigners may be detained in a transit area in a special facility provided for that purpose. Family members are detained together and unaccompanied minors must be detained in a special facility and taken to a parent or legal representative. The responsible agency in this case is the Border Guards. They apply to the court within 48 hours after placing the foreigner in the special accommodation centre (SAC) in order to obtain the permission for detention for up to 90 days. The foreigner needs to be escorted by a representative of the responsible body for border control to the court rendering the decision. Foreigners are detained until the surrounding circumstances are clarified and decision is made.

5.5 International cooperation

Armenia is a participant of various international treaties related to migration and is progressively developing its migration system according to United Nations Human Rights Treaties. By doing this, the main categories of rights that can be violated within migration process and the main vulnerable categories of migrants are generally covered. Namely, Armenia ratified and consequently adopted, for its domestic legal system such UN conventions as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, among others. Armenia has also ratified the UN Convention relating to the Status of Refugees of 1951 and as an ILO Member State it has ratified 29 ILO Conventions.

Being also a part of the regional Eurasian migration process, Armenia, among other CIS countries, signed on March 6, 1998, in Moscow, the Agreement on cooperation between CIS Member States in combating illegal migration. This agreement stipulates that the parties shall collaborate in the development of mechanisms for the regulation of migration, foreigners' registration, and the expulsion of illegal migrants. The parties have also committed to harmonizing their national legislation and to exchanging information related to irregular migration.[111] Apart from being a party to the 1992 Agreement on Visa-free Movement of Citizens of the CIS-countries on the Territory of the Member States, Armenia has concluded bilateral visa free agreements with Belarus, Georgia, Kazakhstan, Russian Federation and Turkmenistan. A similar agreement has been also concluded with Argentina.

Finally, legal conformity with EU legislation is one of the critical objectives of the Concept of State Regulation of Migration and its associated Action Plan for Implementation 2012–2016.[112] The Plan's main issues are intended to ensure conformity of the legislation of the RA with the legislation of the EU and the best institutional structures of the UN Member States. For example, changes to be made include the introduction of ID cards and electronic passports to increase the level of security of identity documents, and to facilitate the free movement of Armenian citizens. Moreover, the Plan aims to better protect the rights and interests of citizens of the RA leaving the country for overseas employment, better manage internal migration, and address the integration issues of returnees. As a result of the measures carried out in the framework of the Action Plan, Armenia invests in substantial legislative reforms in the area of migration and in conformity with the EU legislation.[113] At the same time there are some areas of migration management that can not be adjusted automatically. For example, Armenia cannot fully apply principles of Integrated Border Management as far as they were elaborated for purposes of inspection and aimed at balancing security and facilitation methods. Such approaches are vital for air checkpoints in Armenia but impossible for land borders.

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[111] Makaryan, G., *Costs and Benefits of Labour Mobility between the EU and the Eastern Partnership Partner Countries*. Yerevan. 2012.

[112] Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010.

[113] Armenia, Migration Profile. MPC Team on the basis of CARIM East database and publications, 2013.

6. Administrative Structures

The institutional framework in Armenia regarding migration is arranged as a decentralized model. Various authorities are involved in migration policy development and implementation within their purviews. Such a model, in principle, can work properly, especially when state resources are limited provided certain conditions are guaranteed. There are three basic critical requirements that should be considered: strong coordinating agency, in-depth inter-agency cooperation, and existence of special capacities within the state agencies involved in migration management.

Overall coordination and the development of migration policies in Armenia are conducted by the State Migration Service (SMS) under the Ministry of Territorial Administration.

6.1 The State Migration Service (SMS)

The State Migration Service (SMS) was established in 2009 and started functioning as of 1 April 2010[114] within the Ministry of Territorial Administration. It is the core authority responsible for the development and implementation of the state policy on management of migration processes, as well as for the coordination of activities of governmental institutions dealing with migration issues in the area of policy development and drafting legal acts.[115] It is also responsible for coordinating and monitoring of the 2012–2016 Action Plan for Implementation of the Concept for the Policy of State Regulation of Migration in the Republic of Armenia.

The main functions of SMS include:[116]

Policy and programme development

1. Development of migration policy concepts, based on analysis and assessment of the migration situation and identification of change trends.

2. Presenting conclusions by experts on social-economic project drafts of the Republic of Armenia from the point of view of their effects on migration.

3. Assessment of the migration situation as a result of internal movement of the population within the territory of the Republic, as well as the analysis of the main trends of development.

4. Submitting proposals on resettlement of the population of the Republic, and on improving the demographic situation of the population.

Programme management

5. Development and implementation of programmes on re-immigration (return) of the population that has emigrated from Armenia in conjunction with corresponding Armenian Ministries, diplomatic representations, as well as with international organizations.

6. Within the limits of its powers, the development and implementation of programmes aimed at the implementation of regulation of the population's movement.

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[114] Chobanyan, H., On the Institutional Structure of Migration in the Republic Armenia (RA). CARIM-East Explanatory Note (2012).

[115] Government Decision 1515 – N. On the establishment of "Staff of Migration State Service" State Administrative Body of Ministry of Territorial Administration of the Republic of Armenia (2009).

[116] Galstian, K., Proutch, F. and Rossi-Longi, P. *Progress Review of Migration Management in the Republic of Armenia*, IOM. 2011.

7. Implementation of programmes providing refugees forcibly displaced from the Republic of Azerbaijan in 1988-1992 with permanent dwellings.

8. Provision of assistance to refugees forcibly deported from the Republic of Azerbaijan in 1988-1992 regarding the acquisition of citizenship, access to education, health, legal support, etc.

9. Processing the asylum applications of foreign citizens and stateless persons; rendering legal, social and other types of assistance prescribed by Armenian legislation to such persons.

10. Development and implementation of population resettlement programmes designed to improve the demographic situation in border, high-mountain and disaster area settlements in conjunction with the state management republican and territorial bodies, as well as local self-governance bodies.

Data management and analysis

11. Provision of legal-consultancy information to the representatives of different migrant groups (refugees, asylum-seekers, returners to Armenia, persons who want to leave Armenia, etc.).

12. Receiving from Armenian executive bodies data on migration processes, their systematization and creation of the database.

13. Supporting the database on refugees and other displaced persons; provision of data to other bodies and organization in the established order.

International cooperation

14. Within the limits of its powers, the implementation of international cooperation within the framework of issues referring to the field of migration.

15. Within the established framework, participation in the development of draft Armenian international treaties on the issues of population migration.

The State Migration Service is the main body responsible for the implementation of readmission agreements.[117] There are two functioning areas where this responsibility is applied. On the one hand, the SMS facilitates negotiation on readmission by drafting texts of the corresponding agreements and providing conclusions and comments. On another hand, the SMS is assigned central competent authority and coordinates the readmission applications processing.[118]

Other state agencies, which form the institutional framework of migration in Armenia, manage their areas of responsibilities:

6.2 Border management[119] and immigration control

The National Security Service (NSS) is responsible for developing Armenia's border management

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[117] Government Decision No. 1360-N of 22 September 2011 On the confirmation of "The discussion order by the State bodies of the application received from foreign countries within the framework of the agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization.

[118] For detailed description of the process please see "M" module of the R.E.A.D.M.I.T Manual.

[119] The Republic of Armenia borders Georgia, Turkey, the Islamic Republic of Iran and Azerbaijan. The country has 12 border crossing control points: nine land borders checking points (six with Georgia, two with Turkey, one with Islamic Republic of Iran) and three airports (Mária Temesvári, 2013). The borders with Turkey and Azerbaijan are closed. Armenian border guards are present at Armenia's borders with Georgia and Azerbaijan whereas Russian Federal Border Guards Troops supervise Armenia's borders with Turkey and the Islamic Republic of Iran (Treaty Between the RF and the RA on the status of frontier troops of the RF located on the territory of the RA and the terms of their operation, 1992).

policy. The Armenian **Border Guard** is a part of the NSS[120] and responsible for performing checks at the Armenian borders of persons entering the country. Border guards conduct passport and visa checks at the borders. They have the right to arrest persons having violated the State Border regime for a period of up to three days, to examine the apprehended persons, to conduct a search, and if necessary confiscate their belongings. Border Guards must ensure the protection of the rights of persons arrested or imprisoned, arrange medical and other assistance, and inform the relatives of the arrested or imprisoned persons of their whereabouts.[121]

The Border Guard is also responsible for two very important infrastructural elements of migration management. It operates special accommodation centers (SAC) for migrants within border checkpoints and directly maintains the Border Management Information System (BMIS) database.

Special Accommodation Centers (SAC)[122]

The Border Guard has two SACs under its responsibility. One is in Zvartnots International Airport (Yerevan) and the other in the Bagratashen border crossing point (which is only planned to be built).[123] Border Guard personnel are fully responsible both for accommodation procedures and maintaining of the facilities.[124] The special facilities are maintained with funds allocated from the State Budget of the Republic of Armenia to the National Security Service under the Government of the Republic of Armenia.

Border Management Information System (BMIS)

Governmental Decision N 884-22 appointed the National Security Service as a coordinating authority for the Border Management Information System, responsible for its maintenance, development, coordinating activities of other state agencies granted user rights, and providing relevant training. The BMIS is used at border crossing points (Zvartnots, Bagratashen, Gyumri, Bavra, Gogavan, Privolnoye, Ayrum, and Agarak (Meghri)) and by appropriate state agencies, including those involved in the migration process (State Migration Service, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Transportation and Communication, Ministry of Defense, National Security Service, State Customs bodies, the Police of Armenia, Department of Civil Aviation, Office of the Prosecutor General, National Statistical Service, State Tax Inspectorate, and judicial authorities of the first instance and cassation courts). However, not all of these authorities currently have access to the database.[125]

The BMIS has been designed to perform law-enforcement and control functions, requiring quick and efficient cross-checking of concrete individual data against large sets of information stored in various formats (texts, photos, and biometrics). The key purpose of the system is to ensure the efficient control and counteraction of illegal forms of migration while, at the same time, facilitating border crossings for bona fide travelers (through such mechanisms as E-visa, frequent travelers cards).[126] BMIS collects and possesses data on visas issued at the state border (from the Armenian police) and visas issued by Ministry of Foreign Affairs, as well as temporary asylum certificates (from SMS). The system also includes

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[120] Law of Republic of Armenia "On the Border Guard Troops"
[121] Law on State Border of the Republic of Armenia, 1998.
[122] More details about SAC see in "D" Module of the R.E.A.D.M.I.T Manual.
[123] Usually, in accordance with Law on Foreigners, those who are refused entry are accommodated in these centers. Persons crossing the borders illegally are subject to criminal liability and can be placed in detention facilities, if detention is selected as a measure of restraint by a court decision in accordance with Article 329 on illegal crossing of state border of the Criminal Code of the Republic of Armenia. In such cases they are held at the Vardashen Penitentiary Institution.
[124] Detailed description of the SAC functioning is in "D" Module of the R.E.A.D.M.I.T Manual.
[125] Manke, M. *Enhancing Migration Data Collection, Processing and Sharing in the Republic of Armenia*. 2010.
[126] Ibid

and can distribute data describing the types of identification documents of persons including documents security features, data on the persons and vehicles crossing the border, scanned copies of the travel document, passenger's biometrical data and data on deported passengers. The information is kept in the BMIS system for 7 years.

Police officers are also present at border check points. The RA Police is responsible for issuing exit stamps (passport validation) for Armenian citizens and operating the Passport and Residence database of the citizens of the Republic of Armenia. It also deals with visa issuance at the borders, visa extension, granting of residence status/residence permits, registration of foreigners on the territory.[127] The RA Police investigates cases of illegal state border crossings in cooperation with Border Guards.

6.3 Identity management and travel documents

The Ministry of Foreign Affairs of Armenia (Consular Department) is responsible for passports, and return certificates (Laissez-Passer) as well as for the issuance of the special residency status and relations with Armenians abroad. Currently, Armenia has 73 diplomatic and consular posts throughout the world. In some instances, the territorial competence of a single post covers several countries. In the Russian Federation, three consular offices are functioning. Consular services do not have enough staff to conduct punctual personal interviews for citizenship identification.[128]

The Border Guard conducts passport and visa checks at border check points. Border Guard personnel check the exit and entry documents of persons, make relevant notes in them, and if necessary temporarily confiscate them.[129] Since 2002, Armenia has been employing a two-stage inspection system when implementing border controls. During the first stage, travellers' documents are checked to decide whether entry will be allowed or not. If anything suspicious shows up during the initial document screening or from other entry procedures, then a secondary control takes place with more scrutiny concerning all the qualifications of entry. Both controls are applied by the border guards, but at the second stage specialized expertise is required (this might include collaboration with the National Security Services and State Police).[130]

6.4 Expulsion and detention[131]

When a foreigner resides on the territory of Armenia without legal grounds and does not leave voluntarily, the RA Police is responsible for his expulsion. The Police file an expulsion action suit with the court. When a foreigner is refused entry into the territory of Armenia, border guards initiate expulsion procedures as described above. Border guards are allowed to keep foreigners in special accommodation facilities at border crossing points and transit areas.[132]

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[127] Armenia, Migration Profile. MPC Team on the basis of CARIM East database and publications. 2013.

[128] Brunarska, Z. Return, readmission and reintegration in the Eastern Partnership countries: An overview. 2013.

[129] Law on State Border of the Republic of Armenia, 1998.

[130] Temesvári, M. and Vasala Kokkinaki, C. Analysis of Armenian Migration Legislation and Practice as Compared to EU Standards, 2013.

[131] Law on State Border of the Republic of Armenia, 1998.

[132] At the moment the only SAC in Zvartnots International Airport is functional.

7. Analysis of relevant readmission instruments – Readmission agreements between RA and EU

Finalizing inter-governmental agreements with the respective countries against irregular migration (including provisions on the return, receipt, and transit of RA citizens and third country nationals between the contracting parties - readmission treaties), was articulated as one of the key measures required to achieve the following priority of the state regulation of migration in the Republic of Armenia - "Preventing the emergence of illegal migration from the Republic of Armenia and supporting the return and reintegration in the Republic of Armenia of Armenian citizens illegally staying abroad."[133]

To date, the Government of the Republic of Armenia has signed 12 agreements with 13 countries, 12 of which are European States (the Kingdom of Denmark, the Republic of Lithuania, Latvia, Sweden, Switzerland, the Federal Republic of Germany, and the Benelux countries, Bulgaria, Norway, the Czech Republic), one CIS country, the Russian Federation, and the most recently and most importantly - the readmission agreement with the EU. Negotiations on readmission agreements with five countries are underway: Estonia, Cyprus, Romania, Ukraine and the Republic of Moldova. The caseload for existing agreements is relatively low: 75 readmission requests from Sweden, Norway, Switzerland and the Russian Federation received in 2011 – 2012 (holders of Armenian citizenship approved in 53 cases).[134]

All the above-mentioned finalized agreements are fully operational, but became less relevant after the signing and ratification of the Readmission Agreement with the European Union in 2013. This treaty doesn't abolish earlier concluded bilateral agreements with EU Member States, but it is more likely that the common instrument will be used in future as it corresponds to recent EU policy: Member States need to apply EURAs (not bilateral) for all their returns.[135] Therefore the most important challenge in the area of readmission for Armenia today which needs attention is the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization. One more agreement that warrants thorough review is the one with the Russian Federation, since it is the main country of destination for Armenian migrants and correspondingly the largest number of returnees could be expected from this state.

On 19 April 2013 in Brussels, Armenia signed an agreement with the European Union on the readmission of persons residing without authorization.[136] Later that year, in October, the agreement was ratified which means that the readmission mechanism should be fully functioning. In turn, this means that Armenia has expressed its willingness to proper fulfil the obligations laid by this treaty.

The agreement contains a set of standard elements included in the readmission agreements concluded between the EU and third countries.[137] The readmission obligations are drafted in a fully reciprocal way and comprise nationals, third country nationals and stateless persons. It also establishes the prerequisites for the obligation to readmit the latter two. The document sets out the arrangements for the practical application of the agreement, including timeframes, the conditions for the accelerated procedure, clauses on costs, data protection, human rights safeguards and relation to other international obligations. The agreement applies to the territories of Armenia and the EU, with the exclusion of

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[133] Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010.

[134] Brunarska, Z., *Return, readmission and reintegration in the Eastern Partnership countries: An overview*. 2013.

[135] European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

[136] The formal authorization for negotiation of the readmission agreement with Armenia was adopted on 19 December 2011. The negotiations began in February 2012 and the agreed text was initialled on 18 October 2012.

[137] The detailed analysis of the text of the Agreement is in the A Module of the R.E.A.D.M.I.T. Manual.

Ireland, Denmark and the United Kingdom.[138] The important detail is the precedence this agreement has over readmission agreements concluded earlier and separately with EU Member States.[139] One more particular principle provided, which merits mentioning, is that even within this instrument of forced return, priority shall be given to voluntary return and the opportunities for voluntary return take place.

There are four technological procedures specifically prescribed by readmission agreements:

- Return of own nationals
- Return of third country nationals
- Accelerated procedure
- Transit

Government institutions assigned to implement the agreement as well as the procedure of their cooperation are specified in Government decision No. 1360 N of 22 September 2011.

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[138] European Parliament, Explanatory statement (2013).
http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0289&language=EN.

[139] For the first time, the readmission agreement with the Russian Federation clarifies explicitly that provisions of the EC readmission agreement shall take precedence over provisions of any bilateral.

8. Assessment of needs for establishing effective readmission mechanisms

8.1 Conclusions

1. The main focus when preparing for the implementation of the readmission obligations should be placed on the development of the facilities for the admission of migrants; both nationals and third country persons.

This is the very simple conclusion based on the essentials of migration theory describing pull and push factors, determining the migration vector, and confirmed fully by existing trends in Armenia. Armenia is a country of emigration and, at the same time, all the States with which it has concluded readmission agreements are countries of immigration. This means that most probably, within the framework of readmission, Armenia is supposed to be requested State.[140]

2. Based on international practice, readmission should be considered as a specific mechanism to be implemented within existing return system required just minimal additional resources allocated for its introduction.

   - Basically, readmission is a specific case of the forced return of migrants. Moreover, the specifics of this mechanism, in the case of Armenia, do not presuppose to greatly affect its migration management system.

   - The readmission procedure needs a certain level of inter-state cooperation to be implemented. At the same time, all the details of such cooperation are explicitly defined in the readmission agreements and they focus more on domestic measures for providing thorough follow up of those details.

   - Readmission is not a kind of administrative penalty. Therefore it requires special treatment of readmitted persons: special conditions in case of detention of third-country nationals, and the reprieve or cancellation of reentry ban. This feature is very important for requesting States which arrange removal of irregular migrants from their territory.

   - Readmission agreements allow their contracting parties to send back to the requested States not only their own nationals, but also third country nationals who entered directly from their territory under certain conditions. This point might pose a danger for the requested State and sometimes raises concerns generally named "readmission trap" - the case when third country nationals are returned to Armenia and stranded in the country due to a lack of adequate return procedures and readmission agreements with countries of their origin. However, based on the existing policy of requesting States, usually reflected in the readmission agreements, they prefer to send irregular migrants directly to their countries of origin.

At the same time, the above-mentioned factors might change in future years. There are signs that Armenia might become, to certain extent, a country of immigration[141] (in the same way that some EU

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[140] There are normally two parties in readmission agreements: requesting State which requests another party to admit person residing without authorization on its territory and requested State which is supposed to admit this person. [141] *Migrant Integration Policy Index*. OSCE. (2013), http://www.mipex.eu/armenia?utm

countries have become over the last twenty years),[142] or readmitted third country nationals might seek asylum in Armenia and remain in the country. Currently, Armenia has limited capacity and resources to adequately accommodate and facilitate the return of third-country nationals.

3. A huge caseload of third-country nationals to be readmitted to Armenia is not expected.

First of all, as stated above, in a majority of cases irregular migrants are sent back to their States of origin directly. In the case of Armenia, the danger of a readmission trap is even less applicable.

4. The legal system in Armenia is prepared for the effective implementation of the readmission agreements.

To the extent that international agreements are constituted as a part of the Armenian legal system and prevail on the norms of domestic law, the conclusion and ratification of these treaties has already incorporated their provisions into the legislation of the country. One more factor that allows us to consider the Armenian legislative framework as being ready to implement readmission obligations is its flexibility. Having basic norms and principles fixed in main laws, the details and procedures are often regulated by orders and decisions of the president or government. This is very positive for migration issues, which are very fluent and depend on great number of factors. Such a system provides amendments, adjustments and changes when needed.

At the same time, the incorporation of the basic elements of the readmission process into domestic legislation would be very useful to form the readmission legal framework together with the international treaties and local laws technically and operationally regulated by the flexible instruments mentioned above.

5. The administrative system of Armenia's migration institutional framework is capable of effectively implementing readmission agreements.

The institutional framework in Armenia in the area of migration is arranged as a decentralized model. Various authorities are involved in migration policy development and implementation within their official purview. Such a model in principle can work properly especially when state resources are limited, provided certain conditions are guaranteed. There are three basic critical requirements that should be considered:

- Strong coordinating agency

The State Migration Service has the legal basis and very professional personnel for carrying out a leading role in readmission activities. At the same time, the capacities of the agency are rather limited, especially in the area mentioned.

- In-depth inter-agency cooperation

Inter-agency cooperation among migration related structures regarding readmission procedure in Armenia has a general legal framework provided by government decrees, but the details of such cooperation are regulated mostly on an informal level. There is no detailed coordination system. The exchange of information, despite the existence of technical capacities,[143] is carried out on an irregular basis.

- Existence of special capacities within the state agencies involved in migration management.

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[142] The example of Poland is presented in the "R" Module of R.E.A.D.M.I.T. Manual.

[143] The Border Management Information System (BMIS) is capable to be used much more effectively in this context and provide data, analytical resources as well as basis for automated data exchange tool (Manke, 2010).

The representatives of migration related agencies receive systematic training provided mainly by international organizations and their level of professionalism is very high. Despite having high qualifications in the sectors they are working in, the above-mentioned migration related agencies lack knowledge of the overall picture and some basic migration essentials, as well as information about the functional areas of their colleagues from other agencies.

8.2 Recommendations

There are three areas where the appropriate measures can be recommended for implementation

Incorporation of the readmission procedure into the migration management system of the Republic of Armenia

Legal framework

The definition of readmission can be incorporated into the Law on Foreigners. This, in turn, will afford a possibility to complement this law with special provisions for third country nationals subject to readmission and to distinguish them as special category of foreigners.

It will allow treating them within the period pending their deportation as special category without enforcing an administrative penalty.

Administrative structure

Currently, the situation with readmission is manageable because of a low level of readmission flow. However, this situation can change. In such case, there will be a need to mobilize all the state agencies involved into the process. To be prepared for such developments will require that:

(a) A corresponding action plan should be elaborated and

(b) The representatives of participating institutions should be trained in readmission matters.

Monitoring system

The need for periodical evaluation and continuous monitoring of the readmission procedure is stated in many researches and studies of migration, including those studying the Armenian situation.[144] It is also recommended by the EU to establish the mechanism to monitor the situation of readmitted persons, including respect for human rights.[145]

As an assessment tool for the effectiveness of readmission procedure, monitoring feeds into evaluation, provides for policy development, and expands inter-agency cooperation. It is relevant, particularly for Armenia, to monitor the process as far as decentralized character of the migration institutional framework and limited capacities allocated require data for risk analysis and taking appropriate measures in case the number of returnees increases.

Monitoring in the field of readmission[146] is relevant also with respect to the individual treatment of readmitted persons. The information collected through post-arrival monitoring can contribute to measuring the efficiency of procedural safeguards and compliance with fundamental rights. Post-arrival

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[144] For example Parliament, 2010, Mária Temesvári, 2013.

[145] European Comission, Communication COM (2011) 76 final on Evaluation of the EU readmission agreements. Brussels, 2011.

[146] One of the very interesting initiatives here is the IOM MONITOR project aimed at monitoring the EURAs with Ukraine and Pakistan.

monitoring is relevant both for one's own nationalities as well as for third-country nationals and stateless persons (TCNs). For the first group, it will decrease the risk of re-attempting irregular migration in the absence of reintegration programmes. For the second, it will focus on access to the national asylum procedure, treatment while waiting for deportation, and securing non-refoulement[147] principle.

To define the scope of the monitoring and evaluation methodology for readmission, covering third-country nationals and one's own nationals in both the short and long term perspective, objective indicators[148] must be developed. Other tools to be developed should include (but are not limited to):

- Questionnaires to be filled by state agencies involved in readmission, international organizations and civil society and readmitted individuals themselves.
- Reporting formats

Strengthening inter-agency cooperation

To improve the effectiveness of readmission procedures it is necessary to establish protocols for inter-agency cooperation between the agencies involved. Inter-agency cooperation refers to the cooperation and coordination between all agencies involved in migration management and, in our particular case, in the management of implementation of readmission agreements. It can be an effective tool in making better use of human and material resources. In particular, the following can be recommended to improve and develop in this area:

Development of regulatory framework for inter-agency cooperation

Effective implementation of readmission agreements is impossible without defining clear functions and responsibilities of state actors as well as evaluating their levels of competency. A legally fixed regulatory framework for inter-agency cooperation determines the content and scope of cooperation and information exchange between the agencies involved. The legal framework for inter-agency cooperation may be formed by formal agreements in the form of joint orders or protocols, joint instructions or standard operating procedures (SOP) depending on what is normally used for joint procedures in Armenia.

The documents regulating inter-agency cooperation should include, or be supplemented with, precise instructions on how to implement them, be made available to all staff of the involved agencies and should define the following topics:

- Information and data exchange obligations and mechanisms (such as focal points, common use of databases), including a reference to data protection. The proper mechanism for information exchange is the key element of inter-agency cooperation. It should be formalized to clarify what information will be shared and with whom. National data protection legislation and international standards define the standards which are to be applied for information collection, exchange and storage.[149]
- Clear cooperation procedures. To achieve better-coordinated procedures, the existing workflows of each agency must be described and analysed. All officers should know how to act in case of readmission.

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[147] Non-refoulement is a principle of international law which forbids the rendering of a true victim of persecution to their persecutor. Generally the persecutor in mind is a state actor.

[148] Details on developing indicators are in the "M" Module of the R.E.A.D.M.I.T Manual.

[149] The Armenian Government initiated a new law on Data Protection. The Armenian Government has ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

- Joint training

- Actions plans to deal with possible increases of the caseload. Contingency and emergency plans should be developed that clarify the division of responsibilities in case of increase of caseload. These plans should be developed at the central level, but need to be adjusted for the regional and local levels. Basic issues to be addressed include the availability of contact details of the various local actors to approach in specific situations.

Training

Inter-agency training contributes to a better understanding of the tasks, responsibilities and needs of the agencies involved. Joint training activities should involve staff from all agencies involved in migration management, including implementation of readmission procedures. These training activities should not only target new officers, but form part of continuous, in-service training and include operational as well as management levels of all agencies.

It is recommended to design special training programmes on the implementation of readmission procedures and to conduct such activity on an inter-agency level. This programme should include:

1) Model training agenda and methodology

   The training agenda can be comprised of two options; the first as a half day introductory workshop and the second, as a full day (or two-day) training for trainers. The training agenda might be designed for a combination of facilitator based sessions, group work, and activities including dynamic role playing. For the second option, the focus is to be put on activities, but in any case the main methodology to be applied actively uses the experience of the participants in their particular area of responsibility. The training should follow the principles of adult learning and strive to use non-technical language.

2) Reference material that can be used both for training and self-development

   Development of the corresponding reference materials is assumed to be the most important output that will provide for sustainability of the project.

   The main approaches are as follows:

- The materials should be shaped as independent but closely interlinked modules, each of them describing one special area of the readmission process.

- The manual should be written in a non-technical manner, be as short as possible, and include visual materials. The title of the manual should be composed as to attract attention.

- The manual should be a capacity building instrument and not only concentrate on the readmission procedure as rather narrow area, but also provide a broader picture of migration management.

- Each section or module should be a mix of (1) a brief analysis of essentials of the field where the particular readmission feature is applied, (2) a description of the corresponding readmission procedure to be applied in Armenia.

The proposed structure of the manual is as follows:

1. "R" Module - Return and Readmission: Essentials and Practices in the Republic of Armenia

   The module will describe essentials of return migration and the main approaches to its management. It will review international practices in procedures applied by different States to return management and provide substantive reasons for the introduction of the readmission model into the migration framework of Armenia.

2. "E" Module – English language as a useful tool of migration management

The module will concentrate on the wording used for readmission agreements, the terminology of migration, and essentials of linguistic analysis. The presented tools will help prepare trainees for further analysis of the murky areas of readmission agreements and at the same time will contribute to overall development of staff involved into migration management.

3. "A" Module – Agreements on readmission of irregular migrants

The module will provide detailed analysis of two of the most genuine readmission agreements concluded by the Republic of Armenia – one with the European Union and one with the Russian Federation. At the same time, the module will provide trainees with a general theory of international relations within the context of international treaties.

4. "D" Module – Detention of migrants and special accommodation facilities

The module will review the international standards applied for detention facilities used for accommodation of migrants.

5. "M" Module – Management of readmission procedure

The module will consider the introduction of the readmission model into the migration management system as a project. It will review the overall framework of migration management and   modern approaches to project development and implementation. It will also describe in detail the procedure of readmission cases processing in Armenia.

6. "I" Module – Identity management

The module will review the essentials of identity management and analyse the main documents used as proof of nationality within the readmission procedure.

7. "T" Module – Training

The module will describe modern approaches to adults learning methodology and provide practical instruction on how to use the manual for design and delivery of training and training for trainer activities.

3) Corresponding training software

It is recommended to develop additional training resources in the form of a computerized programme which will allow the inclusion of such useful tools as legal database, interactive links and testing tools in addition to the manual.

Annex A. Terms of References of the Review and Needs Assessment of Readmission Management in Armenia

IOM Mission in Armenia

Project Development and Implementation Unit

Terms of Reference

Needs assessment of Readmission Management in Armenia and preparation of a manual on readmission for practitioners in Armenia

<u>Project</u>: "**Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia**" Regional Project

Funded by the European Commission Thematic programme of cooperation with third countries in the areas of migration and asylum and the IOM Development Fund

<u>Project</u> <u>Code</u>: GE1A017 / TC.0656 / TC.0658 / DCI-MIGR/2012/282853

<u>Thematic</u> <u>block</u> 1: "Capacity building for effective readmission and exchange of knowledge in Armenia, Azerbaijan and Georgia"; Activity 1.1 "Gaps and needs assessment in Armenia in relation to readmission" and Activity 1.2 "Production of training manual on Readmission and CD-based IML training module"

<u>Expected Duration of the Consultancy</u>: September 2013 – March 2014

<u>Expected Date of Final Deliverable Submission</u>: 31 March 2014

<u>Task Manager</u>: Head of Project Development and Implementation Unit

Introduction

About IOM.

The International Organization for Migration (IOM) is the leading inter-governmental organization in the field of migration. IOM has 151 Member States and 12 Observer States (as of June 2013). IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people. The IOM Constitution recognizes the link between migration and economic, social and cultural development, as well as to the right of freedom of movement. IOM works in the four broad areas of migration management: (**i**) Migration and development; (**ii**) Facilitating migration; (**iii**) Regulating migration; and (**iv**) Forced migration. IOM activities that cut across these areas include the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration.

About READMIT Project.

The project is aimed to contribute to the establishment and development of an effective mechanism for the management of readmission in Armenia. The Project assists in establishing effective case management systems of readmission; builds capacity for the management of migrant accommodation centres; assists in building effective institutional mechanisms for reintegration of returned migrants.

Background Information

To facilitate the procedures for the return of Armenian nationals in an irregular situation (i.e. persons that do not meet or no longer meet the legal requirements for entering a State or being or residing on its territory) in foreign countries back to their home country, the Republic of Armenia has concluded readmission agreements with various States. The "2012 – 2016 National Plan of Action for Implementing the Strategy of State Regulation of Migration in Armenia" (contains Activity 8.4. "Holding negotiations with receiving countries on supporting the returning citizens in re-integration in Armenia." As of 2013, Armenia had signed readmission agreements with Bulgaria, Belgium, Luxembourg, the Kingdom of the Netherlands, the Czech Republic, Denmark, Germany, Latvia, Lithuania, Norway, the Russian Federation, Sweden, Switzerland. Draft readmission agreements with Austria, Cyprus, Estonia, Lebanon, the Republic of Moldova, Poland, Romania and Ukraine are currently being discussed. A multilateral "Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation" was also concluded.

The Armenian Government adopted on 22 September 2011 Decision No. 1360-N, "On Approving the procedure of processing by the RA State Bodies of the applications received within the framework of the readmission agreements," which states that applications are received at the State Migration Service, which forwards them to the RA Police (and where necessary also to the RA National Security Service, RA Ministry of Foreign Affair, RA Ministry of Health) for an opinion, based on which a decision is made.

On 12 December 2012 the Prime Minister adopted Decision No. 1228-A, "On Approving the Action Plan for implementation of the EU-Armenia Readmission Agreement."

Objectives of the Needs Assessment and Manuals

For support towards establishing effective readmission mechanisms in Armenia, the IOM will conduct a "*Gaps and needs assessment in Armenia in relation to readmission*." This will primarily focus on the legislation in place in Armenia and the cooperation of the various state bodies in processing of the readmission cases. The assessment report will describe the complexity of technical and administrative prerequisites for effectively managing readmission of own nationals as well as third-country nationals. The Report will provide recommendations on various aspects of effective management of readmission cases.

To further enhance the knowledge on readmission for policymakers and practitioners, the IOM will produce a Readmission Manual. The Manual will include a synopsis of selected foreign readmission and return practices and implementation practices of Armenia's readmission agreements. For this purpose, the IOM will arrange the Armenian version of the IOM *Manual on Readmission for experts and practitioners. Selected foreign readmission and return practices. Volume 1* (2010); and prepare an Armenia specific Volume 2 following the *Manual on Readmission for experts and practitioners. Implementation practice of readmission agreement of the Russian Federation. Volume 2* (2010). The 2010 publication selected as its first volume covers theoretical, historical and conceptual aspects of the readmission process; relevant international documents; presents practical information on foreign legal and administrative procedures of readmission; and related issues of return (including country studies of Bulgaria, Hungary and Poland, based on their experience before entry into the European Union). The IOM 2010 publication may be used as a basis, and its text may be updated for the purposes of the localized version. While the first Volume may be simply translated into Armenian, the second volume has to be developed using the 2010 publication. The training course included in the 2010 publication and its e-training can be employed to produce the localized version.

The needs assessment report will be published in Armenian and English. The Manuals will be published in Armenian (and where required in English, e.g. Volume 2 or both volumes in case of major changes).

Methodology

The Needs Assessment will be conducted and the Manuals will be updated/developed by two international consultants who will work under the supervision of the Head of PDIU. Since Volume 2 of the 2010 publication on Readmission is available only in Russian, it is essential that at least one of the international consultants is fluent in Russian.

The consultancy will entail a desk review; legal textual analysis; preparation of a questionnaire for collecting information from the main stakeholders; preparation of the needs assessment report with recommendations; and an elaboration of the Armenia-specific parts of the Manual and course (with the CD).

The Armenian state bodies to meet for the needs and gaps analysis will include at minimum: the State Migration Service at the Ministry of Territorial Administration; the Police (Department of Passports and Visas, General Department for Combating Organized Crime; Interpol National Central Bureau); the Ministry of Foreign Affairs (Consular Directorate, European Directorate and CIS Directorate); National Security Service (Border Guards Troops); the Ministry of Health; the Ministry of Justice; the Ministry of Labour and Social Issues; Ministry of Diaspora; Ministry of Defence; Civil Aviation General Department. Meetings with foreign embassies and the EU Delegation to Armenia may also be organized.

The final drafts of deliverables may be reviewed and commented on by the Government of Armenia and by experts from IOM Headquarters and Regional office.

The selected consultants should:

a) Develop methodology for the consultancy.

b) Conduct desk review and legal textual analysis.

c) Meet the main stake-holders and assess needs, identify the gaps in readmission management in Armenia.

d) Analyse the information and data and produce a needs assessment report with specific recommendations and next steps.

e) Prepare the Armenia-specific Volume on readmission agreements concluded by Armenia.

f) Where necessary, prepare / update the training course and CD.

g) Where necessary, update Volume 1 of the Manual.

h) Incorporate inputs by the IOM Mission in Armenia and other stakeholders as suggested by IOM Armenia.

The IOM will ensure consistency in the way the deliverables will be elaborated and applied by means of sharing relevant product information between the respective experts and making available similar products developed by IOM and partners in other countries that operate a readmission agreement with the EU.

During the elaboration of the deliverables, the IOM may make use of various materials, including the following:

IOM, Manual on Readmission for experts and practitioners. Selected foreign readmission and return practices. Volume 1 (2010).

IOM, Manual on Readmission for experts and practitioners. Implementation practice of readmission agreement of the Russian Federation. Volume 2 (2010).

IOM, Return and Readmission to Albania. The Experience of Selected EU Member States (2006).

Rossi-Longhi, Pier, Therése Lindström and Kristina Galstyan for the International Organization for Migration, Review of Migration Management in the Republic of Armenia. Assessment Mission Report. International Organization for Migration / Yerevan: Lusakn Publishing (2008).

Galstyan Kristina, Prutsch Franz and Rossi-Longhi Pier, and for the International Organization for Migration, Progress Review of Migration Management in the Republic of Armenia. Follow-Up on the 2008 Migration Management Assessment Report. International Organization for Migration (2011).

Temesvári, Mária and Christina Vasala Kokkinaki for the International Organization for Migration, Analysis of Armenian Migration Legislation and Practice as Compared to EU Standards. International Organization for Migration (2013).

IOM, The Return of Irregular Migrants to Albania: An Assessment of Case Processing, Reception and Return. Needs and Modalities. IOM (2006).

Cassarino Jean-Pierre for the European University Institute, Readmission Policy in the European Union (2010).

Aghababyan Petros, "CARIM-East Explanatory Note 13/82. The Republic of Armenia's Legal Framework for Readmission, Return and Reintegration" (2013).

Related policy and legislation.
The "Concept for the Policy of State Regulation of Migration in the Republic of Armenia (RA)" (adopted at the Session of the RA Government # 51 of 30 December 2010, approved by the RA Prime Minister on 13 January 2011).

The "2012 – 2016 National Plan of Action for Implementing the Strategy of State Regulation of Migration in Armenia" (adopted by Decision No. 1593-N of RA Government of 10 November 2011).

The "Concept on Studying and Preventing Irregular Migration Originating from Armenia" (adopted on 29 December 2011).

"Republic of Armenia Law on Foreigners," adopted on 25 December 2006.

"Republic of Armenia Law on Political Asylum" of 26 September 2001.

"Republic of Armenia Law on Refugees and Asylum," adopted on 27 November 2008.

Government Decision No. 1360-N of 22 September 2011 "On Approving the procedure of processing by the RA State Bodies of the applications received within the framework of the readmission agreements".

Prime Minister Decision No. 1228-A of 12 December 2012 "On Approving the Action Plan for implementation of the EU-Armenia Readmission Agreement".

"Agreement between the Government of the Republic of Latvia and the Government of the Republic of Armenia on Admission and Transfer of Persons" (signed in 2002, ratified on 21 August 2002).

"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" (signed on 30 April 2003, ratified on August 2, 2003, entered into force on 1 January 2004).

"Agreement between the Government of the Republic of Armenia and the Government of the Republic of Lithuania on the Readmission of Persons with Unauthorised Stay" (signed on 15 September 2003, entered into force on 22 May 2004).

"Agreement between the Government of the Republic of Armenia and the Swiss Federal Council on the Readmission of Persons with Unauthorized Stay" (signed on 30 October 2003, ratified on 27 April 2004, entered into force on 1 March 2005).

"Agreement between the Government of the Republic of Armenia and the German Federal Republic on the Readmission and Transit of Persons with Unauthorized Stay" (signed on 12 November 12 2006, ratified on 25 February 25 2008, entered into force on 20 April 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" (signed on 13 November 2007, entered into force on 1 July 2008).

"Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Sweden on the Readmission of Persons with Unauthorized Stay" (signed on 7 November 7 2008, entered into force on 19 April 2009).

"Agreement between the Government of the Republic of Armenia and the Kingdom of Belgium, Grand Duchy of Luxembourg, the Kingdom of Netherlands on Readmission of Persons Staying without Authorization" (signed on 3 June 2009).

"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" (signed on 23 January 2010, entered into force on 26 June 2010).

"Agreement between the Government of the Republic of Armenia and the Czech Republic on the Readmission of Persons with Unauthorized Stay" (signed on 17 May 17 2010, ratified on 10 February 2011).

"Agreement between the Government of the Republic of Armenia and the Government of the Russian Federation on the Readmission" (signed on 20 August 2010, ratified on 14 April 2011).

"Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation" of 19 April 2013.

Expected Profile of the Consultants
The task will be assigned to international consultants with in-depth knowledge of (**i**) the internationally recognized migrants rights protection policies and practices; (**ii**) readmission management; (**iii**) the EU readmission legal provisions and practices. Experience in legislative and normative framework assessment is an asset. Exposure to migration management reforms in Armenia is highly desirable. Fluency in Russian is highly desirable.

The international consultant will be requested to travel to Armenia for the gaps and needs assessment.

The task will be supervised by the Project Development and Implementation Unit (PDIU) of the IOM Mission in Armenia. Where needed, the IOM PDIU will provide its support through letters to organize meetings with relevant bodies. IOM will arrange interpretation / translation for this consultancy, including translation of legislation. However, the Consultants should be able and willing to search for studies, laws and treaties individually. Where needed, the IOM Armenia programme staff will accompany the international consultant during meetings and events. IOM Armenia will also arrange transportation for the needs assessment meetings.

For the international consultant the project budget foresees a consultancy fee, as well as DSA at ICSC rates for two visits to Armenia, and economy-class air travel costs.

Annex B. Agenda for Mission to Armenia Conducting Needs Assessment of Readmission Management

Monday, 23 September 2013 – Thursday, 26 September 2013

Day 1. Monday, 23 September 2013

09:00 – 10:30	IOM Mission in Armenia Ms. Kristina Galstyan, Head of Project Development and Implementation Unit
11:00 – 13:00	Police of the Republic of Armenia Colonel Norayr Muradkhanyan, Head of Directorate for Passports and Visas
14:30 – 16:30	National Security Service Colonel Oleg Markosyan, Deputy Head of International Relations Directorate Major Syuzanna Pilosyan, Border Control Detachment, Border Guard Troops
16:45 – 18:00	European Commission Delegation to Armenia Mr. Davit Avakian, Project Manager

Day 2. Tuesday, 24 September 2013

09:30 – 10:45	State Migration Service at the Ministry of Territorial Administration Mr. Gagik Yeganyan, Head
11:15 – 12:30	Ministry of Health Ms. Ruzanna Yuzbashyan, Head, Ambulatory Medical Care Policy Division Ms. Lusine Kocharyan, Head, Public Health Division; Ms. Hasmik Safaryan, Leading Specialist, International Relations Department State Hygiene and Anti-Epidemic Inspectorate
12:45 – 14:00	EU Advisory Group to Armenia Ms. Eleonora Vergeer, Adviser on Migration
14:00 – 16:00	Ministry of Foreign Affairs Ms. Zoya Stepanyan, EU Desk, European Directorate Mr. David Manukyan, Attaché, Visa Desk, Consular Department
16:15 – 17:00	Office Français pour l'Immigration et l'Intégration (OFII) Implementing the EU Targeted Initiative "Strengthening Armenia's migration management capacities, with special focus on reintegration activities, in the framework of the EU-Armenia Mobility Partnership" Mr. Frank Rietveld, Project Coordinator
17:00 – 18:00	Returnee Ms. Frida Mkrtchyan (from Belgium, medical and material aid case)

Day 3. Wednesday, 25 September 2013

09:15 – 10:30	Embassy of Bulgaria Mr. Mitko Patalov, First Secretary
11:00 – 11:45	Embassy of Germany Ms. Theresa Holzel, Consul

12:00 – 13:00	Embassy of the Russian Federation Pavel Shinkarenko, Head of Consular Department Ekaterina Kotelkova, Second Secretary, Consular Department Svetlana Stepanova, Representative, Representation of the Federal Migration Service Mikhail Chabdarov, Deputy Representative, Representation of the Federal Migration Service
14:00 – 15:30	Embassy of Lithuania Mr. Mariuss Nemanis, Consul
15:45 – 16:45	Embassy of Switzerland Mr. Lukas Lüscher, Swiss Agency for Development and Cooperation Mrs. Zara Allahverdyan, Swiss Agency for Development and Cooperation

Day 4. Thursday, 26 September 2013

11:00 – 11:45	IOM Mission in Armenia Ms. Kristina Galstyan, Head of Project Development and Implementation Unit
12:00 – 13:00	Ministry of Justice Mr. Armen Harutyunyan, Adviser on legal issues, Judicial Acts Compulsory Enforcement Service
14:00 – 16:00	Actual Border Crossing Review at Yerevan Zvartnots International Airport Colonel Samvel Aghajanyan, Head of Zvartnots Airport Border Control Division, Border Control Detachment of the Border Guards Troops; Mr. Karen Babayan, Security Manager, Armenia International Airports

International Organization for Migration (IOM)
Organisation Internationale pour les Migrations (OIM)
Organización Internacional para las Migraciones (OIM)

International Organization for Migration

Review and Needs assessment of Readmission Management in Armenia

Prepared for publication by the Project Development and Implementation Unit of IOM Mission in Armenia

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