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A 3D maze with red walls and blue paths, viewed from an elevated perspective, creating a sense of depth and complexity.

**BASELINE RESEARCH
ON IRREGULAR MIGRATION
IN THE REPUBLIC
OF ARMENIA**

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OF ARMENIA**

Yerevan
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List of Abbreviations

The following abbreviations have been used in the current document.

ACATD	Amnesty, Citizenship, Awards and Titles Department
BCD	Border Control Detachment
CD	Consular Department
CIS	Commonwealth of Independent States
BMIS	Border Management Information System
EU	The European Union
GDCOC	General Department on Combating Organized Crime
ICHD	International Center for Human Development
ILO	International Labor Organization
IOM	International Organization for Migration
MD	Ministry of Diaspora
MFA	Ministry of Foreign Affairs
MLSA	Ministry of Labor and Social Affairs
MTA	Ministry of Territorial Administration
NA	National Assembly
NSS	National Security Service
OSCE	Organization of Security and Cooperation in Europe
PVD	Passport and Visa Department
RA	The Republic of Armenia
RF	The Russian Federation
SESA	State Employment Service Agency
SMS	State Migration Service
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
YSEU	Yerevan State Engineering University
YSLU	Yerevan State Linguistic University
YSMU	Yerevan State Medical University
YSU	Yerevan State University

FOREWORD

The “Baseline Research on Irregular Migration in the Republic of 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 research studies and assesses irregular migration in Armenia with a focus in immigration, which makes it the first such study. The methodology included desk review, qualitative interviews and survey among immigrants.

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

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

We would like to acknowledge the great work done by the author of the report, Mr Vahe Mambreyan; the task 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 research.

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, the State Migration Service, the Ministry of Foreign Affairs, the Ministry of Diaspora, the Ministry of Labour and Social Affairs, among others. We would also like to thank the Office of the United Nations High Commissioner for Refugees in Armenia for their valuable comments and guidance. We further thank the Syrian-Armenian Relief Coordination Center, the International Center for Human Development Think Tank, and the OSCE Yerevan Office for their information and advice.

We are confident that the main findings of the research will be used in planning Armenia’s policies of immigration and return management and migrant integration.



Ilona Ter-Minasyan

Head of Office

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1. INTRODUCTION

1.1 BACKGROUND INFORMATION

The *Baseline Research on Irregular Migration in Armenia* has been conducted to contribute to the implementation of the Regional Project for “*Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan, and Georgia*” conducted by International Organization for Migration (IOM). The **overall objective** of the Project is to contribute to the establishment and development of an effective mechanism for the management of readmission in Armenia, Azerbaijan and Georgia.¹ The Project has **four specific objectives** (three out of which are Armenia-specific):

1. To assist in establishing effective case management systems of readmission in Armenia, Azerbaijan and Georgia;
2. To build capacity in Armenia and Azerbaijan for the management of migrant accommodation centers;
3. To assist in building effective institutional mechanisms for reintegration of returned migrants in Armenia and Azerbaijan;
4. To enhance voluntary return management policies in Georgia for readmitted third-country nationals and irregular transit migrants.

The Project activities are set up around the following 4 thematic blocks, the fourth being only Georgia-specific:

- Thematic block 1: Capacity building for effective readmission and exchange of knowledge in Armenia, Azerbaijan and Georgia
- Thematic block 2: Establish capacity to manage migrant accommodation centres in Armenia and Azerbaijan
- Thematic block 3: Build institutional systems for implementation of Assisted Voluntary Return to and reintegration programs in Armenia and Azerbaijan;
- Thematic block 4: Build institutional systems for management of irregular flows and voluntary return from Georgia.

1.2 OBJECTIVES AND THE SCOPE OF THE RESEARCH

The objective of the current research is to study and assess the irregular migration in the RA. The research should address how irregular migration to Armenia relates to the “Agreement between EU and the RA on the readmission of persons residing without authorization” (hereinafter referred as Readmission Agreement) in terms of the possible exposure to readmission of third country nationals. The Readmission Agreement was concluded on April 19, 2013 and ratified by the National Assembly of the RA on November 11, 2013.

¹ The following part of the Chapter 1.1 is a citation from the Brief Project Description provided by the IOM

The overall scope of the research can be divided into the following separate issues:

1. Introduction of the migration situation in Armenia;
2. Assessment of the legal framework regulating the migration to the RA;
3. Assessment of the institutional framework regulating the migration to the RA;
4. Collection of the quantitative data (statistics) on and analysis of irregular migration to the RA;
5. Qualitative assessment of irregular migrants residing in the RA.

1.3 METHODOLOGICAL APPROACH

Set of various methodological tools was prepared and applied for the implementation of the research. Methodologically the research was divided into the following components:

- A. Desk review** of secondary materials consisting of a) the review of the relevant reports on assessments conducted in the RA and other countries, b) analysis of the related legislation, i.e. laws, Government decisions, etc, and c) review of the websites of respective agencies involved in regulation of migration to the RA (such as the RA Police, State Migration Service of the RA Ministry of Territorial Administration (hereinafter referred as SMS MTA, and others).
- B. Qualitative interviews** among experts involved in migration issues in the RA. Special survey tool was developed for conducting those interviews consisting of the following main sections: a) legislative framework of the regulation of migration to the RA, b) institutional framework of the regulation of migration, and c) quantitative indicators of irregular migration to the RA. Interviews have been conducted in official face-to-face format with the experts of various departments of the RA Police, National Security Service, Ministry of Foreign Affairs, SMSMTA, and civic society institutions.
- C. Survey of irregular migrants** and persons seeking asylum or residence permission. Special survey tool was developed for conducting those interviews consisting of the following main sections: a) respondents' profile, b) respondents' socio-economic status, c) migration issues, d) issues related to the RA or final destination targeted by irregular migrants and other persons, e) awareness on rights and needs. Due to the small number of interviews no statistical analysis was applied on the answers of respondents. Their answers have been compiled in rather qualitative manner resulting in major conclusions on different aspects related to irregular migrants in the RA.

The current report compiles all the results received via application of the above presented methodological and analytical instruments.

2. GENERAL OVERVIEW OF MIGRATION IN ARMENIA

2.1 HISTORICAL SNAPSHOT

The phenomenon of the migration has always been an undividable aspect of Armenian realities since the country got its independence in 1991 and even before. The recent history of migration in the RA can be conditionally and chronologically split into the following phases:

- After the Spitak earthquake in 1988 a number of people from the disaster zone migrated to other countries although in-country migration volumes prevailed;
- Mass inflow of Armenian refugees from Azerbaijan in late 1980s and early 1990s, followed by migration of Azeri nationals residing in Armenia due to political conflict;
- Mass emigration of Armenian population in 1991–1994 due to the same political conflict and deriving socio-economic problems, such as lack of income generation opportunities, improper livelihood, absence of utility and public services, etc.;
- Continuous smaller-scale emigration of Armenians until the late 2000s with decreased intensity (approximately 6,000–7,000 people per year) mainly towards European states. Some intensification could be observed after the political tensions in 2008 and worsening socio-economic situation conditioning the outflow of rather qualified specialists and businessmen
- Continuous large-scale work migration mainly towards Russia on rather stabilized level till now. This work migration results in significant remittances and capital inflow to Armenia although causing substantial social, demographic, and family-related problems in the country.
- Substantial immigration of people of Armenian ethnicity from Iraq and especially from Syria due to political instability and wars in those countries.

Migration flows in substantial volumes can become another problematic issue from the viewpoint of demographic changes, public administration and regulation, social pressure, worsening the criminal situation, and many other aspects. Meantime, specific delineation of problems caused by emigration and immigration should be made. Since the independence the RA faced substantial problems only on emigration, i.e. it appeared to become an origin country for numerous migrants looking for better livelihood and income generation opportunities abroad. Irregular migrants among them were and still are quite many and this creates certain problems both for the RA and final destination countries.

On the other hand, recent geo-political developments and continuous deepening of international cooperation show that the RA is not fully secured from possible large-scale inflows of aliens and certain legislative, institutional, and practical instruments of migration regulation should be in place for proper regulation of possible risks (and even threats).

2.2 IMMIGRATION SPECIFICITIES

As it was mentioned, the immigration was not a big problematic issue for the RA, so far. However, it exists, although in rather specific nature conditioned by Armenian peculiarities uncovered further in the current report. The further assessment of the

topic was conditionally divided into 2 sections: immigration of people with Armenian ethnicity (that enjoy privileged treatment by the State) and aliens.

2.2.1. IMMIGRATION OF ARMENIAN NATIONALS

The RA has about 10 million Diaspora in many countries of the world. The RA remains the native country for millions of Armenians that consider the country as possible final destination for the migration in cases of necessity. This statement is true even providing the current socio-economic bad situation and the expectations towards political improvements. The best evidence is what happened with Armenian refugees from Azerbaijan in late 1980s and with Syrian Armenians in early 2010s. In both cases the political instability and the war made many residents of Armenian ethnicity to migrate to the RA for temporary or permanent residence.

Meantime, recent developments already uncovered that the RA needs to improve its capacities for accepting a big number of migrants in terms of ensuring the provision of first necessity items, asylum or other facilities, rehabilitation and (economic) integration of migrants, etc. Moreover, current socio-economic situation in the RA forces some immigrants to return to their countries of origin or migrate again from Armenia to other countries, such as European States.

Migration procedures for people of Armenian ethnicity are liberalized to the possible extent. From the irregular migration viewpoint these migrants comprise almost no risks; legalization of their entry and staying in the RA is very easy and requires not so big efforts.

2.2.2. IMMIGRATION OF PEOPLE OF OTHER NATIONALITIES

Immigration of non-Armenians is rather rare phenomenon in the RA measured by smaller number of people despite unique and short-lasting exceptions. However, based on the interviews with experts of migration regulation in the country, those (not so many) immigrants can be divided into 2 main groups: work migrants and those who try using the RA as transit area towards their final destination.

From the viewpoint of irregular migration risks, closer look is required mainly for the second group of migrants. A small number irregular migrants mainly originating from African and Asian countries try using rather liberal migration regulation in the RA for getting any type of residence with the ultimate purpose of migrating to other countries with better socio-economic situation, such as European States and North America.

Meanwhile, there is an impression that respective agencies of the RA very well understand potential risks of having liberal migration regulation and opportunities that further liberalization of visa regime. Good comprehension of the issue makes the relevant entities to be very selective in their decisions regarding providing of any type of residence and other statuses to irregular migrants. This strengthens the RA's positions in the light of concluded readmission agreements that will be further addressed in the following chapter.

2.3 READMISSION AGREEMENTS

In April and November 2013 Armenia respectively concluded and ratified the “*Agreement between EU and the RA on the readmission of persons residing without authorization*”. Before this, the RA had concluded readmission agreements with 12 European States and with the Russian Federation.

The process of concluding readmission agreements started back in early 2000s and initially the RA had somewhat different and precautionous approach to the issue. Having tens of thousands of irregular migrants of Armenian nationality abroad one had to think on possible readmission of a big number of people that might cause unforeseen social tensions and difficulties in the country. Further assessment of the situation uncovered that possible deportation of irregular migrants might happen (and was happening) regardless of the conclusion of these agreements. Just contrary, conclusion of the readmission agreements allowed better cooperation with foreign countries, including legalization of relations and clarification of the rights and responsibilities of all parts, including the irregular migrants. Finally, conclusion of readmission agreements contributed to the achievement of respective strategic objectives of the RA in the area of migration regulation.

3. LEGAL FRAMEWORK

3.1 IRREGULAR MIGRATION IN THE CONTEXT OF THE CURRENT RESEARCH

The IOM defines the term **irregular migration** as movement that takes place outside the regulatory norms of the sending, transit and receiving countries. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country². **From the perspective of destination countries it is the entry, stay or work in a country without the necessary authorization or documents required under immigration regulations³.**

In the legal context the term “irregular migration” is usually replaced by the term “illegal migration”. There is, however, a tendency to restrict the use of the term “illegal migration” to cases of smuggling of migrants and trafficking in persons. Thus, in the context of the current research the illegal migrant from the perspective of destination country (the RA in the current content) is the person of a foreign country, who:

- Entered the country (passed the official border of the country) without visa or permission;
- Entered the country or stayed there with false documents;
- Entered the country with visa and/or other necessary documents, but:
 - Overstayed the period officially allowed by visa;
 - Work migrant did not prolonged his/her work permission;
 - Asylum seeker continues staying in the country after the rejection;
 - Stays in the country with the purpose different than mentioned in visa (such as entered as a tourist but was employed to work).

In the RA the irregular migrants are subject for an administrative claim, but to the different extent. Tourists that overstayed (mainly due to forgetting the visa period and for a short while) their staying in the RA are supposed to pay administrative penalties on the border and leave the country. Criminal claims are opened for the irregular migrants who entered the country without necessary documents or with false documents. Other may end with the deportation from the country and entry ban.

The previous paragraph uncovers the main reasons why irregular migrants do their best for avoiding any interrogations with the State agencies and other entities in the country. Given the small number of such irregular migrants in the country it is quite difficult to identify them. Moreover, these people (or their employers, friends and relatives in the country) are not open for any communication, even for participating in unanimous surveys for good purposes. They are afraid to be identified by relevant entities, being claimed and deported from the country.

On the other hand, staying in the RA without breaking any regulation is quite easy

² Source - <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#irregular-migrant>

³ With some reservations the definition of irregular migrants covers also so called “green border” crossing cases, although these cases relate rather to illegal than irregular migration

providing the migrant is not involved in any illegal activities. For foreigners of Armenian ethnicity it is even further facilitated: fewer documents are requested, decisions are made in shorter period and mainly end with positive results, payments are minimized or skipped, etc. Thus, migrants heading for legal purposes for staying in the RA simply do not need to become irregular migrants. The following chapters will present the main legislation regulating the migration issues in the RA.

3.2 MAIN LEGISLATION REGULATING THE IRREGULAR IMMIGRATION

Development of the legislative framework on migration management in Armenia boosted mainly in mid 2000s, although the process started right after the announcement of the independence in 1991. The legislative framework regulating migration issues in the RA can be conditionally divided into the following 3 levels: 1) international conventions the RA joined and agreements signed with different parties, 2) laws adopted by the RA National Assembly, and 3) subordinate legislative framework (Government Decisions, Concepts, Orders issued by various entities, etc.) regulating the migration on tactical and operational levels. The following chapters will address only main legal documents operational at above mentioned three levels.

3.2.1 INTERNATIONAL CONVENTIONS AND AGREEMENTS ON MIGRATION REGULATION

Development of international legislative framework between the RA and foreign countries required large efforts and time since the independence of RA. Armenia joined a number of international conventions, concluded bi-lateral and multilateral agreements with many countries. The following table presents only some of the main international legal acts.

N	Enacted	Convention / agreement	Content
1.	1993	UN Convention Relating to the Status of Refugees, 1951	Armenia undertook the responsibility of accepting refugees, providing them asylum, protecting their rights and interests, excluding any discrimination as to race, religion or country of origin and treating them equally as to Armenian citizens, ensuring freedom of movements, etc.
2.	1994	UN Convention relating to the Status of Stateless Persons, NY, 1954 UN Convention on the Reduction of Statelessness, NY, 1961	Armenia undertook the responsibility to fight the statelessness, facilitate the integration of the stateless persons and residence provision procedures for them.
3.	1996	CIS Agreement on Cooperation in the Sphere of Work Migration and Social Protection of Work Migrants'	
4.	1999	CIS Agreement on Cooperation in Fighting Illegal Migration	
5.	2003	UN Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Protocol against the Smuggling of Migrants by Land, Sea and Air	

6.	2006-2007	ILO Migration for Employment Convention, 1949 (C-97) ILO Migrant Workers Convention, 1975 (C-143)	Armenia undertook the responsibility of respecting the human rights of migrant workers, excluding discrimination, ensuring the equality of opportunities, providing information on various aspects relating to migrant workers, fighting illegal and hidden employment, facilitating free movement of migrant workers, etc.
7.	2007	The RA and EU Joint Activity Plan	Armenia undertook the responsibility to intensify the cooperation with EU and other neighbor states on the migration issues, such as readmission, prevention of irregular migration, etc.
8.	2008	Council of Europe Convention on Action against Trafficking in Human Beings	Armenia undertook the responsibility to prevent and fight human trafficking ensuring gender equality, protect the rights of the victims of human trafficking, facilitate the cooperation in fighting human trafficking, etc.
9.	2003 - 2011	Readmission Agreements between the RA and 12 EU States	Agreements were regulating the relations between Armenia and 12 European States on irregular migration and readmission issues.
10.	2011	Readmission Agreements between the RA and the Russian Federation	Parties shall readmit, upon application by other parties (...) all persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Party provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Armenia.
11.	2011	Agreement on the Cooperation between the RA Police and the RF Federal Migration Service in Fighting the Illegal Migration	
12.	2013	Agreement between EU and the RA on the readmission of persons residing without authorization	Parties shall readmit, upon application by other parties (...) all persons who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Party provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of countries or third country nationals or stateless persons fitting to certain conditions defined by the Agreement.

3.2.2 ARMENIAN LAWS ON MIGRATION REGULATION

Development of local legislative framework was another challenge for the RA to be overcome for ensuring effective migration regulation in the country. On the one hand the RA has to follow its priorities in regulation of the issue, on the other hand the legislation should be in compliance with the responsibilities undertaken by joining international conventions and defined by concluded international agreements in the field of migration regulation.

The cross-cutting issues of migration regulation are addressed by many Laws of the RA. Below, only the main Laws addressing various aspects of migration are presented.

N	Enacted	Legal Act	Snapshot to irregular migration content
1.	1986	The RA Code on Administrative Offences	<p>In the territory of the RA the aliens and stateless persons are liable to administrative responsibilities on general principles as citizens of the RA (...).</p> <p>Foreign citizens and stateless persons residing (staying) in the territory of the RA, as well as passing by transit through the territory of the RA without visa, or relevant residence status or with invalid documents is a subject for the payment of the penalty in amount of 50-100 times of the base payment (...).</p> <p>Employment of aliens and stateless persons without relevant residence status and work permit is a subject for the payment of the penalty in amount of 100-150 times of the base payment (...).</p> <p>Persons violating the RA Border or the Border passing point regimes can be arrested for 3 hours with the purpose of preparing the protocol, or in case of necessity for 3 days with the purpose of clarifying the personal data of the arrested person (...).</p>
2.	1995	The RA Law on Citizenship	<p>Regulates the acquisition and the termination of the citizenship of the RA. Any person has a right to acquire the RA citizenship (...). Ethnic Armenians acquire the citizenship in the simplified way.</p> <p>The RA encourages the stateless persons to obtain the RA citizenship and does not hinder the acquisition by them the citizenship of another State.</p> <p>Any person 18 years of age (...) can apply for the citizenship of the RA, if he/she has resided on the territory of the RA in a manner prescribed by Law for the last 3 years, is proficient in the Armenian language and is familiar with the Armenian Constitution.</p>
3.	2001	The RA Law on Border Troops	<p>The border troops of the RA have the right to (...):</p> <ul style="list-style-type: none"> ▪ check the documents of persons and vehicles, examine the means of transportation and the luggage (...) ▪ implement the border crossing regime, border regime and put under administrative arrest citizens of the RA, foreign citizens or stateless persons who have violated the border regime border regime and State Border passing points' regime (...). ▪ examine and confiscate if necessary the belongings and documents of arrested people. A protocol shall be prepared for each case of administrative arrest and seize of belonging of arrested person. ▪ hold apprehended people or people suspected in crime, people who should be questioned by authorized persons in special constructions equipped by border guard troops. In case of necessity, hold arrested persons in temporary isolation wards or other spaces of bodies of national security and internal affairs designated for that purpose. ▪ check the exit and entry documents of persons, make relevant notes into them, and if necessary temporarily confiscate them and false documents, prevent entry or exit of persons without relevant documentation until a person obtains due papers, or clarification of circumstances
4.	2002	The RA Law on Population Register	<p>The purpose of this law is to realize the right of residents to free movement, choice of the place of residence and registration/enrollment at the place of their residence.</p> <p>Personal data certifying Armenian citizenship and/or foreign citizenship and residence permit in the Republic of Armenia (type of the document, number, issue date, expiry date, issuing authority should be processed with the Population Register.</p>

5.	2003	The RA Criminal Code	<p>Trafficking: Recruitment, transportation, transfer, harboring, or receipt of persons for the purpose of sexual exploitation or forced labor, by means of the threat or use of force, of fraud, of using the dependence, of blackmail, of threat of destruction or damage to property, if this was done for mercenary purposes, is punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for up to 1 year, or arrest for up to 2 months, or imprisonment for the term of 1 to 4 years. Involvement into prostitution, by violence or use of violence, abuse of dependent position, by threat to destroy, steal or damage property, or dissemination of defamatory information about a person or close relatives, or by deception, is punished with a fine in the amount of 200 to 400 minimal salaries, or correctional labor for the term of up to 1 year, or with arrest for the term of 1-3 months, or with detention for the term of up to 2 years.</p> <p><i>Illegal state border crossing.</i> 1. Passing the guarded State Border of the RA without relevant documents or permits, is punished with a fine in the amount of 100-200 minimal salaries or imprisonment for up to 3 years. 2. The same act committed by a group with prior agreement or by an organized group or with violence or threat thereof, is punished with imprisonment for 3-7 years. 3. This Article is not extended to cases when a foreign citizen or stateless person enters the RA to enjoy the right for political asylum stipulated by the Constitution of the RA.</p>
6.	2006	The RA Law on Aliens	<p>Regulates the relationships associated with the entry of aliens into the RA, their stay and living in the territory of the RA, transiting through the territory of the RA, exit from the RA, as well as other relationships associated with aliens. The concept of <i>alien</i> includes the persons considered to be non-nationals of the RA, who have a citizenship of a different state (foreign citizens) or have no citizenship of any country (stateless persons).</p> <p>The entry of those aliens shall not be allowed into the territory of the RA who have arrived at a border crossing point without a passport, a document replacing passport or with an invalid passport or were rejected an entry visa at the border crossing point or were rejected an entry leave by the border control authorities. Where possible, they shall be immediately returned to their country of origin or the state they have arrived from (...), except with the cases where they have arrived for the purpose of seeking a refugee status or an entitlement to political asylum.</p> <p>The citizens of those states for whom a procedure exists for arrival in the RA without an entry visa, may stay in the territory of the RA for a period of a maximum of 180 days within one year (...).</p> <p>The visa issued to an alien shall be invalidated where he/she took employment in the RA without a work permit.</p> <p>Entry visas into the RA shall be issued for a period of up to 120 days of stay in the RA with a possibility for 60 days' extension (...). Extension of an entry visa to an alien can be rejected for reasons specified in the Law.</p> <p>Aliens may exit from the RA upon availability of a valid passport and a valid document certifying their lawful stay or residence before the time of the exit (...).</p> <p>The following residence statuses shall be established for aliens in the RA: a) temporary; b) permanent; and c) special. Granting/extension of residence status can be rejected for the reasons specified in the Law.</p> <p>The employers in the RA shall have the right to conclude a work contract/service contract with the alien employee and use his/her labour based on the work permit/employment authorization provided (...) by the authorized body.</p> <p>Work permit shall be invalidated where: a) the alien has acquired the work permit by fraud; and b) the alien has not entered into a work contract/service contract within one month upon acquiring the work permit or has taken another employment without a permit.</p>

7.	2008	The RA Law on Refugees and Asylum	<p>Regulates the legal relations concerning issues of recognition as refugee and granting asylum in the RA, ensures the implementation of the 1951 Convention Relating to the Status of Refugees (...), recognises the right of all foreign citizens and stateless persons to seek asylum in the RA and at the state border, as well as the right to enjoy asylum in the RA, if they fulfil the necessary requirements stipulated in the present Law.</p> <p>A foreign citizen or stateless person, shall not be considered a refugee, if there are serious reasons to believe that: 1) has committed a crime against peace, a war crime, or a crime against humanity, (...); 2) has committed a serious non-political crime outside the RA, before seeking an asylum, 3) has been guilty of acts contrary to purposes and principles of the UN.</p> <p>Asylum may be denied to any refugee, who arrives from a safe third country, where he/she does not fear persecution, human rights violation, or refoulement.</p> <p>The recognition as a refugee (...) shall be cancelled when it becomes evident that the person has not been fulfilling the requirements for the recognition as a refugee, because newly discovered evidence confirms that the statements initially made or documents provided were fraudulent.</p> <p>When an asylum seeker deliberately does not co-operate (...), delays the extension of identity document, or does not comply with the restrictions of movement (...), he/she can be called to liability. In cases, when there is an indication that one of the reasons for exclusion, cessation, or cancellation (...) has been established with regard to a refugee granted asylum in the RA, the Designated Body shall initiate a cessation or cancellation procedure.</p> <p>The Designated Body, in co-operation with the designated body for Foreign Affairs, shall verify the information provided by the applicants and determine whether they fulfil the requirements stipulated in the Law. If the Designated Body considers that the requirements (...) are not met, it shall make a decision on rejecting the application for the asylum (...).</p>
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3.2.3 SUBORDINATE REGULATORY FRAMEWORK IN ARMENIA

Availability of properly developed legislative framework (international agreements, conventions, and the RA Laws) is the first pre-condition for the effective management of the migration in the country. Meantime, without respective subordinate legislation (i.e. regulatory framework) those Laws cannot work effectively and meet the challenges of migration regulation in the RA. The RA Government and separate State Agencies did their best in development and application of respective regulatory framework to make the primary legislation operational and effective. The list of only main regulatory documents related to the migration regulation and especially irregular migration towards the RA is presented below:

N	Enact	Legal Act
1.	RA Government Decision N884-N of June 22, 2006	On creation of the Border Management Information System of the RA and approval of rules and regulations for its exploitation and establishment of the users list
2.	RA Government Decision N115-N of 25 January, 2008	On defining the procedure of entering information into the data bank of foreigners regarded as undesirable in the territory of the republic of Armenia and making use of data bank

3.	RA Government Decision N134-N of February 7, 2008	On approving list of documents accompanying application for receiving temporary or permanent residency status (extending the term of the residency status), procedure for reviewing application, description and formats of temporary residence card, permanent residence card and RA special passport
4.	RA Government Decision N559-N of June 05, 2008	On assigning the authorized body for the implementation of the Agreement between CIS countries on fighting illegal migration
5.	RA Government Decision N 872-N dated July 10, 2008	On establishing the procedure for operating special accommodation centers in the RA and detaining arrested foreigners therein
6.	RA Government Decision N1440-N of Nov. 19, 2009	On establishing the procedure for placing asylum seekers in the temporary reception center and providing them with subsistence means
7.	RA Government Decision N301-N of March 25, 2010	On assigning the authorized body for the migration issue in the RA
8.	RA Government Decision N700-N of April 28, 2011	Procedure for foreigners' admission to universities
9.	RA Government Decision N1360-N of Sept. 22, 2011	On the confirmation of "the discussion order by the state bodies of the applications received from foreign countries within the framework of the agreement between "The EU and the RA on the readmission of persons residing without authorization" and (...)
10.	RA Government Decision 1593-N of Nov. 10, 2011	On approving the 2012-2016 Activity Plan of the state migration policy implementation concept.
11.	The RA Government Session N51 of December 29, 2011	Concept on Studying and Preventing Irregular Migration Originating from the RA
12.	RA Government Decision N 823-N of June 28, 2012	Add a new paragraph in the Annex to the RA Government Decision N329-N On approving the list of states the citizens of which for obtaining an entry visa to the RA may apply only to the bodies of diplomatic service and consulates of the RA in foreign states and only upon the availability of an invitation.
13.	RA Government Decision N783-N, Dated July 18, 2013,	On the operation of the special facilities located within the crossing points of the state border and transit zones of the RA and accommodation of aliens in such facilities
14.	Appendix to the Decision N783-N dated July 18, 2013 of the RA Government	Procedure on the operation of the special facilities located within the crossing points of the state border and transit zones of the RA and accommodation of aliens in such facilities

3.3 LEGISLATIVE PECULIARITIES FOR MIGRANTS OF ARMENIAN ETHNICITY

As mentioned above, the significant part of migrants arriving to the RA are aliens of Armenian ethnicity that immigrate to RA for various reasons. Issues related to these immigrants are highly prioritized by the RA authorities and they provided certain privileges for them. In particular:

- The RA Law on Citizenship states that ethnic Armenians may acquire the citizenship in the simplified way. The requirements of permanent legal residence in the RA during the recent three years, communication in Armenian language, and being familiar with the RA Constitution are not obligatory for ethnic Armenians.
- On 24 October, 2012 the RA NA adopted the RA Law⁴ on making addendum in the RA Law on State Duty. According to that, the aliens of Armenian ethnicity that faced emergency situations in their countries of permanent residence (Lebanon, Syria)

4 Enacted into force on 24.11.2012, Source: the RA Official Bulletin 2012.11.14/55 (929)

that threaten the life of the citizens or health, are exempted from the State duty for submitting documents on residence status in the RA, as well as for entry visa to the RA.

- The Point 1.2 of the amendment of the RA Government Decision N329 of April 4, 2008 (On the approval of the list of countries whose citizens as well as the holders of travel documents whereof can apply for visitor visa only at the diplomatic representations or consular posts of the RA in abroad and with invitation only) states that applicants of Armenian origin can receive the RA entry visa on the RA State Border crossing points⁵;
- Syrian Armenians enjoy additional privileges assigned by the State authorities of Armenia, such as exemption from paying penalties in case of overstaying the visa period in the RA; they are allowed to drive their cars in the territory of the RA without customs clearance and registration in the RA, their driving licenses are valid in the RA even having no Armenian or Latin wording in it.

The legislative and regulatory privileges given to ethnic Armenians make it useless for them to become irregular migrants in the territory of the RA. Moreover, a number of special reintegration programs are being implemented for ethnic Armenian immigrants. These measures largely condition the decrease in the number of irregular migrants of Armenian origin in the country.

3.4 SHORTCOMINGS OF MIGRATION LEGISLATION

One of the major topics discussed with various informed stakeholders during the research was the compliance of the existing legislative and regulatory framework with the current needs of the RA. This issue was thoroughly addressed during the desk review of the secondary materials, i.e. legislation (the RA Laws, international agreements, and regulations) and analytical documents. The assessment identified certain shortcomings and gaps in the current legislative framework presented below.

The review of the RA legislation and analytical materials⁶ uncovered the following gaps in the legislative framework that were largely supported by the informed stakeholders and experts from different entities involved in migration regulation. *Inter alia*, interviewed experts highlighted the necessity of developing and adopting the RA Laws on:

- Armenian citizens' departure from the country and aliens' entrance to or transit through the RA;
- Immigration of aliens and stateless persons to the RA;
- Organization of the labour migration from and to the RA.

The next legislative shortcoming was addressed (quite intensively) by the RA Police representatives. According to them, currently the definition of the Article N329 of the RA Criminal Code does not allow the Police to effectively implement its duties, since it does not exactly define and refer to the illegal entry, or organization of the illegal entry.

5 Article 1.2 was amended into the Decision on July 26, 2012 by the RA Government Decision N941-N

6 Such as the "Concept on studying and preventing irregular migration originating from the RA", approved by the RA Government Session N51 of December 29, 2011

The RA Criminal Code - Article 329. Illegal state border crossing.

1. Crossing the guarded State Border of the RA without relevant documents or permits is punished with a fine in the amount of 100-200 minimal salaries or imprisonment for up to 3 years.
2. The same act committed by a group with prior agreement or by an organized group or with violence or threat thereof, is punished with imprisonment for 3-7 years.
3. This Article is not extended to cases when a foreign citizen or stateless person enters the RA to enjoy the right for political asylum stipulated by the Constitution of the RA.

Operations experts of the relevant division of the RA Police noted that they often have to refer to other articles of the RA Criminal Code to start investigation on irregular (in this case – rather illegal) migration, which is not so effective from the viewpoint of migration regulation. That is why; they initiated the preparation of an amendment to the Article 329 of the RA Criminal Code with the following content:

Article 329.1. Organization of Illegal Migration

1. The organization of a person's illegal entry into the Republic of Armenia, or illegal exit from the RA, or illegal stay in the RA, or illegal transit through the RA, which was done for mercenary ends is punished with imprisonment for maximum 3 years.
2. The organization of RA citizens' illegal exit from the Republic of Armenia, illegal entry into the Republic of Armenia or illegal stay in the Republic of Armenia which was done for mercenary ends is punished with imprisonment for maximum 3 years.
3. The same act foreseen within the 1 Article and 2 Article, committed:
 - 1) towards two or more persons;
 - 2) by a group of people with prior agreement or by an organized group;
 - 3) in the conditions dangerous to human life and health or in the conditions humiliating human honor and dignity;
 - 4) by exploitation of position
 ... is punished with imprisonment for 3-8 year period, with confiscation of property or without it, with depriving from
 the right to hold certain positions or be engaged in certain activities maximum for maximum three year period or
 without it".

In this content the scope of the Article is notably wider and largely covers the illegal/criminal aspect of the topic from the viewpoint of the legal operations. Adoption of this amendment to the Law will allow better contributing to the implementation of the responsibilities that the RA undertook by conclusion of the Readmission Agreement.

UNHCR also have proposed draft amendments to the Article 329 of the Criminal Code for its paragraph 3 to cover all asylum-seekers. Draft amendments are presently in circulation with the Government and once adopted the penalization of asylum seekers for illegal entry into territory of Armenia will be eliminated, which will be an important step towards bringing Armenia's legislation more closely in line with international standards.

4 INSTITUTIONAL FRAMEWORK

4.1 ENTITIES INVOLVED IN MIGRATION REGULATION

Institutions and entities involved in migration issues in the RA can be conditionally divided into 3 major groups: State agencies, international organizations, and civic society institutions. Only effective cooperation between all these organizations allows ensuring effective regulation of migration issues in the country. Snapshot to major functions of each group is presented below.

4.1.1 STATE AGENCIES

Functions and activities of the State agencies involved in migration issues in the RA are officially assigned to these entities. Below, *mainly* responsibilities of these agencies related to possible irregular migration issues are presented.

N	State agency	Major functions in the field of migration regulation
1.	The State Migration Service (SMS) of the RA Ministry of Territorial Administration (MTA) ⁷	<ul style="list-style-type: none"> ▪ Develops and implements the RA policies, regulations and activities in the sphere of migration; ▪ Implements legally assigned functions and activities in the sphere of asylum provision to foreign citizens and stateless persons, such as assessment of the applications, provision of recommendations, etc.; ▪ Together with other State agencies and international organizations develops and implements relevant programs and activities in the sphere of preventing the illegal migration; ▪ Develops and implements the RA policies and activities in the sphere of supporting and promoting the return of Armenian nationals; ▪ Implements assessments of migration situation in Armenia; ▪ Provides information and advisory support to migrants.
2.	The Consular Department (CD) of the RA Ministry of Foreign Affairs (MFA) ⁸	<ul style="list-style-type: none"> ▪ Migration, Visa, and Legal divisions of the CD are responsible for the provision (prolongation) of electronic, diplomatic, and official entry visas to foreign citizens; ▪ Diplomatic Missions and Consulates of the RA in foreign countries provide, prolong, amend, and eliminate the RA entry visas (...); ▪ Protects legal rights and interests of the RA citizens (...) in foreign countries (...) also in issues related to the repatriation and readmission; ▪ Cooperates with the RA NSS on checking the applications via the online electronic database; ▪ Supports the SMS in assessment of the asylum seekers applications and identification of the applicants.
3.	The RA National Security Service (NSS) ⁹	<ul style="list-style-type: none"> ▪ The NSS Division on combating illegal migration (DCIM) and the Border Control Detachment (BCD) of the Border Troops are in charge of border management and control. BCD administers the passport check at the borders; processes applications for asylum submitted on the borders and directs asylum seekers to the SMS; inform the SMS and the Police about asylum seekers, prevents crime and illegal immigration; operates the Border Management Information System (BMIS) database. ▪ Keeps the registry of the data on foreign persons granted Armenian residence; ▪ Gives (decisive) recommendation on the applications for the special residence status; ▪ Supports the SMS in assessment of the asylum seekers applications and identification of the applicants; ▪ Gives (decisive) recommendation on the applications of asylum seekers, regarding the possible national security threats that certain applicant may create.

7 www.smsmta.am

8 www.mfa.am

9 www.nss.am

4.	<p>The RA Police: 1) General Department on combating organized crime (GDCOC)¹⁰ 2) Passport and visa department (PVD)¹¹</p>	<ul style="list-style-type: none"> ▪ The RA Police is in charge of (...) providing visas and residence status to citizens of foreign countries and stateless persons; ▪ Controls the entry to, the transit through, and the exit from Armenia of the citizens of foreign countries and stateless persons; ▪ Manages the migration information flows and operates the BMIS in online regime with other State agencies; ▪ Supports the SMS in assessment of the asylum seekers applications and identification of the applicants; ▪ Implements the deportation of persons that were rejected to receive asylum in accordance with the RA Legislation and international conventions; ▪ GDCOC investigates cases of illegal passing of the State Border, using falsified documents, human trafficking and smuggling; ▪ The PVD is in charge of (...) providing necessary documents (passport, residence certificate, etc.) to citizens of foreign countries and stateless persons, operation of the relevant electronic database, providing and prolongation of the RA entry visas on the State Border passing points, deporting the citizens of foreign countries and stateless person from the RA in accordance with the Law and international conventions; ▪ PVD receives and assesses the applications for getting the RA citizenship for further submission to the Office of the RA President.
5.	<p>Amnesty, Citizenship, Awards and Titles Department (ACATD) of the RA President's Office¹²</p>	<ul style="list-style-type: none"> ▪ Implements the function of (...) granting the citizenship of the RA or providing political asylum in the RA.
6.	<p>The State Employment Service Agency (SESA) of the RA Ministry of Labor and Social Affairs (MLSA)¹³</p>	<ul style="list-style-type: none"> ▪ Implements the RA policies and activities on employment regulation; ▪ Supports the jobseekers in finding a job and helps employers in finding specialists having corresponding specialty and qualification; ▪ Implements programs directed to special groups of people, such as reintegration programs for migrants returning to Armenia; ▪ With the support of international organizations (IOM) established 3 Migration Resource Centers (MRCs) (In Yerevan (Erebuni District), Tavush Region (Ijevan town), and Aragatsotn region (Ashtarak town)). MRCs provide reintegration services to potential and migrants and returning emigrants in terms of providing advisory services, job opportunities, training options, etc.
7.	<p>The RA Ministry of Diaspora (MD)¹⁴</p>	<ul style="list-style-type: none"> ▪ The objective of the MD is to completely and effectively develop, implement and continuously improve the state policy on development of the Armenia-Diaspora partnership and coordinate the activities of the State bodies; ▪ In cooperation with international organizations and civic society institutions implements special Programs related to the repatriation and return of Armenians from abroad; ▪ Implements special Programs for Syrian and Iraq Armenians repatriating to Armenia; ▪ Upon application to the MD provides initial consultancy to immigrants and directs them to relevant organizations for further reintegration activities.

10 www.police.am

11 www.passportvisa.am

12 www.president.am

13 www.employment.am

14 www.mindiaspora.am

4.1.2 INTERNATIONAL ORGANIZATIONS AND CIVIC SOCIETY INSTITUTIONS

Number of international organizations in Armenia involved the migration in their lists of priority areas to be addressed via different programs. *Inter alia*, the International Organization for Migration (IOM), International Labor Organization (ILO), the United Nations Development Program (UNDP), United Nations High Commissioner for Refugees (UNHCR), the European Union (EU), the Organization of Security and Cooperation in Europe (OSCE) and many others regularly addressed the migration issues in their programs. Moreover, addressing the migration issues has become one of the cross-cutting objectives for almost all development initiatives of international organizations in the RA.

At the same time, almost all initiatives tend to address the migration issue from the viewpoint of emigration or the return and reintegration of nationals. The issue of irregular immigration has not been in the focus of these organizations due to small sizes of this phenomenon in the country, so far. On the other hand, the topic was not totally neglected and interesting measures have been conducted, too. For example, UNHCR conducted several relevant activities, such as (i) preparation of gaps analysis report that is part of the Asylum Systems Quality Initiative in EE two year project funded by EU; (ii) statelessness research, which was finalized early last year as an outcome of a survey commissioned by UNHCR and conducted by the Armenian Relief Society, and (iii) UNHCR's 10 Point Plan on Refugee Protection and Mixed Migration, which sets out the goals and contains suggestions for activities that might be undertaken globally and its implementation has to be adapted to national context.

Meantime, the liberalization of the visa regime and conclusion of the Readmission Agreement with the EU may raise additional risks of irregular migration to RA. This statement is not argued by any of interviewed experts and stakeholders.

International organizations usually implement their programs in Armenia with the involvement of relevant local organizations experienced in various aspects of migration. These organizations implement different projects on reintegration of former emigrants returning to the RA, support the reintegration of ethnic Armenians that migrated from their permanent place of residence due to war or political instability, conduct various surveys and assessments, etc. Among the most active organizations the following ones can be mentioned: International Center for Human Development (ICHD) Think-Tank, Armenian Caritas NGO, Eurasia Partnership Foundation, Center for Coordination of Syrian Armenians' Issues NGO, Armenian Red-Cross Society, Pan-Armenian Media Group, etc.

Meantime, again the same reservation brought above should be made. Almost all projects implemented by these organizations target the improvement of Armenian emigrants in foreign countries and their reintegration in case of return. The issue of irregular migration in the boundaries of the RA was not comprehensively addressed, so far.

4.2 COOPERATION BETWEEN ENTITIES INVOLVED IN IRREGULAR MIGRATION REGULATION

The effectiveness of the cooperation between various agencies and institutions on irregular migration issues has been assessed via the qualitative interviews with relevant representatives of stakeholder organizations. So far, this cooperation has been evaluated as largely effective. Involved entities ensure effective information exchange and document turnover, operate online electronic databases, jointly implement the Migration Activity Plan on Migration for the 2012–2016, design and implement projects with international organizations, etc.

The abovementioned Activity Plan consists of 147 specific activities and measures (implementation of 83 activities started on 2012 and some of them have already been completed) targeting the achievement of migration regulation improvements in 14 different directions. Implementation of the Activity Plan is controlled by the specially formed inter-agency monitoring committee. In 2012 this committee held 8 meetings and 2 of them were participated also by the representatives of international organizations and civic society institutions.

Implementation of the Activity Plan would not be so effective without intensive international cooperation. The process is largely supported by the UNHCR, OSCE, ILO (from the office in Moscow), and EU. These organizations provided valuable technical and professional support.

Minor complaints on the cooperation between involved organizations and entities identified during the research mainly relate to overlapping and duplication of some functions, and delays in information flows mainly conditioned by procedural latency in receiving information from the diplomatic bodies of foreign countries. However, current effective situation is largely conditioned by the small number of irregular migrants residing in the RA. Real shortcomings may appear with the implementation of the visa liberalization and readmission procedures regimes starting from 2014.

4.3 STAKEHOLDERS' ASSESSMENT OF IRREGULAR IMMIGRATION IN ARMENIA

Stakeholders' opinions on the irregular migration issues are not unambiguous. Most of them do not think that irregular migration is a big threat for Armenia. The socio-economic situation in the country is not very attractive for immigrants that would consider Armenia as good immigration destination. In the best case Armenia can be supposed as possible transit destination for further continuation to other countries. Migrants may try to obtain a residence status in Armenia and the right to apply for visa to travel to other countries (e.g. EU). Once getting residence status, migrants have practically the same rights as Armenian citizens, i.e. enjoying liberalized visa regime.

Exactly at this point the threats of other respondents become true. The GDCOC of the RA Police and the RA NSS see substantial problems in allowing the transit of such immigrants. The threat becomes much more real under the light of the conclusion of the Readmission Agreement with the EU. Transit immigration flows may create human trafficking and smuggling risks, contribute to formation of illegal ethnic concentrations in the country that may use the RA as a hub sourcing irregular migration. In turn, the

Readmission Agreement obligates the RA to readmit persons that will become irregular migrants if they arrived to any EU state from the RA and were rejected to get residence or asylum.

The NSS goes further in the analysis of the possible risks. A person from, so called, risky countries can arrive to the RA and initiate a legal process for getting asylum/residence. According to the legislation this process (regardless of the ultimate result) can last for up to 2 years. This period is sufficient enough for possible illegal formations to establish criminal groups in the country. The problem deepens even more due to absence of special (closed) migrant accommodation centers for keeping such immigrants in the RA, which would allow minimizing and controlling illegal activities of possible criminal groups.

Given the presented analysis the relevant State agencies tend to hinder the inflow of irregular migrants (at least from certain countries), heading further to other countries, into the territory of the RA. For the sake of preventing these risks the RA Government adopted a Decision on *Approval of the list of countries, whose citizens, as well as the holders of travel documents, whereof can apply for visitor visa only at the diplomatic representations or consular posts of the RA in abroad and with invitation only (the RA Government Decision N329-N of April 4, 2008)*. This regulation actually hinders irregular immigration from the most of African, some Asian countries, as well as from China and India (though applicants from the last 2 countries do not need invitation¹⁵).

15 Citizens of the People's Republic of China and Republic of India can apply for visitor visa only at the diplomatic representations and consular posts of the RA abroad though without need of invitation. See http://www.mfa.am/u_files/file/consulate/Visa/Invitation_eng.pdf

5. STATISTICS ON IRREGULAR MIGRATION

According to the IOM definition the irregular migration is the aliens' and stateless persons' entry to, stay or work in a country without necessary authorization or documents required under immigration regulations. The following chapter will address the quantitative aspect of irregular migration in the RA in the same sequence. For the purpose of having more comprehensive picture of the irregular migration in the RA the provided information is complemented with data on readmission applications, as well as human trafficking data. The statistical information on each group of irregular migrants has been kindly provided to the IOM by relevant State agencies.

5.1 ILLEGAL BORDER CROSSING

In total 300 irregular migrants have been identified on the RA State Border passing points during the period of 2012-2013 (1st half). Obvious leaders are the citizens of Georgia rejected to enter the territory of the RA within the frames of the implementation of "Barrier" operative assignment by the RA NSS. Detailed distribution of irregular migrants stopped on the State Border of the RA is presented below.

Table 1 – Aliens and stateless persons that were rejected to enter the RA and were arrested on the State Border, persons, January 1, 2012 – June 30, 2013¹⁶

Rejection rationale	"Zvartnots" International Airport	"Bagratashen" Passing Point	"Bavra" Passing Point	"Gogavan" Passing Point	"Ayrum" Railway Station	Total
"Investigation" operative assignment ¹⁷	92	32	53	3	1	181
"Barrier" operative assignment ¹⁸	0	65 – Georgia 1 – Iran 1 – RF 1 – Syria 1 – Turkey	2 – Georgia 1 – Greece	3 – Georgia	2 – Georgia 1 – Switzerland	78
Rejected to enter the territory of Armenia, due to:	31	0	0	3	7	41

¹⁶ Source: The RA NSS

¹⁷ These persons were identified on the border, arrested and presented to the RA Police

¹⁸ The entry of these persons to the territory of Armenia was prohibited

Absence of relevant documents for passing the border	1 - Guinea 1 - RF 1 - Ukraine 1 - Iraq 1 - Germany	0	0	0	3 - Stateless persons ¹⁹	0	8
Submission of fully or partially fake documents	3 - Iran 1 - Senegal 1 - Côte d'Ivoire	0	0	0	0	0	5
Submission of invalid documents	2 - France 1 - Belgium 1 - USA 1 - Israel 1 - Spain 1 - Switzerland	0	0	0	0	0	7
Absence of the RA entry visa	1 - China 9 - Syria 1 - Turkey 1 - Gambia	0	0	0	0	1 - Germany 1 - Japan 1 - Iran 1 - Island 3 - China	19
Submission of the passport of unrecognized state	1 - Abkhazia	0	0	0	0	0	1
Submission of the passport of other person	1 - Iran	0	0	0	0	0	1
Total	123	101	56	9	11	300	

Overwhelming majority of persons rejected entry to the territory of the RA are those whose names were identified in the special (alert) lists of the RA NSS on persons being under the criminal investigation or those unwanted for other reasons of mainly national security reasons.

¹⁹ Travel documents issued by the Netherlands are not valid in the RA

5.2 IRREGULAR IMMIGRANTS DUE TO OVERSTAY

The next group of irregular migrants is persons whose unauthorized stay in the territory of the RA was identified at the RA State Border passing points when those persons tried to exit. According to the Article N201 Part 1 of the RA Code on Administrative Offences “Aliens and stateless persons residing (staying) in the territory of the RA, as well as passing by transit through the territory of the RA without visa, or relevant residence status or with invalid documents is a subject for the payment of the penalty in amount of 50-100 times of the minimum salary”.

In the period of 2012-2013 (1st half) the above mentioned Article has been applied towards 1,577 aliens (and stateless persons) of 58 different countries. Detailed distribution of these persons (who should be referred as irregular migrants with some reservation) is presented below.

Table 2 - Persons identified upon their exit from the RA, persons, January 1, 2012 - June 30, 2013²⁰

N	Citizens of ...	N of persons
	Syrian Arab Republic	680
	Islamic Republic of Iran	232
	United States of America	160
	Republic of India	53
	Russian Federation	50
	Stateless persons	37
	French Republic	25
	Lebanese Republic	25
	Turkmenistan	23
	Hellenic Republic of Greece	22
	Canada	18
	Republic of Turkey	17
	Ukraine	16
	Federal Republic of Germany	15
	Great Britain	13
	Kingdom of the Netherlands	13
	Republic of Georgia	10
	Italian Republic	10
	Other 41 countries (9 persons and less)	158
	Total	1,577

The statistics on the persons that offended the RA visa regime (became irregular migrants) at the moment of leaving the territory of the RA has been very well explained by various experts interviewed in the course of the research. Big number of migrants from Syria is explained by the inflow of mainly Syrian Armenians due to political instability and the war in the country. However, these persons (also ethnic Armenians from Iraq, Syria and Lebanon) are enjoying simplified regulation regime ensured by the RA authorities.

²⁰ Source: The PVD of the RA Police

Tens of thousands of Iranians visit the RA every year for various purposes, such as education (attributable also to Indians), tourism, and business. Iranians are actually the biggest segment of non-Armenians that visit the country, which conditions big number of offences of the visa regime.

Another big share of persons that offended visa regime in the assessed period are Diaspora Armenians who visited their friends and relatives (or just arrived as tourists) and overstayed the visa period and was punished with a penalty on the border. Meantime, from the viewpoint of real irregular migration these people are not the direct subject of the current research. Actually the same statement can be made for citizens of the USA, Canada, European States, Russia, etc. Real irregular migrants are rather concentrated in the row of "Other countries", though their number comprises just several tens of people.

5.3 APPLICANTS FOR ASYLUM AND RESIDENCE STATUS

Asylum seekers and applicants for getting residence are not irregular migrants by the exact meaning of the term, but these people have the biggest potential for becoming irregular in case of being rejected in their requests. That is why; it was considered useful to present the statistics on these two groups of people in the current research. Statistics on the asylum seekers in the recent period is presented below.

Table 3 - Statistics on asylum seekers in the RA, 2012-2013 (9 months)²¹

N	Citizens of ...	2012				2013			
		Applied	Granted	Rejected	Other ²²	Applied	Granted	Rejected	Other
	Syrian Arab Republic	497	333	0	164	258	216	0	42
	Republic of Iraq	34	34	0	0	10	8	0	2
	Islamic Republic of Iran	14	3	7	4	8	0	1	7
	Republic of Liberia	9	0	1	8	0	0	0	0
	Republic of Côte d'Ivoire	5	0	3	2	1	0	0	1
	Democratic Rep. of Congo	4	0	2	2	0	0	0	0
	Republic of Congo	3	0	3	0	0	0	0	0
	Republic of Turkey	3	0	1	2	0	0	0	0
	Republic of Guinea	3	0	2	1	1	0	1	0
	Lebanese Republic	3	3	0	0	0	0	0	0
	Republic of Georgia	1	0	1	0	0	0	0	0
	People's Rep. of China	1	0	1	0	0	0	0	0
	Republic of Mali	1	0	1	0	0	0	0	0
	Republic of Cameroon	1	0	1	0	0	0	0	0
	Total	579	373	23	183	278	224	2	52

Asylum seekers from Syria (as well as from Iraq) are again leading the list. Understandably, the overwhelming majority of those people are ethnic Armenians that had to migrate from the countries for already mentioned reasons. They are highly welcomed in the

²¹ Source: the SMS of the RA MTA

²² Persons whose applications are being processed, or who called back their applications, or who left the country without calling back their applications

RA; the State provided a number of privileges to them, many reintegration projects are being implemented for supporting them to restore their livelihood in the RA. However, some part of them (though not so big, so far) prefers to leave the RA for EU states or other countries once they get relevant status. These people bear certain readmission risks and the RA may receive a number of readmission requests if those people fail to get residence in foreign countries.

If the mentioned risk appears only in case of smaller number of Syrian Armenians, in case of other asylum seekers (especially from African countries) that risk exists.

Table 4 - Aliens and stateless persons that received different residence statuses, 2012-2013 (1st half)²³

N	Citizens of ...	Received temporary residence status	Received permanent residence status	Received special residence status	Special residence status was eliminated
	Iran	1,688	171	347	337
	India	666	13	1	0
	Russian Federation	393	436	25	7
	Syria	265	171	331	577
	USA	223	99	181	39
	Georgia	217	155	9	6
	Ukraine	163	104	5	0
	Turkmenistan	78	26	39	1
	France	69	9	28	13
	Italy	63	9	3	3
	China	55	0	0	0
	Philippines	53	0	0	0
	Germany	41	12	17	1
	Israel	40	5	2	3
	Uzbekistan	37	10	1	1
	Lebanon	36	28	28	126
	Spain	35	3	0	0
	Belarus	31	8	0	0
	Canada	28	17	46	10
	Kazakhstan	25	11	1	0
	Great Britain	24	3	18	1
	Greece	21	23	1	2
	Egypt	21	4	9	45
	Netherlands	17	4	10	1
	Moldova	17	3	0	0
	Bulgaria	16	1	0	0
	Argentina	15	4	1	0
	Iraq	15	5	11	57
	Poland	15	6	1	0
	Sri Lanka	15	0	0	0
	Austria	14	3	11	0
	Turkey	14	3	12	2
	Belgium	11	1	2	0
	Brazil	11	0	0	0
	Other 67 countries	195	49	63	19
	Total	4,627	1,396	1,203	1,251

²³ Source: the PVD of the RA Police

The number of persons that received different types of residence statuses in the RA (in accordance with the RA Law on Aliens) reaches several thousands. Meantime, it should be noted that these people are bearing the least risks and threats from the viewpoint of irregular migration. These were people tend to legalize their stay in Armenia for any legitimate purpose, such as education, temporary or permanent work, family reunion, etc. Their applications have been very thoroughly reviewed by relevant State agencies (including the RA NSS) and were found as fitting to the legislation of the RA.

On the other hand, not all applications for getting residence status in Armenia have been approved by the same relevant State agencies. In the assessed period 238 residence requests have been rejected, of which 211 requests were from the citizens of Iran. Exactly this type of people may create irregular migration risks for Armenia with the further threat of readmission risks. However, the number of such people is not significant and the risks are well regulated and mitigated, so far.

5.4 TRAFFICKING AND SMUGGLING

Human trafficking and smuggling is the next aspect to be assessed in the context of irregular migration in the RA. 22 proceedings have been conducted in 2012 with the features of human trafficking (Articles N132, N132², and N1323 of the RA Criminal Code) by the RA Police.²⁴ The same information for the 2013 has not been compiled, yet. Some experts mentioned that the same figure for the 9 months of 2013 comprised 13 cases, but this figure is a subject for further official confirmation.

Meantime, the victims of all human trafficking cases investigated by the RA Police were Armenian nationals. They have been made to human trafficking in Turkey, the Russian Federation, Sri Lanka, and the RA. No official information has been identified on the trafficking of aliens and/or stateless persons in Armenia. Also, there is no official information on human smuggling in the RA.

5.5 READMISSION REQUESTS

The objective of the current research is the assessment of the current situation with irregular migration in Armenia in relation to the conclusion of the Readmission Agreement between the EU and the RA. In this context, the analysis of the statistics on readmission cases requested by foreign countries also becomes important. The RA started the conclusion of separate bi-lateral international agreements since the 2000s with several EU states before the conclusion of the Readmission Agreement with EU in 2013. Starting from 2010 the readmission requests were received only from 4 countries. The statistics of readmission requests is presented below.

²⁴ Source: Official website of the RA Police – www.police.am

Table 5 - Readmission requests received from foreign countries, persons, 2010-2013²⁵

N	Countries	In 2010	In 2011	In 2012	In 2013 (9 months)	Total
1.	Russian Federation	0	0	9	23	32
2.	Switzerland	0	0	3	0	3
3.	Sweden	2	13	6	11	32
4.	Norway	8	12	1	1	22
	Total	10	25	19	35	89

Meantime, it is necessary to note that submission of readmission requests by foreign countries does not mean that subjected persons have been deported from the requesting countries and returned to the RA. In fact, these cases are rather requests for identification of certain persons residing in foreign countries without proper authorization. Relevant State agencies in the RA processed those requests; some persons have been confirmed as Armenian residents, others were not identified, at all. Moreover, the relevant State agencies of the RA are not even aware on the further actions of foreign countries towards the mentioned persons.

²⁵ Source: The SMS of the RA MTA

6 IRREGULAR MIGRANTS SURVEY

6.1 ORGANIZATION OF THE SURVEY AND RESERVATIONS

Surveying of irregular migrants is a challenging task in any country due to actually illegal status of these persons in the place of their residence. Being irregular, de facto, means breaking laws and regulations on staying in, passing through, or leaving from a certain country. In other words, these persons are subject of administrative and criminal investigation by relevant State agencies. Some of them were seeking asylum and currently are involved in court cases after getting rejection(s). That is why; irregular migrants usually tend to avoid any contacts and discussions, unless that is really necessary and unavoidable.

Irregular migrants comprehend very well that any wrong interrogation may result in further problems for them and may even become a reason for being deported from the country. That is why; it was very hard to convince the identified irregular migrants to give interviews on the issues addressed by the current research. Moreover, the survey has been fully unanimous, i.e. no names, place of exact residence (address), contact information, photos, etc. have been asked or registered. Interviews have been conducted in Armenian, Russian, and English languages, whichever more convenient to respondents. Interviewed persons were free to reject answering any question they wanted.

Due to small number (8 in total) of the interviewed persons the statistical analysis of their responses has been skipped. The research concentrated on rather qualitative aspects of their irregularity in the RA. Main topics addressed during the interviews were the following features of irregular migrants in Armenia: general profile; socio-economic status; migration rationale; final destination related issues; awareness on rights and needs.

6.2 TYPES OF IRREGULAR MIGRANTS IN ARMENIA

Following the exact wording of the internationally accepted definition of irregular migration the irregular migrants residing (working) in, passing through, and leaving from the RA can be classified in the following major groups:

1. *Aliens of Armenian ethnicity that left their place of permanent residence due to war, political instability, religious or other repressions.* The best example of such migrants is Syrian or Iraqi Armenians that migrated to the RA due to wide-scale military actions in their countries. So far, these people were usually arriving with families, communicate with local population easier, have some friends and relatives in the country, rent places for living, integrate in local livelihood, etc. The RA authorities (as well as general population) have special attitude towards such people and tries to support their return and integration to the maximum possible extent. All official procedures are simplified for them; many services are free of charge, etc. However, even having a number of privileges some of them became and are still becoming irregular migrants mainly for the reason of having visa overstay.
2. *Aliens (non-Armenians) that migrate from their countries of permanent (or temporary) residence due to war, political instability, religious (and other) repression, or bad*

socio-economic conditions. These irregular migrants usually target other countries that ensure better social protection and livelihood (such as North America and EU states), but avoid travelling there directly due to very strict regulations and the threat of deportation. These irregular migrants prefer arriving to the RA, seek and get asylum, apply and get residence, and only then apply for visa to their final destination countries (such as EU states). After the operation of liberalized visa regime the RA will become even more attractive for such migrants. Such irregular migrants are usually originating from Iran, African and Asian countries that are included in the list of so called risky countries.

3. *Students from foreign countries studying in Armenian universities that entered with visitor visa and did not get temporary residence status or overstayed the period of the temporary residence*. Several thousands of foreign students (including those from Diaspora) are currently studying in Armenian universities (such as Yerevan State Medical University, Yerevan State Engineering University, Yerevan State University of Architecture and Construction, Yerevan State Linguistic University and other state or private educational institutions). Students are coming to study in Armenian educational institutions from Syria, Iran, India, as well as the RF, USA, CIS countries, etc.
4. *Armenian nationals residing in different (mainly neighbouring) countries that arrive to the RA for getting residence or even (dual) citizenship with the ultimate objective of migrating (usually for seasonal work) to other countries*. Interestingly, the majority of such migrants are from neighbouring Georgia. They face certain problems when they migrate for seasonal works to the RF. Their irregularity appears in partial falsification of documents that should be applied for getting residence or citizenship. Meantime, providing the RA authorities' special attitude towards immigration of Armenians, these people do not face big problems in the country. They usually stay in the RA for a short period and do not create big problems for local authorities.
5. *Work migrants that arrive for being (illegally) employed for a seasonal (less than 1 year) works*. Such people are usually arriving in brigades for working in the spheres of (mainly) construction and agriculture (land cultivation). These migrants usually live in (or next to) their workplace, do not communicate with local population much. Their only purpose is earning money and sending remittances to their families. Usually, these irregular migrants do not officialise their stay and employment; they prefer to be identified on the State Border at the end of the period, pay penalty and leave the country. Such irregular migrants have been identified in the RA from Georgia (mainly of Armenian ethnicity), Tajikistan, China, etc. Interestingly, such migrants are usually attracted by mainly well-known and big local businesses that, however, seek additional (also illegal) ways for minimizing their costs.
6. *Illegally employed migrants invited by local businesses for the implementation of short-term specific tasks*. During the survey such persons have been identified working in night clubs, bakeries, metal processing workshops, car repair stations, etc. The irregularity of their staying in the RA appears in unofficial (sometimes illegal) employment; they do not officialise their work in Armenia. Most often these irregular migrants are originating from Slavonic countries and Russia, Georgia, and Iran, although few cases from other countries can be observed, too.
7. *Aliens (also of Armenian ethnicity) that visit Armenia for tourism and meeting their friends and relatives and overstay their visas*. These irregular migrants are usually identified on the State Border, when they try to leave the RA. These people are

usually supposed to pay a penalty in accordance with the RA Code on Administrative offences (50–100 thousand AMD) and exit the country. Such “irregular” migrants are registered from tens of foreign countries.

Legitimately, the types of irregular migrants are not limited with only those listed above. Meantime, those are the main groups of irregular migrants comprising more or less substantial number of people. Any type of irregular migrants is bearing a potential risks from the viewpoint of migration regulation in the country, but the extents of those risks are quite different. One of such risks is the possible emigration of irregular migrants to other countries, which can create readmission risks and problems for the RA. The assessment of each group of the above presented migrants under the light of the operation of the Readmission Agreement is presented below.

6.3 IRREGULAR MIGRATION IN THE RA IN THE LIGHT OF READMISSION AGREEMENT

Relation of irregular migration to the Readmission Agreement has been one of the key issues discussed with representatives of various State agencies and entities. Almost all respondents told that conclusion of the Readmission Agreement will not have substantial influence neither on irregular migration in the RA, nor on operation of relevant agencies and entities. The rationale for this opinion is twofold. First, the RA has had readmission agreements with separate EU States before and the conclusion of the Readmission Agreement with EU does not change much. Second, real volume of irregular migration is not big in the RA and its relation to readmission risk is rather indirect and insignificant.

With all the respect towards the opinions expressed by experts from various State agencies and entities it should be noted that this approach is somewhat short-sighted. This opinion was and is justified only in *other equal conditions*. Meantime, large immigration of Syrian Armenians within quite a short period of time is the best evidence that *current situation may change unexpectedly and rapidly*. *This contra statement is justified by at least two strong arguments of unstable political situation in Middle East and African countries and liberalization of visa regime with EU, which will become another attractive factor for potential irregular migrants already in bigger quantity.*

As already mentioned, readmission risks exist for almost all the major groups of irregular migrants identified in the RA during the implementation of the current research. Meanwhile, for some groups those risks are of much larger extent. In this regard, it is reasonable to assess that extent for different groups of irregular migrants separately.

Table 6 - Readmission risks' assessment for different groups of irregular migrants in the RA

N	Types of irregular migrants in Armenia	Readmission risks	Rationale
	Aliens of Armenian ethnicity that migrate due to war, political instability, or repressions	High	Diaspora Armenians usually select migrating to the RA as the first option, since they are sure in being accepted and sheltered in their native land. Meantime, socio-economic situation in the RA is not so good. The State does not possess sufficient funds for providing shelter and first need social services to a large number of immigrants. Integration of immigrant Armenians is another challenge. Many of them do not speak Armenian, are not familiar with local legislation and traditions. However, employment and income generation appears to be the biggest problem. All these, and many other reasons make these people to start thinking on further emigration to EU States or North America, where they anticipate receiving better social treatment, income generation and other integration opportunities.
	Aliens (non-Armenians) that migrate due to war, political instability, repression	High	The majority of non-Armenian aliens do not consider the RA as their final destination of residence. Usually, these are people that failed to migrate to EU States and North America (or elsewhere) and try to use the RA as a platform on their way to more preferred countries. The main reason for not staying in the RA is the lack of employment and income generation opportunities.
	Students from foreign countries	Medium to High	Foreign students procuring educational services are highly welcomed by local higher education institutions. All the major universities do suggest their services to aliens. In other words, any alien possessing sufficient funds for entering a university in the RA (although all applications are being checked by the RA Ministry of Education) can get temporary residence status and become a potential emigrant and create readmission risks.
	Armenians that arrive for getting residence status for emigrating to RF	Low to medium	These are mainly Armenians permanently residing in Georgia and migrating to the RF for seasonal works (in construction sphere). Having Georgian documents at hand these persons are facing substantial problems in the RF, while Armenian work migrants are accepted better by Russian authorities.
	Illegally employed aliens	Low	These are people attracted by Armenian businesses as cheap labor for short-term works in labor-intensive spheres (such as construction or agriculture). These irregular migrants do not tend to officialise their stay in the RA and usually return to their permanent places of residence upon completion of the work.
	Work migrants invited for specific tasks	None	These irregular migrants usually trace extra income generation in a short period of 2 weeks to few months. They are rather guest-workers and become irregular mainly due to avoiding officialising their employment in the RA. These people usually tend to return to their permanent place of residence and bear almost no readmission risks.
	Tourists and visitors overstaying visas	None	These people bear no readmission risks by default.

7 ANNEXES

7.1 SURVEY TOOLS (QUESTIONNAIRES)

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)
Assessment of Irregular Migration in Armenia
Irregular Migrants' Questionnaire

Name of interviewer: _____

Questionnaire N _____

Date (Month/Day/Year): _____

Place of interview: _____

Respondent's name: _____

Respondent's nationality: _____ (country)

Respondent's origin: _____ (country of birth)

Respondent's ethnicity: _____

Gender: Male Female

Age: _____ years old Date of birth (optional): _____

Respondents' profile

How long are you in Armenia?		How long are you in status of irregular migrant?	
What are the reasons of becoming irregular migrant?	<input type="checkbox"/> Entering illegally	<input type="checkbox"/> Overstaying visa	<input type="checkbox"/> Losing documents <input type="checkbox"/> Other <input type="checkbox"/> Other
Place of current residence (address):			
Type of current place of residence:	<input type="checkbox"/> Own place	<input type="checkbox"/> Rented place	<input type="checkbox"/> Friends / relatives place <input type="checkbox"/> Shelter / Asylum <input type="checkbox"/> Other
Do you live in your current place of residence permanently?		How long are you living in the current place of residence?	
Are you currently occupied anywhere?	No	Yes	Do you receive remuneration? No Yes
What is your highest education?		How long did you study in total?	
Do you have family (HH)?	No	Yes →	What is the composition of your family (HH)? <input type="checkbox"/> Grandfather <input type="checkbox"/> Spouse <input type="checkbox"/> Grandmother <input type="checkbox"/> Children _____ <input type="checkbox"/> Father <input type="checkbox"/> Brother _____ <input type="checkbox"/> Mother <input type="checkbox"/> Sister _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
How many of your family members are earning money?		How many of your family members are depending on you?	

Is anybody from your HH with you?	No	Yes →	Where is (are) that person(s) now?	
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Socio-economic status

What was your socio-economic situation before migrating abroad?	<input type="checkbox"/> Very good	<input type="checkbox"/> Good	<input type="checkbox"/> Normal	<input type="checkbox"/> Bad	<input type="checkbox"/> Very bad
What was your average monthly income before migrating abroad?		Euro or US Dollar	What was your HH average monthly income before you migrated abroad?	Euro or US Dollar	
What was your socio-economic status among people surrounding you?	<input type="checkbox"/> Better than average <input type="checkbox"/> Similar to average	<input type="checkbox"/> Worse than average <input type="checkbox"/> Worse than average	What was your HH socio-economic status among HHs surrounding you?	<input type="checkbox"/> Better than average <input type="checkbox"/> Similar to average	<input type="checkbox"/> Worse than average <input type="checkbox"/> Worse than average
What was your occupation before migrating abroad?	<input type="checkbox"/> Unemployed <input type="checkbox"/> Self employed <input type="checkbox"/> Temporarily employed <input type="checkbox"/> Permanently employed	What is your profession?		Did you work with your profession?	Yes No
What major assets did you possess before migrating abroad?	<input type="checkbox"/> Apartment <input type="checkbox"/> House <input type="checkbox"/> Land	<input type="checkbox"/> Car <input type="checkbox"/> Vehicle <input type="checkbox"/> House wear	<input type="checkbox"/> Agric. animals <input type="checkbox"/> Trade outlet <input type="checkbox"/> Business	<input type="checkbox"/>	<input type="checkbox"/>

Migration issues

Did you migrate before?	No	Yes	How many times did you migrate before?	
In which countries have you been before?			Why did you choose those countries?	
Did you keep contact with your HH while migrating?	No	Yes →	How did you contact your HH?	<input type="checkbox"/> Regular calls <input type="checkbox"/> Rare calls <input type="checkbox"/> Regular mails <input type="checkbox"/> Rare mails <input type="checkbox"/> Other
				<input type="checkbox"/> Remittances sent <input type="checkbox"/> Remittances received <input type="checkbox"/> Other
How do you feel towards your HH?	<input type="checkbox"/> Miss them somewhat	<input type="checkbox"/> Miss them very much	<input type="checkbox"/> Do not miss them really	
What was your main reason for leaving your native country this time?				
What are your plans for future?	<input type="checkbox"/> Legalize in Armenia <input type="checkbox"/> Leave Armenia for other country → <input type="checkbox"/> Leave Armenia for native country ↓		Where do you plan to go? (country)	
Will you try to migrate again?		No	Yes	

Armenia or final destination related issues

Did you migrate to Armenia directly from your native country?	No ↓	Yes →	Why did you choose Armenia for migrating?		
Where did you come from?		Why did not you go your place of final destination directly?			
How well are you informed about your final destination?	<input type="checkbox"/> Very well <input type="checkbox"/> Not so much <input type="checkbox"/> Very bad		What are/were your sources of information?	<input type="checkbox"/> Official sources <input type="checkbox"/> Friends and relatives <input type="checkbox"/> Other	<input type="checkbox"/> General media <input type="checkbox"/> Other migrants <input type="checkbox"/> Other

Awareness on rights and needs

To what extent are you aware about your rights?	<input type="checkbox"/> Very well <input type="checkbox"/> Not so much <input type="checkbox"/> Very bad		What are/were your sources of information?	<input type="checkbox"/> Official sources <input type="checkbox"/> Friends and relatives <input type="checkbox"/> Other	<input type="checkbox"/> General media <input type="checkbox"/> Other migrants <input type="checkbox"/> Other
What kind of support do you need now?					
What kind of support would you like to have if returning your native country?				Will you migrate again?	<input type="checkbox"/> Yes, definitely <input type="checkbox"/> Rather yes <input type="checkbox"/> Rather no <input type="checkbox"/> No definitely
What kind of support would you need if continuing to other country?					

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

Assessment of Irregular Migration in Armenia

Questionnaire (guide) for expert interviews

Respondent's name _____

Respondent's position _____

Date _____

1. Legislative framework of irregular migration regulation in Armenia

1. What legislative acts does your entity apply while implementing its activities towards regulation of irregular migration in Armenia?
2. What are the functions assigned to your entity in the field of irregular migration regulation in Armenia?
3. In general, to what extent is the current legislative framework contributes to effective implementation of the functions of your entity in the field of irregular migration? What are the main legal impediments hindering the efficient operation of your entity.
4. What amendments in the legislative framework of Armenia should be applied for ensuring the effective operation of the Agreement between the EU and the RA on the readmission of persons residing without authorization?
5. What was the impact of the conclusion of the above mentioned Agreement on the operations of your entity?
6. In November 2011 the GoA adopted the Decision N1593-N approving the State Policy on Regulation of Migration and its Activity Plan. What activities have been completed by your agency, so far?

2. Institutional framework of irregular migration regulation in Armenia

7. What is the structure of your entity and what exact divisions are involved in irregular migration regulation issues? What are their main responsibilities? How those divisions cooperate?
8. With what other State and other entities do you cooperate in the field of irregular migration regulation? How effective is that cooperation? What are the problems and their reasons?

3. Quantitative indicators of irregular migration in Armenia *(optional, if the respondents possess such information)*

9. How many illegal border crossing cases have been prevented (banned) by you entity in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
10. To your opinion, what was the number of irregular migrants in Armenia in the period of 2012–2013? How many of them have been identified as irregular migrants on the moment of crossing the border and how many of them have become irregular after entering the country? (Optional: by countries of origin, age and gender, citizenship, etc.).
11. How many irregular migrants residing in Armenia without authorization have been returned by your entity to their countries of origin (or elsewhere) in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
12. How many aliens applied for getting asylum in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
13. How many applications have been approved vs. rejected in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
14. How many aliens applied for getting temporary, permanent or special residence status in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
15. How many applications have been approved vs. rejected in the period of 2012–2013?
16. How many readmission requests were received in the period of 2012–2013 and from what countries? What was the further processing of those requests.
17. How many cases of human trafficking have been registered and investigated by your entity in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).
18. How many cases of human smuggling have been registered and investigated by your entity in the period of 2012–2013? (Optional: by countries of origin, age and gender, citizenship, etc.).

7.2 LIST OF INFORMED STAKEHOLDERS

The following experts have been visited and interviewed in the course of the research.

Table 7 - List of main experts interviewed

N	Name	Entity	Position
	Kristina Galstyan	IOM	Head of Project development and implementation unit
	Tigran Petrosyan	The RA Police	Head of General Department on combating organized crime
	Armen Petrosyan	The RA Police	Head of Division on combating illegal migration, General Department on combating organized crime
	Arthur Mkhitarian	The RA Police	Deputy Head, Division on combating illegal migration, General Department on combating organized crime
	Norayr Abgaryan	The RA Police	Deputy Head of International police cooperation division
	Norayr Mouradkhanyan	The RA Police	Head of Passport and Visa Department
	Nerses Grigoryan	The RA NSS	Chief officer of the State Border guarding detachment, Border Guards Troops
	Manvel Mailyan	The RA NSS	Head of Staff of the State Border guarding detachment, Border Guards Troops
	Gagik Yeganyan	The SMSMTA	Head of the State Migration Service of the RA MTA
	Petros Aghababyan	The SMSMTA	Head of Asylum issues division
	Vahe Jilavyan	The RA MD	Deputy Minister of Diaspora
	Mher Badalyan	The RA MFA	Head of Migration division of the CD of the RA MFA
	Armen Galstyan	ICHD	Director
	Lena Halajyan	SARCC	Head of Syrian-Armenian Relief Coordination Center NGO
	Vahan Bournazyan	CES	Associate professor
	Ruzan Arshakyan	SESA	Head of Program Implementation Unit

7.3 LIST OF DOCUMENTS REVIEWED

The following documents have been reviewed in the course of the research.

Table 8 - List of documents reviewed

N	Document title
	International Conventions, Agreements, Protocols related to irregular migration
	Agreement between EU and the RA on the readmission of persons residing without authorization, 2013
	Readmission agreements between the RA and different countries, 2001-2010
	The RA Code on Administrative Offences, 1986
	The RA Law on Citizenship, 1995
	The RA Law on Border Troops, 2001
	The RA Law on Population Register, 2002
	The RA Criminal Code, 2003
	The RA Law on Aliens, 2006
	The RA Law on Refugees and Asylum, 2008
	The RA Government decisions related to irregular migration in the RA
	Practical Measures to Reduce Irregular Migration, European Migration Network, October 2012
	Irregular Migration in Europe: EU policies and the Fundamental Rights Gap, CEPS,
	The RA Ingoing and Outgoing Migration Survey, UNFPA, 2007
	Irregular Migration and Smuggling of Migrants from Armenia, IOM, 2002
	Irregular Immigration: Economics and Politics, Franck Duvel, 2011
	Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence, International Council on Human Rights Policy, 2010
	Irregular Migration in Europe, TransAtlantic Council on Migration, MPI, 2011
	A multiplier estimate of the illegally resident third-country national population in Austria, HWWI, 2009

	Concept on Studying and Preventing Irregular Migration Originating from the RA, 2011
	The impacts of irregular migration, IPPR, 2011
	Baseline Study on Illegal Migration, Human Smuggling and Trafficking in Pakistan, European Union's AENEAS programme, 2004-2006
	Migration and Development, ILO, 2009
	Migration between Russia and EU: Policy Implications from a small-scale study of irregular migrants, IOM, 2010

International Organization for Migration

BASELINE RESEARCH ON IRREGULAR MIGRATION IN THE REPUBLIC OF ARMENIA

*Prepared for publication by the Project Development and Implementation Unit of IOM
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