

# IRREGULAR MIGRATION AND SMUGGLING OF MIGRANTS FROM ARMENIA

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IOM International Organization for Migration

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

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Publisher: International Organization for Migration  
14 Karl Liebknecht St.  
Yerevan, 375010  
Republic of Armenia  
Tel: +374 1 58 56 92  
Fax: +374 1 54 33 65  
E-mail: [iom@arminco.com](mailto:iom@arminco.com)

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January 2002



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The Ministries of Internal Affairs and Foreign Affairs of the Republic of Armenia provided valuable guidance and information as did the consular sections of the embassies of Germany, France and the United States of America.

Returning migrants interviewed shared their experiences without which this study would not have been possible.

The research study was primarily funded by the Ministry of Foreign Affairs of the Netherlands.

## EXECUTIVE SUMMARY

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In terms of irregular migration, Armenia is an origin country and to a much smaller extent a transit country. In the period since 1991, it is conservatively estimated that of a total population of less than four million, 800,000 to one million people have migrated, either legally or illegally. Push factors have been the sharp rise in impoverishment (particularly in urban areas), drastic cuts in social spending and the removal of exit controls since 1991 with the collapse of the Soviet Union.

This study focuses on illegal or irregular migration and particularly smuggling of migrants from Armenia. This study together with IOM's earlier report on trafficking in women and children, aims at providing a comprehensive picture of the nature and incidence of irregular migration in Armenia in order to provide a sound basis for policy and programme intervention. Chapter 1 of the report provides an introduction and background to the study, including why it was felt necessary, the definition of migrant smuggling used in the study and the research methodology. Chapter 2 looks at nature and incidence of the problem in Armenia. Chapter 3 gives brief description of transit migration in Armenia. Chapter 4 outlines and analyses the legislation in place to combat migrant smuggling in Armenia. The concluding chapter provides recommendations to deal with the issue.

The definition of smuggling in human beings that is applied in this research is based on that contained in the Protocol on Smuggling of Migrants attached to the UN Convention Against Transnational Organized Crime. That is as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident. "Illegal entry" is defined in the protocol as crossing borders without complying with the necessary requirements for legal entry into the receiving State. "Fraudulent travel or identity document" means any travel or identity document, that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State, or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner, or that is being used by a person other than the rightful holder.

The combined elements that define smuggling are therefore:

- Illegal migration: there is illegal entry or stay across national borders.
- Intermediaries: undertake to facilitate the illegal migration for material benefit.
- Willing migrant: an individual requests assistance to cross into another nation state where he/she has no right of residence.

There are similarities and differences between trafficking and smuggling; the latter is limited to illegal facilitation of border crossing. While migrant smuggling can degenerate into trafficking of persons as the migrant has placed himself/herself in the hands of smugglers, albeit voluntarily, trafficking per se involves elements of exploitation and human rights abuse.

This study has confirmed that there is widespread smuggling of migrants from Armenia to Western Europe. A primary cause is the relative and absolute impoverishment and lack of decently paid job opportunities since the collapse of the USSR and the subsequent transition to a market economy.

Most of those surveyed who travelled abroad did so for economic reasons. Most of the interviewed persons said that the creation of work places, better living conditions and government policies promoting return would be the most effective measures to reduce and prevent irregular migration.

Smuggling in migrants from Armenia to Western Europe is directed to a host of countries including Germany, Belgium, the Netherlands, Greece, Spain, France, Austria and Switzerland. Apart from the push factors above, and the pull factors in destination countries, smuggling results from the actions of locally based travel agencies and middlemen and their counterparts in transit countries. The main transit countries have been Poland and the CIS states of Ukraine and Belarus. Since 2001 the Czech Republic has significantly grown as both a transit and destination country. The presence of friends, relatives or acquaintances is undoubtedly an important pull factor. But this factor often acts in conjunction with other reasons, namely the perception of migrants and smugglers of the destination country's admission and asylum policy and procedures and their chances of stay. Although local newspapers very often publish advertisements on foreign travel and job opportunities, only one respondent mentioned obtaining information about travelling abroad from newspaper advertisements. In the survey, 68 respondents said that they got information on travelling abroad from friends or relatives abroad. This means that often migration is a chain reaction with migrants following those who have earlier journeyed to a particular country. Twenty respondents said they got the information from friends or relatives in Armenia. While the initial information was from informal sources, the overwhelming majority of migrants sought intermediary services to go abroad. Fifty-nine persons have arranged their travel through travel agencies and another 26 via individual middlemen. The research shows that while migrant smuggling to Western Europe is widespread, migrant trafficking is not. In the survey only ten respondents felt deceived by the smugglers and 70 respondents found the travelling conditions satisfactory. Despite this perception, the fact remains that payment to smugglers put 32 respondents or their families in debt and 34 respondents or their families had to sell assets as a result. Smugglers facilitate irregular migration either by obtaining visas or by illegal entry through green borders. Once in the destination country, most respondents sought asylum, which was eventually rejected. Most of the respondents in the study were deported. Most respondents said that they were unaware of the difficulties they faced before migrating. A majority of respondents still wanted to migrate (although legally). However most would live in Armenia if provided economic reintegration assistance. The research also points out that while the east-west flows of irregular migrants through Armenia are not yet large, the legislation and mechanisms to deal with it effectively are not yet in place.

The study has further concluded that while the Armenian Criminal Code does address a number of migrant smuggling related offences, there are shortcomings in the legislation and moreover its implementation does not serve as a deterrent for smugglers. Armenia has recently signed (but not yet ratified) the convention and protocols against transnational organized crime and trafficking and migrant smuggling.

The research has laid a strong foundation that will enable the government, civil society, and the international community to jointly devise and implement follow-up activities. The study proposes the following recommendations for the prevention and reduction of smuggling in migrants from Armenia which fall in seven main areas: awareness raising, prosecution of smugglers, enhanced border management, return and reintegration assistance, further research, greater avenues for regular migration and economic development.



# 1. INTRODUCTION

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## **1.1. Background and Definitions**

In terms of irregular migration, Armenia is an origin country and to a much smaller extent a transit country. In the period since 1991, it is conservatively estimated that of a total population of less than four million, 800,000 to one million people have migrated, either legally or illegally. Push factors have been the sharp rise in impoverishment (particularly in urban areas), drastic cuts in social spending and the removal of exit controls since 1991 with the collapse of the Soviet Union.

This study focuses on illegal or irregular migration and particularly smuggling of migrants from Armenia. This study together with the earlier report on trafficking in women and children, aims at providing a comprehensive picture of the nature and incidence of irregular migration in Armenia in order to provide a sound basis for policy and programme intervention.

Over the past decade the immigration controls in most of the high income countries have become tougher and the legal opportunities for migrants to live and work in these countries have diminished. At the same time in these countries there remains a persistent demand for various categories of foreign labour in both formal and informal sectors. As a result, a market for services that facilitate irregular migration such as provision of fraudulent travel documents, transportation, clandestine border crossings, transient accommodation and job brokering has sharply increased in recent years. Criminal networks have found good ground in these areas to enlarge their activities and profits. Individuals and organizations both in the country of origin and in countries of destination and transit take advantage of the current situation and offer their “services” to persons wishing to leave. This phenomenon is widespread in Armenia too, but has not been systematically studied so far. The payment to the migrant smugglers often puts migrants in debt and results in a sale of their assets. They are often in a vulnerable position during the journey and face deportation in the destination country. The smuggling of migrants impacts on issues of rule of law, prevention of crime, corruption, financial transactions and migration.

The 1998 Europol Convention defined smuggling as follows:

“illegal migrant smuggling” comprises “activities intended deliberately to facilitate, for financial gain, the entry into, residence and employment of an alien in the territory of the State, contrary to the rules and conditions applicable in such a State.”

The United Nations (UN) protocol on Smuggling of migrants in relation to the UN Convention against Transnational Organized Crime (2000) defines Smuggling of migrants as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident. “Illegal entry” is defined in the protocol as crossing borders without complying with the necessary requirements for legal entry into the receiving State. “Fraudulent travel or identity document” means any travel or identity document, that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State, or that has been improperly issued or obtained through misrepresentation, corruption or

duress or in any other unlawful manner, or that is being used by a person other than the rightful holder.

The combined elements that define smuggling are therefore:

- Illegal migration: there is illegal entry or stay across national borders.
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There are similarities and differences between trafficking and smuggling; the latter is limited to illegal facilitation of border crossing. While migrant smuggling can degenerate into trafficking of persons as the migrant has placed himself/herself in the hands of smugglers, albeit voluntarily, trafficking per se involves elements of exploitation and human rights abuse. While smuggling and trafficking are both subsets of irregular/illegal migration, the latter can take place without resorting to smuggling or trafficking as well. This can occur when an individual without resorting to intermediaries enters or stays in a country other than his/her own in violation of the migration laws of that country. The focus of this report is however the smuggling of migrants in the overall context of irregular migration from Armenia.

## **1.2. Aim and Purpose of the Research**

Given the recent trends observed in the country, most notably increased migration, there was a need to go beyond the sketchy information available and collect more comprehensive information on the human trafficking and smuggling situation in Armenia. The Armenian authorities are concerned about its citizens who may be victims of trafficking and smuggling as well as the increase in illegal transit and stranded migrants in the country. Subsequently IOM undertook research in which two dimensions were investigated: trafficking in women and children and smuggling of migrants. An underlying theme in both aspects was an analysis of legislation to deal with the issues. The first study, concerning the trafficking of women and children, has recently been published. This report addresses the second dimension, smuggling of migrants.

The aim of the research is to contribute to the prevention of trafficking and smuggling in migrants from and via Armenia by providing reliable information on the nature of the problem, which will serve as a sound basis for programme and policy intervention.

### **Research objectives**

As this report is to supplement the first study on trafficking in women and children, the objectives in this second part of the research are the same, but focusing on migrant smuggling.

- To gather in-depth information on the incidence and nature of migrant smuggling: the extent, the victims, the intermediaries, the methods of smuggling, the routes, and the transit and destination countries.
- To gather information and analyse the policies and legislation governing counter-smuggling.
- On the basis of the above to develop initiatives to address the problem through policy and legislative measures such as criminalizing smuggling and improving border management, as

well as operational measures in awareness raising and public information and direct assistance to the victims of smuggling.

### **1.3. Methodology**

A combination of social research methods were used to conduct this study. First, structured interviews were held with 100 respondents in Yerevan and other cities and villages of Armenia. The respondents were irregular immigrants or rejected asylum seekers in Western European countries and were either deported or voluntarily returned to Armenia. The questionnaire is attached in Appendix 1. Second, a number of case studies were made. Third, two researchers made a visit to the Netherlands and Belgium to interview Armenian stranded/irregular migrants in these countries. Finally, semi-structured interviews were held with key informants in the Ministries of Interior, Foreign Affairs, in the Border Guard services, travel agencies, tour and bus operators in Armenia.

In addition, a literature survey of secondary sources including IOM and NGO studies on irregular migration was done. IOM further analysed overseas employment advertisements appearing in the local media and made a survey of travel and overseas employment services offered by 19 agencies.

Since preliminary research indicated that the main destination for irregular migration from Armenia was Western Europe, the research focused on illegal migration of Armenians to the Western European countries. A small group of stranded transit migrants trying to use the territory of Armenia to move on to Western Europe was also interviewed. The present study also included an analysis of national policies and laws pertaining to the control of smuggling of migrants.

### **Inputs**

Research design and coordination as well as preparation of the report was done by IOM. Interviewers trained and experienced in the preceding trafficking study were utilized for conducting the interviews in this study as well. The IOM office in Belgium and St. Paul's Church in Rotterdam, the Netherlands, arranged meetings of the research team with NGOs dealing with the issue, as well as with a number of Armenian irregular migrants in the two countries.

Survey data entry and analysis were done by the Armenian Sociological Association (ASA), a national NGO that was an implementing partner for the trafficking part of the study as well.

The Government of Armenia, particularly the Ministry of Foreign Affairs and the Ministry of Internal Affairs, provided important information and cooperation.

Funding for the research was provided by the Government of the Netherlands.

### **1.4. Constraints**

Given the clandestine nature of the subject, the project faced difficulties in collecting extensive information. To overcome these obstacles, the research relied on more than one source of information and used a combination of social research methods.

## 2. IRREGULAR MIGRATION AND SMUGGLING OF MIGRANTS FROM ARMENIA

### 2.1. Extent of the Problem

Irregular migration and particularly smuggling of migrants from Armenia is widespread. Evidence of this is found in asylum statistics, press reports, studies and the current research.

**Reports and data in Armenia:** Passenger flow data from airports indicate that between 1992 and 2000, the departures exceeded arrivals by 647,000. A survey of external migration processes in Armenia for 1991-1998 estimated net emigration including non-air routes during the period at 760-780,000 persons.<sup>1</sup> Although the peak was in 1992-1994 and there was a sharp fall in net emigration through airports from 1995 onwards, net emigration persists (25,700 in 2000). Moreover bus as a mode of transportation is more common now than between 1991-1994. It is true however that the destination of most of the above migrants was within the CIS, namely Russia and Ukraine where there is a visa free regime for Armenian nationals. Records of the registered regular emigrants from Armenia between 1992-1996 show that 70 per cent went to Russia and 12 per cent to Ukraine. Although proportionally much smaller, the migration to Western Europe is still large and for most parts irregular. A study commissioned by IOM and United Nations High Commissioner for Refugees (UNHCR) in 1997 and carried out by the Armenian Sociological Association (referred hereinafter as the ASA study) interviewed 300 Armenian returnees from Germany. They were either rejected asylum seekers or irregular migrants who had returned voluntarily or been deported.

**Asylum statistics:** A report of the Netherlands Ministry of Justice in January 2000 stated that migration from the Caucasus “consists almost completely of asylum migration.” The report states that since 1992 about 160,000 asylum claims have been lodged in Western Europe by persons originating in the former Soviet Union, the most important sources being Armenia and the Russian Federation. Between 1992 and 1999 there have been 35,832 asylum seekers from Armenia in Western Europe. The provisional figure for 2000 was 6,590 asylum applicants in Europe from Armenia, eighteenth highest in the world and second in the CIS (after Russia). Among Armenian applicants who entered the Netherlands between 1996 and 1998, 15 per cent were given either asylum or humanitarian status. After 1998 the number given status have decreased. The chances for a positive decision in Germany and Belgium (the main destination countries) are lower.

The table below gives the number of Armenian asylum applicants in the five top Western European destinations in 2000 and 2001.

Country	2000	Country	2001
Belgium	1,331	Germany	654
Germany	882	Austria	558
The Netherlands	812	The Netherlands	401
France	379	Belgium	387
Austria	165	France	385

<sup>1</sup> Ministry of Statistics, State Register and Analysis of the Republic of Armenia, Tacis, "Survey of External Migration Processes in the Republic of Armenia, for 1991-1998", Yerevan 1999.

Source: Governments; compiled by UNHCR. Figures in 2001 are for January – September only.

Worldwide, Western Europe remained the main destination for Armenian asylum seekers in 2000-2001, although Poland and the Czech Republic in Central Europe and the USA were important destination countries as well.

Year	Western Europe	Central Europe	USA / Canada	Australia/ New Zealand
2000	4,991	1,579	1,332	
2001	3,026	1,306	1,614	*
Total	8,017	2,885	2,946	

Source: Governments; compiled by UNHCR. Figures in 2001 are for January – September only. Poland figures in 2001 are for January – July only. Figures in 2000 for USA/Canada are for January-September only.

\* Under six cases

**Voluntary return statistics:** In 2000, IOM extended transport assistance to 532 Armenian irregular migrants and rejected asylum seekers who voluntarily returned from Western and Central Europe.

**Press reports:** Because of its scale, migration from Armenia is a subject covered by the local media. In summer 2000 a series of articles in more than ten issues of "Armenian Land" (Hayots Ashkharh) daily gave a realistic picture of what Armenian asylum seekers face in three Western European countries: Belgium, France and Germany. A team of journalists wrote these articles as a result of their three months trip to the three countries. The publication describes at length what the asylum seekers go through starting from the moment when they look for the asylum/immigration offices immediately after arriving in the destination country and up to the moment when many of them are rejected. Some excerpts from these articles are reproduced in the report as an illustration.

Another series of articles initiated by the Ministry of Interior appeared in the "Republic of Armenia" daily in May 2001 and are attached in Appendix 3. It documents actions of the Anti-Corruption Unit of the Department against Organized Crime (Ministry of Interior) against people smugglers.

**Consular officials in Yerevan:** The consular officials of the embassies of France, Germany and the USA when interviewed last year all gave instances of migrant smuggling that had come to their attention and mentioned that in their view it was a serious problem.

**Survey, case study and visit results:** A hundred Armenian returnees from Western Europe who were either irregular migrants or rejected asylum seekers were surveyed through filling out questionnaires. The questionnaire included 62 questions grouped in three sections. First, migration motivation, information and intermediaries; second, travel and destination country; and third, personal and country of origin information.

For 59 individuals the trip was organized by travel agencies, and in case of 26 individuals, by middlemen. Two thirds of those using intermediary services said they had to pay US\$ 500 to 3,000 for the travel. This put 32 individuals or their family in debt while 34 individuals or they families had to sell assets.

(An excerpt from a newspaper article: a case in Belgium)

"... When all those rejected learnt that they need to leave Belgium in five days, they got really upset. It was especially difficult for an Armenian family. The father was the first to come to Belgium and for about two months he received his social payment (21,000 Francs). He was so enthusiastic he

told his family to join him. He had convinced his wife to sell the flat in Yerevan in order to be able to buy plane tickets, as “they would be able to get the money back in half a year”. One month after the arrival of the family the husband got rejected, and two months later - the whole family."

Our Compatriots Abroad  
 "Armenian Land" Daily, August 2000.

Researchers visited 19 travel and tour agencies in Yerevan who offered to arrange visa, travel and employment in western countries in exchange for payment. Ten case studies were made of migrants who had been smuggled from Armenia.

IOM researchers made a visit to the Netherlands and Belgium, to talk to and interview asylum seekers from Armenia. They went to an asylum centre as well as other places inhabited by Armenian stranded migrants and asylum applicants. Given that their asylum applications were pending, unlike the returnees, most of the Armenian migrants in these countries were reluctant to speak about the ways they have reached Europe. Some even refused to see the researchers. Those who told their stories (in the Case Study section) said they faced economic problems in Armenia. The asylum seekers said they do not, as a rule, tell their “travel stories” to others, even those they have stayed with in the same camp for years.

Asylum seekers from Armenia in West Europe, 1992 – 2001 September

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
Germany	911	6,476	2,127	3,400	3,529	2,480	1,654	2,083	882	654	24,136
Netherl.	40	352	1,082	358	364	432	711	983	812	401	5,535
Belgium	20	112	148	472	872	583	697	921	1,331	387	5,543
Spain	0	14	149	0	218	178	191	496	469	140	1,855
France	171	254	135	36	58	125	170	164	379	385	1,877
Other	3	60	252	228	288	440	719	676	1,118	1,059	4,843
Total	1,145	7,268	3,893	4,494	5,329	4,238	4,142	5,323	4,991	3,026	43,849

Source: Governments; compiled by IGC, UNHCR. Figures in 1999 and 2001 are for January – September only.

The research shows that while migrant smuggling to Western Europe is widespread, migrant trafficking is not. In the survey only ten respondents (out of 100) reported that they were deceived by middlemen who arranged the trip abroad. Only one person reported having suffered violence at the hands of middlemen (ten persons suffered violence at the hands of officials). Seventy respondents found the travelling circumstances satisfactory. The most common complaints were that the travel was not well organized or that the route was hard and long. The passport was kept by the middlemen in only six cases.

**2.2. Who are the irregular migrants, from where and why?**

In the survey, 78 returnees were in the age group of 30 to 49 years and 57 were between thirty-six to forty-nine years. Around 73 persons were married and 83 persons had children. In 37 cases the migrant was accompanied by spouse and children. Sixty-seven returnees were men and 33 women. The ASA study conducted in 1997 of 300 Armenian returnees from Germany revealed a similar age, gender and family profile.

Sixty-seven migrants were from Yerevan, ten from villages and 20 from towns in different parts of the country.\* Sixty-five respondents were unemployed before they migrated and almost 90 per cent of respondents had a monthly income of less than US\$ 100. Despite the high unemployment and low income, 44 returnees said they had university education and all had secondary education. The poor incomes and unemployment of university educated persons in Armenia after the collapse of the Union of the Soviet Socialist Republics (USSR) is well recognized and therefore in this sense the finding is not surprising. However, the number of migrants with higher education is double that of the national average and indicates that a higher proportion of people with higher education have been motivated to migrate.

**Table 1**  
**Profile of Irregular Migrants (100 Respondents)**

<b>SEX</b>	<b>Number</b>
Female	33
Male	67
<b>AGE</b>	
18-29	8
30-35	21
36-49	57
50-65	14
<b>MARITAL STATUS</b>	
Single	8
Married	72
Divorced	10
Widowed	10
<b>CHILDREN</b>	
Yes	83
No	17
<b>ACCOMPANYING FAMILY MEMBERS</b>	
None	51
Spouse	37
Children	37
Grandchildren	1
<b>EDUCATION</b>	
Secondary	57
Graduate	43
<b>PLACE OF ORIGIN</b>	
Yerevan	67
Alaverdi	4
Armavir	5
Echmiatsin	4
Talin	4
Pyatigorsk	2
Villages	10
Other	4
<b>OCCUPATION IN ARMENIA</b>	
Own/family Business	6
Unemployed	65
Blue collar employee	6
White collar employee	12

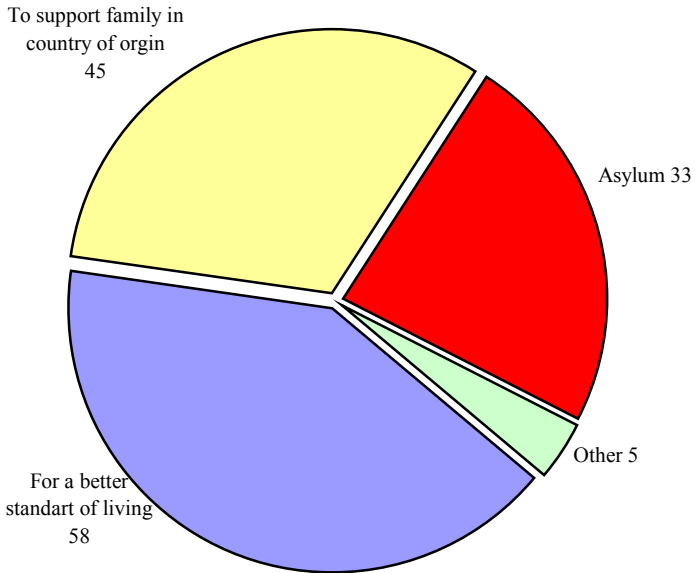
\* Three migrants were not born in Armenia.

Other	11
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In the survey, 58 respondents said that their motive to migrate was for a better standard of living. In a similar vein 45 respondents said that the motive was to support their family in the country of origin. Thirty-three respondents mentioned asylum as a motive. In all, 71 respondents actually applied for asylum in the destination country. All but three persons said that their application was rejected. Given the economic motives mentioned above, the difficult economic conditions of the migrants before leaving Armenia and the rejection of most asylum applications, we can conclude the migrants were mainly economic migrants.

**Figure 1**  
**Reasons for Migration (100 respondents)**

Note: Some respondents have given more than one reason.



**2.3. Destination countries**

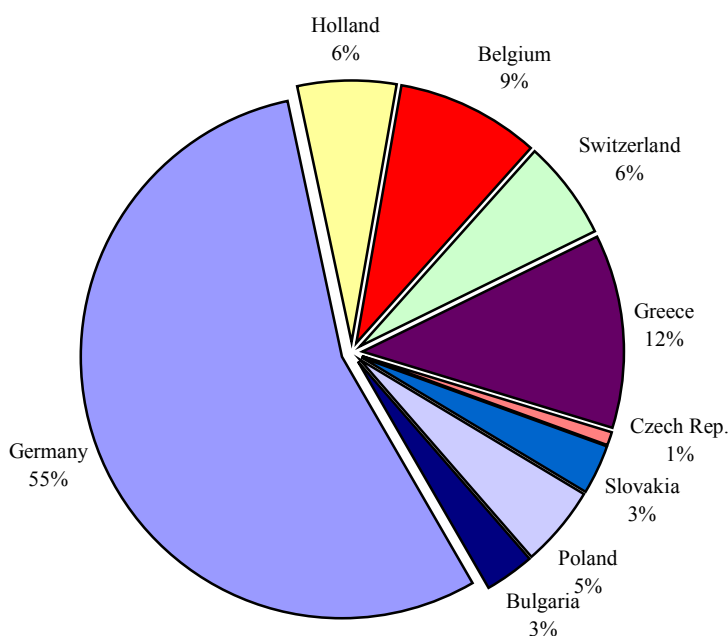
As mentioned earlier, preliminary research indicated that the main destination countries for migrants smuggled from Armenia are Western European states, although the United States is a destination country as well for regular and irregular migrants. This survey has focussed on Western Europe.

Of those surveyed 55 persons had gone to Germany. Second and third in the list of destination countries are Greece and Belgium, followed jointly by the Netherlands and Switzerland and then Poland. The importance of Western Europe as a destination is further underlined by data compiled by UNHCR on asylum seekers. Belgium, Germany, the Netherlands and Poland were the top four destination countries in 2000 for Armenian asylum seekers. In 2000 IOM provided return transport assistance to 532 Armenian voluntary returnees. Fifty-eight per cent were from Germany, 20 per cent from Belgium and 10 per cent from the Netherlands. In 2001, the Czech Republic has become a top destination country for Armenian asylum seekers.



Sixty-seven respondents said that they chose the destination countries because their friends or relatives lived there. This finding is supported by the 1997 ASA study of Armenian returnees from Germany. Forty-five per cent of those surveyed said that they chose Germany because they had friends and relatives there. The presence of friends, relatives or acquaintances is undoubtedly an important pull factor. But this factor often acts in conjunction with other reasons, namely the perception of migrants and smugglers of the destination country's admission and asylum policy and procedures and their chances of stay.

**Figure 2**  
**Countries of Destination (100 respondents)**



#### **2.4. Migration Information and Services**

Although local newspapers often publish advertisements on foreign travel and job opportunities, only one respondent mentioned obtaining information about travelling abroad from newspaper advertisements. In the survey, 68 respondents said that they got information on travelling abroad from friends or relatives abroad. This means that often migration is a chain reaction with migrants following those who have earlier journeyed to a particular country. Twenty respondents said they got the information from friends or relatives in Armenia.

While the initial information was from informal sources, the overwhelming majority of migrants sought intermediary services to go abroad. Fifty-nine persons have arranged their travel through travel agencies and another 26 via individual middlemen. Tens of travel agencies in the centre of Yerevan provide commercial services that facilitate irregular migration. Researchers visited 19 travel and tour agencies in Yerevan as potential clients and were offered numerous opportunities to go abroad in exchange for a fee. Six agencies offered services for visa, travel and a job in Greece for payments ranging from US\$ 1,750 to 2,000. Ten agencies offered visa, travel and employment services for Western European destinations for payments ranging from US\$ 1,000 to over US\$ 2,500. One agency offered such services to the USA for a payment of US\$ 5,000 for the visa. Three agencies offered visa, travel and employment services to Argentina (where there is a sizeable

Armenian community) for payments of over US\$ 1,500. One agency provides such services to Poland for a payment of US\$ 900. Three agencies offered these services to Turkey.

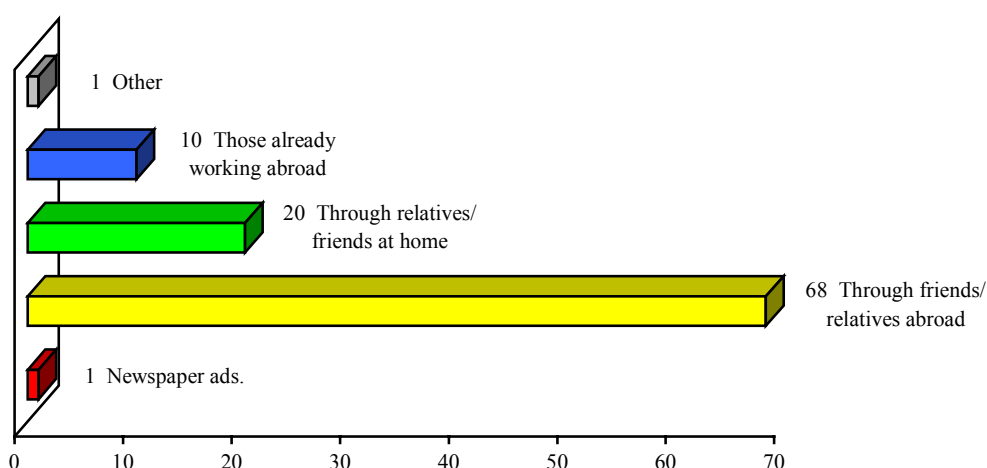
**Case 1:** A travel agency in the centre of Yerevan provides job opportunities in Europe and the USA. The day they were approached by researchers it offered trips to Spain. The trip will cost the applicant US\$ 2,500. Half of it is paid in advance and the remaining is paid once you get your visa. A woman named Svetlana is supposed to meet the traveller in Spain and take him/her to the office for arranging necessary documents. Another US\$ 400 is paid to the office in Spain that recruits the migrant. A trip to the USA costs US\$ 6,000.

**Case 2:** A travel agency in the centre of Yerevan arranges Schengen visas. The researcher was offered a trip to the Netherlands where a person named Peter will find a job for the applicant. Peter, as the researcher was told, is the president of the Lawyers' Association in the Netherlands and for an amount of money will not only find jobs but will also arrange for immigration through the court. Peter will make fraudulent passports for the migrant. The agency sends groups of migrants to France and there the group takes taxis to the Netherlands.

**Case 3:** A travel agency in the centre of Yerevan arranges Schengen visas. A man who looked around 45 years old offered a trip to Europe as his wife. The woman needs to get registered as his wife and then she can follow him to Belgium through France. The trip costs US\$ 1,600, but it can also be free of charge, if the woman agrees to some of his conditions.

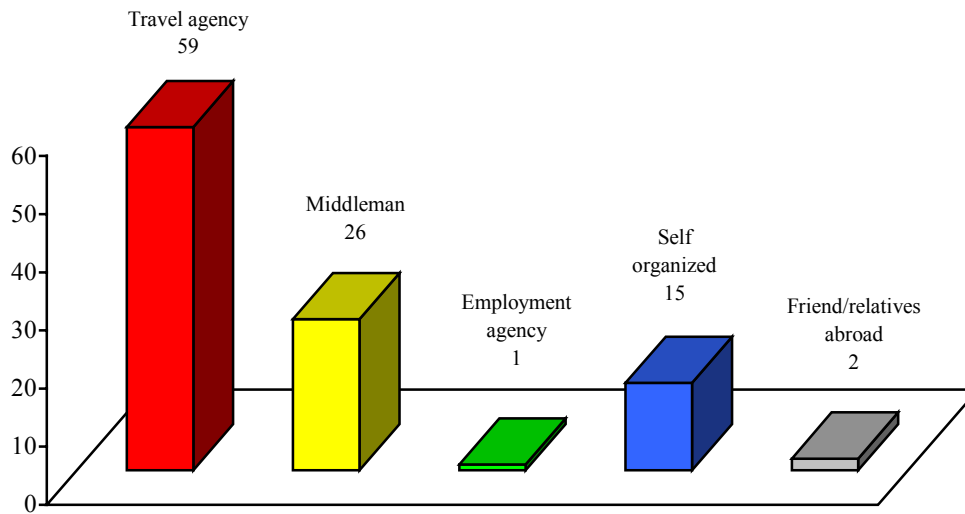
It is remarkable that in the survey 90 respondents did not think they have been deceived by the intermediaries. This means that this clandestine service market, in general, meets the requirements and expectations of illegal migrants. This finding is consistent with some other studies.<sup>2</sup> Despite this perception, the fact remains that payment to the smugglers put 32 persons or their families in debt and 34 persons or their families had to sell assets.

**Figure 3**  
**Source of Migration Information (100 respondents)**



<sup>2</sup> IOM, "Migrant Trafficking And Human Smuggling in Europe. A review of the evidence with case studies from Hungary, Poland and Ukraine", Geneva, 2000.

**Figure 4**  
**Who Organized the Trip (100 respondents)**



### **2.5. Travel and Routes**

Citizens of the Republic of Armenia do not need visas for entering CIS countries (except Turkmenistan) as well as Yugoslavia, North Korea, Cuba and Ecuador. Armenian citizens often use Russia, Ukraine or Belarus for further illegal movements to European states rather than going there directly from Armenia. This is partly because some individuals and criminal groups involved in providing fraudulent documents and assistance to potential migrants in crossing the border are located in these countries. These criminal groups have also established close contacts with respective “partners” in their neighbouring Eastern European countries which serve as transit states for moving on to Western Europe.

As many as 73 respondents said they had a valid visa for the destination country. Sixty-eight respondents said they overstayed their visa. The survey therefore shows that a large number of migrants have been able to obtain a visa (mainly through travel agencies and middlemen) and enter Western Europe legally, often from a flight from Yerevan or Moscow. Nevertheless almost 30 per cent of respondents entered the destination country without a visa and with the aid of migrant smugglers.

Most of the migrants surveyed left Armenia between 1993 and 2000. The largest number (22% of respondents) was in 1996. The main transit countries to Western Europe were Ukraine, Belarus and Poland. Before entering an EU country, 42 respondents transited through Poland, 30 through Ukraine and 18 via Belarus. Armenian nationals do not need a visa for Ukraine and Belarus and did not need one for Poland until 1998. Poland has clearly been used as an entry point for Armenian migrants moving to Germany. This is illustrated in other studies as well.<sup>3</sup> Armenian migrants,

<sup>3</sup> IOM, “ Migrant Trafficking And Human Smuggling in Europe. A review of the evidence with case studies from Hungary, Poland and Ukraine”, Geneva, 2000. ASA Study.

however, do not treat Poland exclusively as a country of transit to the west but as a destination country as well.<sup>4</sup> In 2000 (January-November) there were 715 asylum applications in Poland from Armenians. While the importance of Poland as a transit country may decline after visas were introduced for Armenian nationals, it is likely to remain significant as Armenians are able to travel visa free to the bordering states of Ukraine and Belarus. In the survey Ukraine and Belarus were primarily transit countries for travel to Poland. Ukraine, at times, was also a transit country to Slovakia (2 cases), Hungary (1 case), the Czech Republic (1 case) and Italy (six cases). Other transit countries include Moldova-Romania (via Ukraine) and Turkey-Greece/Bulgaria. Moscow is also hub for those travelling with visas and on air transport (31 cases). One person has made a journey through five countries (Georgia -Turkey – Bulgaria – Romania – Hungary) before he entered Austria, journeying further to Germany and then Belgium, eight countries in all. While only mentioned once among the respondents, there are indications from the case studies and other sources that the Czech Republic is growing in importance as a transit country. Like Poland it is not exclusively used for transit purposes. In 2000 there were 268 asylum seekers from Armenia and in the first three quarters of 2001, 702.

As many as 58 different routes between Armenia and Central and Western Europe were used by 100 respondents. Many (27 respondents), having obtained visas, used only the airlines. Twelve persons flew from Yerevan to Paris either directly or via Moscow or Lvov (Ukraine) and Parma (Italy). A large number used buses (22 persons) or trains (20 persons) after completing the first leg (to countries where a visa was either not needed or obtained) by flight. In many cases (48) buses were used by migrants either for the entire journey (9 persons out of which three travelled to Greece via Turkey) or for part of it (39 persons). Four persons used a combination of bus and ship/ferry (to reach Greece via Turkey).

Airplane	Airplane-taxi	Bus-airplane	Airplane-train	Bus	Airplane-bus	Airplane-bus-train	Bus-ship	Other
27	3	5	20	9	22	6	4	4

This information, compared with the one that Armenian asylum seekers provide to the immigration authorities of destination countries at the interviews, may be quite different. According to a Belgian report on irregular migration to Belgium, Armenians use the following means of transportation to get there:

Truck	Car	Mini-bus	Plane	Bus	Train	Boat	Other	Unknown
39,1%	20,3%	11,4%	7,7%	10,9%	4,7%	1,9%	0,1%	3,8%

Further, an excerpt from a newspaper article on cases in Belgium:

"At the interview with Belgian officials the most popular answer to the question "How did you get to Belgium?" is "By truck". Most of the applicants cannot explain how they have crossed a number of state borders without visas and passports (as a rule these people do not show any passports to the immigration office staff). The rescue story is that after having spent some days in a truck they were "unloaded" in Belgium. The money paid for that is about US\$ 2,000. The type of the truck, the plate numbers or the name of the driver are never known... The majority avoids giving the name of the travel agency that has facilitated them.

<sup>4</sup> K. Iglicka, "Migration Movements from and into Poland in the Light of East-West European Migration" International Migration, Quarterly Review: Vol. 39 No. 1 2001, IOM, Geneva.

One of the conditions of reaching Europe by all means is not to betray. Armenians respect their promise..."

*Our Compatriots Abroad*  
*"Armenian Land" Daily, August, 2000*

A returnee explained why he thought the bus was a better mode of transport apart from the cost factor:

"Driving these groups across the border in buses is easier - the list of the group of "tourists" is shown to the border guards of the receiving country and it often doesn't take long to approve the entrance without thorough checks. Airports are different. Immigration service there checks every single passenger..."

When crossing the EU border, 42 per cent of respondents (42 persons) were taken in groups of six to 30 people. Eight persons reported crossing at a Green border, five between Poland and Germany. Other studies indicate that figure is higher (ASA study). Only 11 persons were detained en-route in transit countries. Most respondents (70) characterized their travelling conditions as satisfactory. However thirty persons did not for the reasons below:

Passport was kept by middleman	6
Travel was not well organized	12
The route was hard and long	6
Other	6

Eleven respondents said that they had suffered torture or violence, one person from a middleman and ten persons at the hands of officials. The countries in which this occurred were:

Greece	4
Czech Republic	1
Germany	2
Russia	1
Slovakia	2
Bulgaria	1

On reaching the destination country, 70 respondents applied for asylum, 30 respondents sought the help of friends and relatives and 14 respondents looked independently for work.

## **2.6. Methods of Irregular Migration and Smuggling**

From the above picture there emerge three broad categories of methods, all involving intermediary services.

**The first is entry with a visa followed by overstay.** Various means are used to obtain a visa. One way has been by including names to the list of cultural groups or sport teams going abroad. As mentioned by consular officers of the Embassies of France, Germany and the United States in Armenia, rare are the cases when all the group members return to Armenia from such trips. Sometimes smugglers include minors whose parents are already in the respective country and the child travels abroad as a member of that group to join his/her parents there. At one of the embassies the consul also mentioned the likelihood of sham marriages. This embassy receives about ten

applications a month to process entry permits for young Armenian women marrying older men from the concerned country. In the past there has been a perception among people that visas from two western embassies could be obtained by intermediaries on the payment of bribes to embassy staff. One of the latest “solutions” is changing citizenship. According to informed sources, the passport of the person, or sometimes passports of the whole group of “tourists” are gathered and sent to Moscow. They are replaced with Russian passports, together with fraudulent letters certifying that the person is an employee at a certain Russian institution. The perception is that Russian citizens obtain western visas more easily than Armenian nationals. This transaction reportedly costs from US\$ 1,000 to 1,500 per person.

**The second category involves illegal entry facilitated by smugglers.** This is described in the ASA study, studies on migrant smuggling in Poland as well as in the case studies. The ASA study refers to “Chelnoks” in Poland who smuggled people across the German border. The smugglers took US\$ 300-500 per person. A study on trafficking and smuggling in Poland prepared for IOM interviewed four respondents from Armenia. All of them had arrived in Poland legally (between 1996-97) and then attempted to cross the German (green) border with the help of Poland based smugglers.<sup>5</sup>

**The third category is entry on the pretext of seeking asylum.** In the survey 70 respondents said that they entered the EU border as an asylum seeker. All but three persons said that their applications were rejected. The smugglers often coach migrants on what grounds to seek asylum.

The Republic of Armenia is a country that is not involved in any armed conflict at present and where basic human rights are protected by the Republic’s constitution, a country that recently joined the Council of Europe and is in the process of harmonizing its legislation with European norms. Even then, hundreds of Armenians apply for asylum in Western European countries every year, presenting their real or fabricated life stories that they believe justify their asylum application. Armenia is a major source of asylum seekers in Western Europe, most of them in Germany, Belgium, the Netherlands. Even though the applications of most are rejected because of lack of a well-grounded reason to be granted asylum, the flows of migrants continue as result of push and pull factors and migrant smuggling.

Armenian law enforcement officials admit that they find it difficult to keep abreast of developments in migrant smuggling. A lack of cooperation from migrants is mentioned as an obstacle in combating smuggling. The police is usually not informed about cases when no services are provided for the money paid to the smuggler. The deceived migrant thinks that as long as the smuggler is not detained, there is still hope that his/her money will be returned. Methods that smugglers use for facilitating illegal border crossings can change quickly, depending on changes in migration policies in countries of transit and destination.

## **2.7. Who are the Smugglers**

**In Armenia:** Many travel agencies operating in Armenia and particularly in Yerevan are the main intermediaries that facilitate illegal migration from Armenia.

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<sup>5</sup> IOM, “ Migrant Trafficking And Human Smuggling in Europe. A review of the evidence with case studies from Hungary, Poland and Ukraine”, Geneva, 2000.

**Abroad:** In transit countries such as Poland, smuggling organizations have played an equally important role in arranging illegal border crossing. Finally, in destination countries there are intermediaries who arrange for jobs and documents. In the course of the study an example from the Netherlands was mentioned by a travel agency in Yerevan.

Ministry of Interior and Ministry of National Security officials mentioned that smugglers operating from outside Armenia play a key role. There are some Armenian citizens playing key roles in the business from outside the Republic, who as a rule do not come to Armenia.

## **2.8. Conditions of Migrants Abroad**

Over 90 per cent of respondents termed their living conditions in the destination country as either good or satisfactory. Forty-eight respondents said that they were employed (42 illegally). Employment and social assistance were the main source of income. Fifty-nine persons stayed in rented apartments and 38 in the asylum centres. Eighty-seven respondents said they did not face any racial discrimination, however nine said they often did.

Most of the migrants had either no or very little money when they arrived and used the opportunity to work as well as receive state allowances. In some cases migrants have however deviated into criminal activity as evidenced in reports from Denmark and Poland. The generally positive picture (evidenced in the ASA study as well) that returnees bring back to Armenia acts as a further spur to migration.

## **2.9. Return**

Following the rejection of asylum claims or other unsuccessful attempts to migrate, return is both forced and voluntary. In the survey 93 persons said they were served with a deportation notice from the authorities. Seven persons returned voluntarily. In another survey of 300 Armenian returnees from Germany, deportations comprised 56 per cent and voluntary return 43 per cent. There have been 532 voluntary returns assisted by IOM in 2000.

Many migrants, though, try their best to find ways for either staying in the same country or moving to another Western Country.

(An excerpt from a newspaper article: Germany)

"... We met two Armenian teenagers in the metro. One of them told us the story of their family. "All of our family is here - my parents, my sister and me. We were rejected after the interview and then hired a lawyer. For every letter or every piece of paper we had to pay 500-800 DM. And even after that our case was closed and finally rejected again. My father approached the social office, they came to an agreement. Now he works for them as a labourer so that they do not take away our social allowance and our apartment..."

*Our Compatriots Abroad*  
*"Armenian Land" Daily, August, 2000*

The current study, as well as some previous investigations show, that deportation and return of illegal migrants to the country of origin does not necessarily solve the problem.

In the case of Armenia, research commissioned by IOM and UNHCR in 1997 on Armenian returnees from Germany stated that given the poor socio-economic and living standards on return, a repeat migration might be expected. In this survey, 29 respondents said that their intention now was to live and work in Armenia. A larger number, 64 respondents, said that their intention in the future was to work and live abroad (legally). However when asked if they would be prepared to live in Armenia if reintegration assistance (such as small business training and loans or job placements) is provided, 63 respondents answered yes. A large minority (37 persons) answered in the negative, citing the higher living standards in Western Europe and a lack of a better future in Armenia.

Eighty-nine respondents said they did not know or expect the difficulties they faced in migrating. However, over half said they would still do it, even if they had known. The reasons are mostly economic: 22 persons said the living conditions in Armenia are bad and 15 people said they would do it because they were unemployed. When asked what in their opinion needs to be done to reduce irregular migration from Armenia most of the answers pointed to employment creation and better governance.

#### **2.10. Child Adoption (across borders)**

Ms. “B”, a US citizen, wanted to adopt a baby, but was faced with a cumbersome, difficult procedure. Ms. “A”, an Armenian citizen, agreed to give Ms. “B” the baby she was going to deliver at a hospital in Spitak. The women also agreed that the birth was going to be registered as if the baby had been delivered by Ms. “B”. Ms. “B” had not registered her adoption petition according to the laws of Armenia, as she thought it would be easier to buy the baby and take him with her to the USA. Once the baby was born and with the false documents, Ms. “B” tried to register the baby at the US embassy in Yerevan. Embassy personnel suspected a case of illegal adoption and they reported the case to the Armenian authorities. In August 2000 the Lori regional court classified the case according to Articles 185,185-1, and 187 of the Criminal Code as forging of documents and bribery. The chief doctor and the staff of the maternity hospital of the city of Spitak were sentenced for bribery and falsification of documents.<sup>6</sup>

Most births in Armenia take place in maternity hospitals and are managed by an obstetrician. During the last seven years home deliveries have become more common. Although official statistics on home deliveries are incomplete, a combination of national and regional official sources point to a five-time increase in the number of home deliveries since the early 1990s. Poverty, lack of transport, little money to pay for hospital expenses and limited access to health-care services account for the increasing number of home deliveries in Armenia.<sup>7</sup> In many cases, these births remain unregistered. Local authorities in Vanadzor related the increasing number of home deliveries to the increased trend in illegal adoptions.

There are women who due to their social conditions are selling their babies to families and individuals who take them out of the country. The majority of legally adopted children are from

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<sup>6</sup> Information provided by Head of Council of Courts Chairmen

<sup>7</sup> UNDP, “Women Status Report: Impact of Transition, Armenia 1999”, Yerevan, 1999.



maternity homes. Less than 10 per cent of adoptions per year take place from orphanages.<sup>8</sup> Some officials indicated that the children might be taken to other CIS countries as there are no visa requirements, thus making the falsification of documents easier. Laws regulating adoption by foreign citizens in Armenia are strict and well developed which, combined with stricter registration systems of children at embassies, limit the avenues for smuggling children abroad. Nevertheless, the apparent weaknesses in Armenian law enforcement undermine the legal principles and the actual application of national laws.

According to the information provided by the Ministry of Social Security, from July to December, 2000, a total number of 93 adoptions were approved. In 26 cases the adopting person was a foreigner.

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<sup>8</sup> Government of Armenia, UNICEF, Save the Children “A Situation Analysis of Children and Women in Armenia – 1998”, Yerevan, 1999.

### 3. TRANSIT MIGRATION IN ARMENIA

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The three South Caucasus countries are located at the intersection of key transportation and trade routes between Europe and Russia on one hand and Asia and the Middle East on the other. The flows of transit migrants from countries of Middle East, Africa and South Asia to Armenia are not yet large, however legislation and mechanisms to deal with it effectively are not yet in place. According to the Passports and Visa Department (OVIR) in the Ministry of Internal Affairs, 110 foreign nationals entered Armenia in 1999 as irregular migrants. Twenty-six persons were served with a deportation notice. Additional information is provided by the Department of Migration and Refugees (DMR). Between 1995 and 1999, 102 stranded migrants and asylum seekers were referred to DMR for assistance. Of the 102 persons, 42 were from Iran and 41 from Iraq. In 2000, 11 applications for asylum were received from non-CIS nationals (from Iran, Iraq, Somalia and Sudan). Five were granted refugee status.

The IOM mission in Armenia has periodically been approached by a small number of stranded migrants for assistance. The observations and findings here have been as follows: The migrants have been from South Asia. They have entered Armenia with a visa issued in New Delhi, Tehran or Tbilisi. The travel and route have been arranged by a (non-Armenian) smuggler who has taken fees for taking them to a Western European country. The smuggler has disappeared on reaching Armenia or Georgia on the pretext of leaving to arrange the next leg of the journey. The smuggler has received large sums of money. In the case of two stranded Indians from the state of Punjab who were abandoned by their smuggler in Tbilisi (having travelled there from New Delhi via Ashghabad and Baku) and were attempting to return home via Armenia, the equivalent of US\$ 8,000 was paid by each migrant to the smuggler (a fellow Indian) to take them to Greece. Direct flights are exploited by smugglers: the largest known incidence of stranded transit migrants from India was in 1999 when a flight operated between New Delhi and Yerevan. A key weakness has been the ease with which the Armenian visa has been issued. As it is seen by the issuing agency (be it the embassy or OVIR) as a revenue generating exercise, an adequate assessment of traveller intention's when issuing visas is not done. Return for stranded migrants is problematic as the Armenian authorities do not have the resources to deport people and IOM does not currently operate a voluntary return programme from Armenia. Migrants are able to return only if they are able to muster the resources to do so. Otherwise they risk being stranded in Armenia, living without state assistance or employment.

## 4. GOVERNMENT POLICY, LEGISLATION AND RESPONSE

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### 4.1. Overview of legislation

Like Georgia and Azerbaijan, Armenia has recently signed (but not yet ratified) the convention and protocols related to transnational organized crime, trafficking and migrant smuggling. There is a revised Criminal Code that has been submitted to the National Assembly for consideration but not yet entered into force.

As a comparatively new phenomenon in Armenia, as well as other CIS countries, smuggling as such is not addressed in Armenian legislation. However, its components, such as illegal border crossings and the preparation of forged documents, are punishable under current Armenian legislation.

1. Illegal border crossing: article 78 of the Armenian Criminal Code rules that the illegal crossing of the border (that is without a passport or official permission) carries a sentence of up to three years.
2. Extortion: depending on the severity, article 94 stipulates prison terms ranging from two to 12 years.
3. Falsification of documents: this is punishable by imprisonment of up to five years or hard labour. The user may be fined, imprisoned or sentenced to community service. Confiscation and use of passports and other important personal documents is punishable by a year in prison or community service.
4. Illegal entrepreneurial activities: such activities without state registration or license (where applicable) are punishable by fines or imprisonment, depending on the severity and circumstances. However with the adoption of the revised law on Licensing where according to article 43 of the law no licensing is envisaged for providing overseas employment services, overseeing such activities has been made more difficult. The same difficulty is currently being experienced in overseeing the activities of tour agencies.
5. Minors: if parents do not carry out their parental duties, leading to, for example, prostitution or sale of children, they can be deprived of their parental rights or sentenced under the criminal code. Committing a crime against a minor or inciting/involving minors to a crime is considered an aggravating circumstance in determining a penalty. Children without parents, and children whose family is not able to care for and raise them, are entitled to state aid in an orphanage or boarding school. At birth a child cannot be discharged from hospital without a provisional birth certificate which has to be regularized by city officials within one month after the birth. For travelling abroad the child needs a passport and a notarized consent of either one or both parents if they do not accompany the child. In February 2000 the government issued a Decree on Adoption which entered into force from April. An adoption of an Armenian child by a foreign citizen has to be approved by a high level Republican Committee as well as municipal and community level committees.

At present a revised draft Criminal Code with amendments is under consideration in the National Assembly.

Article 22 of the Constitution of the Republic of Armenia states the right of free movement, and not only within the territory of the Republic of Armenia: "Everybody has the right to go out of the Republic". The mentioned statements are in line with Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Pact on Civil and Political Rights.

Exercising his/her right to free movement (which may be restricted only if the person has not fulfilled his/her duties before the state, or some restraint has been imposed on him/her) a person holding a passport with the exit permit in it, has the right to exit the territory of the Republic of Armenia. In 1992, 12 member states of the CIS signed the Bishkek agreement, according to which "The citizens of the parties, holding a document certifying their citizenship, have the right to visa free entry, exit and free movement in the territory of the parties". Later on Turkmenistan terminated its participation. Armenia has signed bilateral agreements on visa free movement with the Russian Federation, Georgia and Ukraine. Currently, a citizen of the Republic of Armenia needs a visa for entry to another CIS country only in case of Turkmenistan.

The above refers to citizens of the Republic of Armenia. A person holding refugee status is issued a travel document, but for entry to any other state (including a CIS country) he/she must get a visa of that state. In practice it is rather difficult for refugees in the territory of the Republic of Armenia to obtain a visa of any other state.

Entry of aliens to the Republic of Armenia, their residence/sojourn as well as exit from the Republic of Armenia is governed by the law on "Legal Status of Aliens in the Republic of Armenia" (17 June 1994) and the law on "State Border of the Republic of Armenia".

Rights and legal interests of citizens and legal entities of the Republic of Armenia in foreign states are protected by consular offices of the Republic of Armenia, whose activity is governed by the law of the Republic of Armenia on "Consular Service".

The following bilateral agreements have been signed between the Republic of Armenia and the Russian Federation:

1. On the Legal Status of Citizens of the Republic of Armenia Permanently Residing in the Territory of the Russian Federation and Citizens of the Russian Federation Permanently Residing in the Territory of the Republic of Armenia. 29 August 1997.
2. On Regulation of the Process of Voluntary Resettlement/Migration. 29 August 1997.
3. On Labour Activities and the Social Protection of Labour Migrants (1994).

#### **4.2. Gaps in legislation and implementation**

While the Armenian criminal code covers a number of smuggling related offences, it does not serve as a deterrent for smugglers. Previously there were 23 licensed recruitment or employment agencies. However, their activities in brokering overseas jobs are limited. The new law on licensing does away with the need for recruitment agencies to acquire a license, thereby reducing supervision over them. Travel agencies and tour operators are numerous with little supervision of their activities other than the need for business registration and taxation. The Department for Migration and Refugees has highlighted to the Government of Armenia the need for the licensing of travel and employment agencies. It should be however pointed out that licensing if not properly carried out will not prevent smuggling but only increase the scope for corruption.

IOM's report, *Assessment of Border Management in Armenia (2000)*, contains an analysis of legislation affecting, inter alia, transit migration through Armenia. The main policy and legislative weaknesses in preventing illegal migration through Armenia are:

- There are no clear, legal criteria governing visa issuance to and the entry and exit of foreigners
- The traveller's intentions are not addressed, nor are there guidelines to assess the intentions
- There is no legislation outlining the obligations and liabilities of transport companies
- Travellers requiring visas may also obtain them on arrival in Armenia.

## 5. CONCLUSIONS AND RECOMMENDATIONS

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This study has confirmed that there is widespread smuggling of migrants from Armenia to Western Europe. A primary cause is the relative and absolute impoverishment and lack of decently paid job opportunities since the collapse of the USSR and the subsequent transition to a market economy. Most of those surveyed who travelled abroad did so for economic reasons. Most of the interviewed persons said that the creation of work places, better living conditions and government policies promoting return would be the most effective measures to reduce and prevent irregular migration.

Smuggling in migrants from Armenia is directed in Western Europe to a host of countries. Germany, Belgium, and the Netherlands have been the main destinations. Apart from the push factors above, and the pull factors in destination countries, smuggling results from the actions of locally based travel agencies and middlemen and their counterparts in transit countries. The main transit countries were Poland and the CIS states of Ukraine and Belarus. Since 2001 the importance of the Czech Republic as a transit and destination country has significantly grown. The presence of friends, relatives or acquaintances is undoubtedly an important pull factor. But this factor often acts in conjunction with other reasons, namely the perception of migrants and smugglers of the destination country's admission and asylum policy and procedures and their chances of stay. Although local newspapers very often publish advertisements on foreign travel and job opportunities, only one respondent mentioned obtaining information about travelling abroad from newspaper advertisements. In the survey, 68 respondents said that they got information on travelling abroad from friends or relatives abroad. This means that often migration is a chain reaction with migrants following those who have earlier journeyed to a particular country. Twenty respondents said they got the information from friends or relatives in Armenia. While the initial information was from informal sources, the overwhelming majority of migrants sought intermediary services to go abroad. Fifty-nine persons have arranged their travel through travel agencies and another 26 via individual middlemen. Using asylum as a pretext for migration is common.

The research has laid a strong foundation that will enable the government, civil society, and the international community to jointly devise and implement follow-up activities. The study proposes the following recommendations for the prevention and reduction of smuggling in migrants from Armenia.

### **5.1. Awareness raising**

**Public information campaign:** Information plays a crucial role in the decision of an individual to migrate. Many of the prospective migrants and their families have only very sketchy, if any, knowledge of the actual situation they will be facing abroad. Their knowledge of employment procedures, employees' rights and immigration regulations and procedures is even less precise. As a result, they are easy prey to a growing number of well organized and integrated smuggling networks that exploit their ignorance to gain huge profit and sometimes at the cost of human suffering for the migrant.

Information campaigns advise potential migrants of their legal options and of the risks connected to illegal ones. They are effective ways of reducing uninformed decisions that could result in irregular

migration. Such campaigns are implemented with the goal of disseminating actual information about the realities of irregular migration in general and the risks for migrants such as the exploitation and abuse irregulars may be subject to in their intended countries of destination. They can also serve as a warning to agencies aiding and abetting the smuggling and trafficking of persons.

Potential migrants should be informed through a multimedia public information campaign of the problems of illegal migration and difficulties that could face with intermediaries who smuggle or traffic migrants in order to make profits. At the same time information on legal migration opportunities will be disseminated to all audiences.

**Sensitization of public officials, media and NGOs:** The authorities, media and NGOs are a secondary but no less important target group for sensitization and awareness raising on the concepts, problems and different dimensions of irregular migration and what role they should play in its prevention and control.

Government officials, particularly those working with passports, birth certificates, border control, policing and embassies abroad, as well as legislators, the media and NGOs, should be sensitized through seminars and work-shops on the definition, nature and incidence of migrant smuggling and trafficking, and what role they can play in its prevention and control. The relevant government ministries should enforce the policy that trafficked persons should be treated as victims of human rights abuses and violations of national and international law, and not as criminals or illegal migrants.

**Train staff working in Armenian embassies and consulates in risk areas:** to offer appropriate and timely assistance to victims of trafficking and migrants in need of assistance. Staff should be able to refer trafficked victims to specialist care, and to counsellors, lawyers, physicians and so on with due attention to privacy and take measures to establish cooperation with NGOs to provide services to the trafficked victims and migrants in need. They should be able to advise and assist with voluntary repatriation.

## **5.2. Prosecution of smugglers**

There must be the political will to prosecute and punish smugglers and those who abet the process in line with best international practice. The legislative base should be accordingly strengthened and international conventions and protocols signed.

The government of Armenia should ratify the UN Convention Against Transnational Organized Crime and the two protocols – the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea or Air. The government should also harmonize national legislation according to the requirements set forth in mentioned convention.

In addition the government should:

- Review the registration system for groups establishing themselves as travel and tour companies.
- Regulate and monitor companies that arrange for work and living abroad (including marriage bureaux, dance companies, employment agencies, etc.).

- Encourage the media and Internet service providers to adopt self-regulatory measures to discourage smugglers from using these services for recruitment purposes.
- Look at ways by which corruption and complicity within the Ministries and departments responsible for policing migrant smuggling can be reduced. This issue is linked with the larger issue of civil service reform whereby there is greater accountability and transparency as well as a smaller but better paid civil service. Judicial reform leading to an independent and honest judiciary is equally important.
- Cooperate with other CIS countries and major receiving countries to establish multi-agency coordinating bodies, responsible for monitoring and sharing information on criminal networks involved in smuggling.

Concerned and influential bodies such as the media, women's organizations, NGOs, and international organizations should impress on the government the need to take the above measures.

IOM should provide international expert advice and assistance on current best practices in government policy and implementation related to smuggling.

### **5.3. Enhanced Border Management**

IOM's Assessment of Border Management in Armenia (2000) makes 67 recommendations to improve migration management in Armenia. The main recommendations pertaining to the prevention and control of illegal transit migration through Armenia are:

**Visa policy and procedures:** Transit migration flows through Armenia are not yet large. However legislation and mechanisms to deal with it are not yet in place. Traveller intentions should be scrutinized more carefully before visas are issued and the practice of issuing visas at the border should be limited to countries where there is a low risk of illegal migration. Better screening will reduce the number of stranded migrants in Armenia. The visa fee should be for the application. Therefore more denials need not result in reduced revenue.

**Border Inspection:** Important improvements in traveller processing have been made in Yerevan airport over the last one year, namely travellers have to pass primary passport inspection only once. This principle needs to be extended to land borders as well. The training of border management personnel in document examination, languages, computers and human rights is equally important. The fitting of inspection booths with document examination equipment is also a requirement (that has been done at Yerevan airport) that needs to be extended to the land borders.

**Border management information system (BMIS):** The expansion of the BMIS from the airport to the land borders will provide a better estimate of migration flows as well as provide information on asylum seekers, illegal migrants, trafficking, unaccompanied minors and monitor against a (national security) watch list.

**Coordination:** There are different ministries and departments engaged in immigration control and border management (six in all). Reduction of overlap and achieving effective coordination is a major challenge. Recently an inter-ministerial commission on border management has been constituted to direct and review the improvement of border management in Armenia. It is a welcome first step that gives due recognition to the issue.



#### **5.4. Return and Reintegration Assistance**

Travel assistance to return home voluntarily and reintegration assistance in Armenia will assist the rejected asylum seekers and illegal migrants in returning and integrating in the country of origin. Reintegration assistance may consist of two main components;

##### **Economic component**

- **Micro-enterprise development:** Organisations such as IOM have effective ongoing projects, which combine business training and advice and varied lending strategies. Returning migrants with an aptitude for business will be assisted with loans for self-employment. Others will be placed with jobs in businesses financed.
- **Job placements:** To create a database of private and public sector entities where job creation is ongoing and planned as well as a database of the skills and experience of returning migrants, and facilitate a link between the two where there is a match.
- **Skills training:** To undertake a study to assess the gaps in the labour market. Following this a training programme should be initiated, utilising established institutions or businesses, for re-training or upgrading the skills of qualifying returnees. Those completing the training programme successfully will then be further assisted either through job placement or loan facilitation.

##### **Social component**

- **Information, Advice and Counselling:** A Migrant Service Point (MSP) should be set up to provide information on matters relating to entitlements and their realisation concerning matters on education, health and social benefits. The MSP will also provide access to psycho-social and legal counsel via trained practitioners.
- **Language classes for minors:** Given that the medium of instruction in schools is Armenian, it will be necessary in some cases to give returning minors access to tuition in the language so that they are able to catch up.<sup>9</sup>

#### **5.5. Further research**

Further research is recommended in the following areas:

Brokered marriages between older men from wealthy countries and young Armenian women.  
Child adoption from Armenia by foreigners abroad.

#### **5.6. More Regular Avenues for Migration**

Based on its labour market needs, western European countries should provide more avenues for organised labour migration that developing or transition economies such as Armenia can benefit

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<sup>9</sup> Armenian Government delegation to the Cluster Meeting, Project Proposal on Return and Reintegration, Working Paper, Tbilisi, February 2001.

from. This will reduce the reliance of migrants on smuggling networks and contribute to economic development in both the sending and receiving countries, besides benefiting the migrant.

### **5.7. Economic development**

Finally, as many of those surveyed mentioned, better economic conditions in the country through job creation is the most effective measure to reduce and prevent migrant smuggling. It is beyond the scope of this report to look at the institutional, structural and economic changes necessary to bring this about, but the issue has been dealt with elsewhere.

# LIST OF APPENDICES

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<b>Appendix 1</b>	Questionnaire
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## Questionnaire

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**IOM/ASA MSDP  
Interviewer:  
Questionnaire No.**

**Trafficking in Migrants (from Armenia)  
Summer 2001  
Questionnaire**

The purpose of this survey is to study the main issues related to irregular migration from Armenia to Western Europe.

Please read attentively each question and the offered multiple choices. Underline the choice that reflects your opinion in the best way. If none of the choices suits you, write down your own answer.

The questionnaire does not require your name and address and is anonymous, unless you agree to provide it. In this case, it will be used possibly only to verify the survey and be kept confidential.

Migration Motivation and Information,  
and Intermediaries

**1. Why did you decide to go abroad?**

1. For a better standard of living
2. To support your family in country of origin
3. Asylum
4. Family unification
5. Study
6. Other (please specify) \_\_\_\_\_

**2. Where did you get information on travelling abroad?**

1. Newspaper ads.
2. TV/radio ads
3. Through friends/relatives abroad
4. Through relatives/friends at home
5. Those already working abroad
6. Other (specify) \_\_\_\_\_

**3. Who organized your trip?**

1. Travel agency
2. Middleman
3. Employment agency
4. I organized it myself
5. Friends/relatives abroad
6. Relatives/friends at home
7. Other (specify) \_\_\_\_\_

**4. Did you have to pay the recruiter to go abroad?**

1. Yes
2. No

**5. If yes, for what purpose?**

1. Official fees for documents
2. Ticket for travel
3. Other (please specify) \_\_\_\_\_

**6. How much?**

1. \$ \_\_\_\_\_

**7. Did this:**

1. Put you or your family in debt
2. Make you or your family sell assets
3. Neither

**8. It is claimed that some countries do not allow women younger than 30, and that is why women arrange for a fake passport with a change of date of birth. Did you travel abroad with such a passport?**

1. Yes
2. No

**9. Have you been deceived by middlemen who arranged for the trip abroad?**

1. Yes
2. No

**10. If yes, in what way?**

1. \_\_\_\_\_

Destination Country and Travel to Destination Country
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**11. Country of destination**

1. \_\_\_\_\_

**12. Why did you choose this country?**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**13. Did you have a valid visa for country of destination?**

1. Yes
2. No

**14. If yes, did you overstay your visa?**

1. Yes
2. No

**15. Did you have in the destination country:**

1. An employment contract

2. Relatives
3. Friends
4. None of the above

**16. What did you do on arrival in destination country?**

1. Apply for asylum
2. Seek the help of friends or relatives
3. Independently look for a job
4. Other (please specify) \_\_\_\_\_

**17. How much funds of your own did you have to start with?**

1. \$ \_\_\_\_\_

**18. Have you ever suffered torture or violence at the hands of middlemen or officials.**

1. Middlemen
2. Officials
3. Both
4. No

**19. If yes, in which country/ies**

1. \_\_\_\_\_
2. \_\_\_\_\_

**20. When did you cross the border into the EU?**

1. Month \_\_\_\_\_
2. Year \_\_\_\_\_

**21. Where did you cross the border?**

1. Airport \_\_\_\_\_
2. Land port of entry \_\_\_\_\_
3. Sea port of entry \_\_\_\_\_
4. Green border \_\_\_\_\_

**22. Did you enter as an asylum seeker?**

1. Yes
2. No

**23. If Yes, what is the status of your application**

1. Accepted
2. Rejected
3. Pending

**24. When did you leave your country of origin?**

1. Month \_\_\_\_\_
2. Year \_\_\_\_\_

**25. From which border crossing point?**

1. \_\_\_\_\_

**26. Which countries and cities did you travel en-route before entering the EU?**

1. None
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**27. By which route and transport?**

Route: City/ Country From: \_\_\_\_\_ Via \_\_\_\_\_ To \_\_\_\_\_

Mode of transport: \_\_\_\_\_

**28. How many were you when crossing the border into the EU?**

1. \_\_\_\_\_

**29. Have you been detained by the authorities en-route or in the EU?**

1. Yes
2. No

**30. If yes, for how long?**

1. \_\_\_\_\_

**31. Where?**

1. \_\_\_\_\_
2. \_\_\_\_\_

**32. With how many others in your group?**

1. \_\_\_\_\_

**33. Travelling circumstances:**

1. Satisfactory
2. Passport was kept by middleman
3. Unsatisfactory (please specify) \_\_\_\_\_

**34. How would you characterize your living conditions in destination country?**

1. Poor
2. Satisfactory
3. Good

**35. Were you employed?**

1. Yes, legally
2. Yes, illegally
3. No

**36. What was your monthly income?**

1. Less than \$30
2. \$30-99
3. \$100-499
4. \$500-999
5. More than \$ 1000

**37. What was source of your income?**

1. Transfers
2. Employment
3. Humanitarian/social assistance

**38. Where were you housed?**

1. With friends
2. Rented apartment
3. Camp
4. Other (please specify) \_\_\_\_\_

**39. Did you face any discrimination in the country on account of race, colour or religion?**

1. No
2. Yes, often
3. Yes, seldom

**40. If yes, please specify:**

1. \_\_\_\_\_

**41. Were you served a deportation notice from the authorities?**

1. Yes
2. No

Personal and Country of  
Origin Information

**42. Place of Birth**

Country ----- City----- Village-----

**43. Citizenship**

1. Current \_\_\_\_\_
2. Previous (if applicable) \_\_\_\_\_

**44. Nationality**

1. \_\_\_\_\_

**45. Age**

1. Under 18
2. 18-29
3. 30-35
4. 36-49
5. 50-65



6. Above 65

**46. Sex**

1. Male
2. Female

**47. Marital status**

1. single
2. married
3. divorced
4. separated
5. widowed

**48. Children**

1. Yes
2. No

**49. Accompanying family members**

1. Not applicable
2. None
3. Spouse
4. Children

**50. Education**

1. Primary
2. Secondary
3. Graduate
4. Post-graduate

**51. Languages**

1. Armenian
2. Russian
3. Other European (please specify) \_\_\_\_\_

**52. Your occupation in country of origin**

1. Student
2. Own/family Business
3. Unemployed
4. Blue collar employee
5. White collar employee
6. Farmer
7. Other (specify)

**53. Your monthly income**

1. Not applicable
2. None
3. Less than \$30
4. \$30-99
5. \$100-499
6. \$500-999

7. Above \$1000

**54. If dependent, your parent's occupation in country of origin**

1. Own Business
2. Unemployed
3. Blue collar employee
4. White collar employee
5. Farmer
6. Other (specify) \_\_\_\_\_

**55. If dependent, your parents monthly income**

1. None
2. Less than \$30
3. \$30-99
4. \$100-499
5. \$500-999
6. Above \$1000

Future plans
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**56. Intentions for future**

1. Return and work/live in Armenia
2. Legally work/live abroad in \_\_\_\_\_
3. Work/live abroad illegally in \_\_\_\_\_

**57. Would you be prepared to live in your country of origin if given financial assistance and reintegration assistance such as small business training and loans for self-employment or a job placement in a small enterprise?**

1. Yes
2. No

**58. If No, the reasons:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**59. Did you know of or expect the difficulties that you would face in migrating, before leaving?**

1. Yes
2. No

**60. Had you known, would you have still migrated?**

1. Yes
2. No

**61. If Yes, the reasons:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**62. In your opinion what needs to be done to reduce irregular migration from Armenia?**

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**Thank you for your time and cooperation!**

## Cases

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### **Case 1 (an around 50 year-old woman from Yerevan) –To Germany**

"I am unemployed so I decided to somehow go to Germany and either get a job or apply for asylum. A travel agency charged me US\$ 500 for my visa and told me I should fly to Frankfurt through Brest (Belarus). Someone was supposed to meet me at Yerevan airport but I did not see anyone till several hours later, when a woman approached me and said I should now fly to Minsk and then take a bus to Warsaw. For my Poland visa she charged me an additional US\$ 100 and besides I had to buy a new Warsaw-Frankfurt ticket.

In Frankfurt I immediately applied for asylum, as advised by some friends, but after several months of unbearably hard life in the asylum camp I was deported.

I will never go through it again, but I am now looking for a couple of years' legal employment abroad, so that I can survive here in Armenia. A few weeks ago I went to an employment agency in the centre of Yerevan, where they charged me 2,000 Armenian Drams (one US dollar is approximately 550 Drams) for putting my data into the Internet. They promised to call me in a week to inform whether any foreign employer was interested in recruiting me. Three weeks have passed and there have been no calls.

Open the newspapers or just walk along the streets, you will find tens of travel agency announcements that tell you they will arrange your Schengen visa in a few days. I have applied to some of them. They ask up to US\$ 2,200 for taking you abroad. As I said, I had paid 500 US\$ for my visa. Now the same service is US\$ 1,600. They give you a seven day visa, and once you are in the destination country, their partner there (either Armenian or a citizen of that country) takes your passport and says it will be returned only if you do not overstay and approach this person in seven days. Otherwise you won't get your passport. But it is funny, who cares for the passport if the goal is to get to that country and apply for asylum."

### **Case 2 (an around 50 year-old man from Yerevan) – To Germany via Poland**

"I "bought" a seven-day Polish visa for US\$ 120. We flew to Minsk and took a bus from there to Warsaw. In Zelenagora (Poland) I paid US\$ 200 to be driven to the forest close to the border with Germany. The Polish "guide" gathered our passports in Zelenagora and told us we would change the vehicle at the border and will enter Germany through the unguarded section of the border. No vehicle came to pick us up, we all lost our passports, and we had to walk for 8 hours through water and forests. It was November and some families had their children with them. Mothers gave sleeping tablets to their babies so that they did not cry and make noise, otherwise we would have been found. Then we saw another vehicle moving other illegal migrants and had to just force our ways into that vehicle to get to Frankfurt. We never got our passports back.

I was promised by an acquaintance that I would get a job, but it never happened and I had to spend a few months in a refugee camp.

I would never even think about doing it if I knew what I would go through. Those who have not been through it are eager to go but I will not do it again unless I know I have proper job abroad."

### **Case 3 (an around 30 year-old young man) – To Poland via the Czech Republic**

"I wanted to go to Poland to look after my mother who had moved to Poland much earlier and had some health problems. We were also thinking of moving on to Germany together. As it is almost impossible for Armenians to get Polish visas nowadays, I was promised by a travel agency that they would arrange my trip to Poland through Czech Republic. This agency charged me US\$ 850 for a two weeks tourist trip to Prague and said that in Prague there would be someone to help me cross the border with Poland.

Our group of "tourists" got their passports with Czech visas at Yerevan airport, just before the flight. There was no group leader or any representative of the agency to take care of the organizational issues throughout the trip. Although we were told that the cost covered hotel and food expenses, and that their person would meet us at the Prague airport, nothing of the kind happened. I don't know what the others did, but I'm sure most of them never returned, finding their way to West. I did not get any help promised to me for moving on to Poland but I walked across the border and entered Poland illegally myself.

You may think that US\$ 850 is really cheap for a two-week trip to Prague, but the travel agencies are doing a dirty business. They know that they cannot put together a group if the prices are US\$ 1,000 and higher. They are also sure there will be no hotel and food covered by that price. As the groups are believed to exit Armenia without an intention to return, actually the travel agency is organizing illegal crossing of the border. Those working for the agency know the group members will not complain to anyone because they are just thinking about leaving Armenia."

### **Case 4 (an around 55 year-old man) - Crossing the Ukrainian- Polish border**

"I was trying to cross the Ukrainian-Polish border in Lvov. There were two of us. We paid a Ukrainian US\$ 800 to show us the exact location of the border where we could cross it. He showed us the place and we walked about 40 kilometres through water and marsh. It worked OK, we entered Poland, but when we asked a taxi driver there to drive us to Warsaw, he refused and informed the Polish border guards about us. They say if one informs the border guards about illegal border crossings and if the police finds the illegal migrants, the informer enjoys some tax benefits for about a year.

We were caught and detained for 7 days in Poland and then deported to Lvov, where we were kept in a prison for 4 months.

We heard that it was easy to enter Germany through Poland. Many Polish drivers provide this service if they are paid US\$ 50 per passenger."

### **Case 5 (an around 45 year-old man from Yerevan) – Impressions of a Returnee**

"I went to Poland in 1993, when it was not as problematic for Armenians, as it is now. A migrant had a number of possibilities to move on to Germany from Poland. I myself bought a passport from a Pole for about US\$ 250.

After long journeys I applied for asylum in France in 1996. I had lost my Armenian passport, and I did not show any other documents. I was rejected. I will never go through asylum procedure again, even if I do not have anything in my country. I think it is humiliating. The civilized countries of the west are to blame for that. Our migration is a way of earning money for them. Asylum seekers spend a lot of money in respective countries: they pay for renting apartments that no local person would live in, they spend money for the transport to get to a number of asylum-related offices and back, etc. Very often you spend more money than you get as a social allowance. Besides, we create job opportunities for translators, those designing and developing application papers, computer operators. When the influx of immigrants gets critical, one receiving country smoothly passes the flows on to another country.

The relatives of asylum seekers here in Armenia tell exaggerated success stories about our compatriots in Europe. All you hear about it is that they get apartments and food and all kinds of services free of charge. Those who are unaware of the reality make up their minds to follow the lucky asylum applicants in Europe.

The psychology and the circle of interests of asylum seekers is another problem. All they think and talk about is ways of crossing borders, telling lies to immigration offices and stealing from shops.

It is not a problem to get to any European country now. There are so many travel agencies that do it for you - just pay the money. I don't believe these travel agencies can arrange all these trips without special contacts with respective embassies represented in Armenia."

### **Case 6 (an around 40 year-old migrant in Rotterdam) – To the Netherlands**

"I found middlemen to enable me and my family to come to the Netherlands. First we went to Ukraine and paid the middlemen for entering Poland. Border guards helped us there. Then in one day my whole family moved to Germany from Poland. At the Poland-Germany (green) border four persons were waiting for us - two of them across the Polish side and two across the German side. They all had mobile phones and field glasses and were looking all around us to make sure there were no border guards nearby. Our family crossed the river in about ten minutes and a car that was right there waiting for us drove us to the capital. We paid US\$ 700 for the journey from Ukraine to Germany and as we wanted to move on to Holland from Germany, we had to pay US\$ 400 more. You can either pay for the whole trip from the beginning, or pay for each border crossing separately.

Smugglers have established links starting from the countries that migrants want to leave up to the destination countries and they are regularly in touch with each other. In one day they can arrange the Poland-Germany border crossing for about ten families or individuals, so they make a fortune in a very short time.

Our family did not obtain any special passport or visa or other documents, it all happened through paying the border guards in Poland and the middlemen at the Polish-German border. I don't know

how others manage to come here. As a rule asylum seekers do not tell each other about how they get to the destination country and we don't even ask."

#### **Case 7 (an around 40 year-old woman in Rotterdam) - To the Netherlands**

"My husband lost his job and after that the only thing he wanted to talk about was leaving Armenia. We lived very well in Armenia and had everything including a three floor house that we have not sold. My husband decided that we should leave for Holland as he had heard it was possible to get asylum and job here.

To tell you the truth I never asked him questions about what he did to organize our coming here. He had very influential friends back in Armenia and they did all the visa-related things for me, my husband and our two teenage children. We came here through Paris. But to the asylum officers we told that we had taken a bus from Russia.

Our case is rejected but my husband does not want to hear about returning to Armenia, although I would very much like to. Now we have applied to Canada for immigrant status. They say we have good chances to be accepted."

#### **Case 8 (an around 40 year-old man in Brussels) - To Belgium**

"I learnt that there was a person in Gyumri (the second largest city in Armenia) who made arrangements for people wanting to leave Armenia. I found him and talked to him about the possibilities of taking my family of four out of Armenia. I said I wanted to go to Belgium as it was said the asylum procedure was not very strict there. It was in 1999. I had to sell my house and pay the person US\$ 4,000 for arranging our papers.

We first went to Ukraine and had to spend there about one month. It was so difficult for us and especially for our children that I even changed my mind and was thinking about returning. But I had no place to live in Armenia, I had spent all that money and that made me keep on waiting. At last there was a bus which took us to Belgium and the middleman was with us all the time. He often got instructions from the key organizers on the phone.

All our documents were made in Ukraine. That is why it took us so long."

#### **Case 9 (an around 25 year-old young woman in Brussels) - To Belgium**

"I am Azeri and lived in Masis region in Armenia. Before the Nagorno-Karabakh events there were many Azeris in our villages. A few years ago people started to come to our region asking to sell them Azeri passports or birth certificates, if there were any. I sold my brother's birth certificate to two young men, who left for Belgium pretending they were Azeris from Armenia. A few months later they called me from Belgium and said I could easily ask for asylum with my legal documents.

I was scared to go alone and their friends joined me and we were taken in a tourist group to Belgium. The very next day these men that came to Belgium with me went to the asylum office, dressed in Yezid dresses. They applied for asylum telling everybody they were Yezids from Armenia. I don't know what happened to them after that."

## Case 10 (Village Karpi, Ashtarak)

### *A Migrant Family*

"Initially we (the father and son) travelled to Germany in 1996. We arranged our visit through a tour agency, all the paperwork was done properly, nothing illegal and falsified. Upon our arrival, we were placed in a refugee camp. There we were provided with social benefits, food, clothes and some pocket money. While our application for granting us an asylum was being processed we were not allowed to work. There it was very easy to reveal those hidden workers and when caught the social allowances were terminated. Therefore, we were just waiting for the decision. Later, when it arrived, it was a rejection and we were returned home in 1998. Of course it was possible to hire a lawyer, who at certain payment could extend our stay in Germany, but the situation of illegal migrants there is not impressive. If employed, than the jobs they do usually are the low paid and physical ones.

When home, we got a message from our relatives in London, suggesting us joining them there. This time it was decided that the son would stay home and mother and father would go. Again we arranged all the papers, visas and required documents through a tour agency and arrived in Belgium. Here we were met by one of our relatives. He hosted us in his place for a couple of days, until we arranged the continuation of our journey. We departed from Belgium to London in a truck filled with paper. Have you heard the story of suffocated Chinese illegal migrants? So we were almost in identical situation but we were lucky enough to survive that trip because the truck was loaded with paper unlike the Chinese - which was loaded with boxes of tomatoes. There were 17 of us in the truck, but all different nationalities. When we arrived in London, we were placed in a refugee camp. Actually the conditions there were not too bad, simply there were too many different nationalities, cultures and we were somehow exposed to this new environment. In addition, it was difficult to adjust to that life, because our children were left back home, our son was in a military service, so it was hard to even swallow the food, we were thinking about our children wondering, how they were doing? And finally the decision on rejection arrived. Frankly, we were happy and did not consider the options of staying abroad illegally. We even felt relieved that they returned us at their expenses. And in general, there is not a better place in the world than home. Even the medical care we were provided there was amazing. I had some pain in my knee and went to see a doctor, and I was given the same medicine as another patient who was complaining of his stomach pain.

We were lucky enough that now we are back safe and sound with all our family, we will gradually repay our debts incurred, and I would like to point out that if there was some employment here for the people, they would rather stay here instead of going abroad and building the countries of other nations."

### *Neighbour*

"I have been in Hanover, and the situation was much the same. I got a job on a construction. We were building a house. The German living next door reported that there was an "illegal guestworker" among the workers and I was caught and deported. I really do not regret that. Though this trip abroad was an attempt of earning a living to provide for my family, I still think that home is the best place. If only jobs can be found here, we will never roam all over the world."



*Series of Articles*

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**REPUBLIC OF ARMENIA DAILY  
SERIES OF ARTICLES - AN EXTRACT  
MAY 2-5, 2001*****Illegal Migration*****ON UNKNOWN ISOLATED ROADS, WITHOUT SUPPORT, HOMELESS****Sassun Mamyan**

"As a result of the actions taken by the staff of the Counter-Corruption Unit under the Head Department for Organized Crime of the Ministry of Interior of the Republic of Armenia, last year Ms. G. B., resident of Yerevan, provided 25 Schengen visas and declared having obtained them from a citizen of Yugoslavia in October 2000.

She had given two of the said visas to Mr. R. H., resident of Yerevan for US \$ 400 for purpose of sale, the latter in his turn had given it to a woman, resident of Yerevan. According to the note of the Ministry of Interior, December 14, 2000, the visas were false and had been fabricated by means of a coloured copier.

We have previously mentioned that thanks to the operative-intelligence measures taken by the Counter-Corruption Unit, 21 cases of swindling and 13 cases of document falsification have been disclosed. Beyond each of these and similar facts that seem to be cases of simple swindling, interests of many other persons are disregarded. Analysis of the facts leads to an unprecedented phenomenon seasoned with various types of crimes, victims of which should not be looked for only here, around us; but among those hopelessly waiting in airports of foreign states without money, among the homeless, beggars, the deportees and others doomed to misery and sufferings.

Here is the incomplete picture of the consequences of the seemingly simple phenomenon, combat of which is one of the priorities of the Counter-Corruption Unit.

Parallel to the socio-economic hardships of the past years, the scope of illegal migration has expanded. In the outcome of study and analysis of the facts available, a number of organized criminal bands have been disclosed involved in illegal migration. Toughening of combat of this phenomenon has gradually led to a change of its methods and means. The gap left by unattended calls and refused applications has been filled by document alteration.

Here is one method: a person having been refused by an embassy for several times, applies to an intermediary dealing with illegal migration paying him certain sum for his services. The intermediary finds another person of approximately the same age, who is encountering such social hardships that is ready to sell his passport for just a peace of bread.

The Counter-Corruption Unit in cooperation with the US Embassy in Armenia discovered three organized bands dealing with illegal migration in 2000. After that the tendency of organizing illegal migration to the United States seemed to decline for a while. A month ago, however, another case of passport alteration was disclosed, about which we are not authorized to talk more for the sake of the inquest.

In February 2001, Ms. K. M., resident of Yerevan applied to another woman, resident of Yerevan for purpose of getting a US visa. The latter promised to solve the matter and demanded US\$ 3,000. Together with her husband, previously condemned by article 213 of the Criminal Code of the Republic of Armenia and his cousin residing in Ujan village of Aragatsotn Marz, she acquired a passport paying US\$ 100 from a resident of Yerevan, changed the photograph and presented the passport to the US Embassy. The fraudulence was, however, disclosed, and the application refused.

Later on, in March 2001, another similar story took a start near the Embassy. Unlike the previous story, Mr. H. K, resident of Yerevan had previously applied to the Embassy for three times and been refused a visa. In March 2001, H. K. got acquainted with a person, unidentified for now, who suggested obtaining a fraudulent passport in return for US\$ 3,000, the sum to be paid in the end. H. K. gave him two photos of himself and later got a passport with his photo and S. Sahakyan's name and a paper certifying that he worked for the Ministry of State Income and once again applied to the Embassy providing these papers.

The inquest discovered the source of the passport: S. Sahakyan, resident of Yerevan, gave his passport to his sister in March, the latter passed it to Ms. P. H. expecting to get US\$ 300 in return.

Counteraction forced the bands dealing with illegal migration to change the location of their activity, moving to other CIS states. The mode of activity changed too. Citizens of the Republic of Armenia were moved to other CIS states, mostly the Ukraine, where prior to departure to some European country provided their photos to the organizers, which then appeared in the former Soviet passports issued for entry to foreign states with names of persons of other nationalities.

Gradually, the list of countries expanded including France, Germany and Italy. By means of exchange of information between the national bureau of Interpol and relevant agencies in foreign states, counteraction was initiated in the mentioned countries as well: hundreds of persons having crossed the border with false passports were detected and returned to the Ukraine. Many of them are still there without any opportunity of returning back to Armenia or any other state. And, naturally, without compensation of the losses. The only "achievement" after this trip is more and more deepening physical and moral trauma.

The actions taken by the Counter-Corruption Unit have revealed that in May-June 2000, directors of a number of LTD's dealing with tourism collected about 217,000 US dollars from 211 persons and gave the money to a representative of Yerevan-Dnepropetrovsk charter flight. Later on part of the persons left for Italy with documents provided by the organizers, but were returned because the documents were false, and for several months were compelled to stay in Dnepropetrovsk because of no funds to be back to Yerevan.

The money collected from the persons has not been returned so far.

Analysis of the facts has revealed another method of illegal migration. In this case under the disguise of tourist agencies, making references to some state entities, organizers get into their confidence and collect round sums of money. On the day of departure, finding out that visas have disappeared from their passports, many of them put up with the idea of being the victims of swindling.

The actions taken by the Counter-Corruption Unit revealed that five citizens of the Republic of Armenia had applied to M. O., resident of Yerevan, with the request of obtaining US visas, the latter, in her turn, had applied to R. R., resident of Yerevan, who agreed to undertake the deal demanding US\$ 5,500-7,000 from each person.

Getting the consent of the persons M. O. took their passports and handed them over to R. R, who, after having fabricated false visas in the passports, showed them to the owners and got US\$ 31,000 from them. She promised to deliver the passports to the owners on February 21, 2001, in MFA building. However, she did not turn out at the arranged meeting. Later the passports were discovered without US entry visas in them and were returned to their owners.

Today, hardly anyone will take up responsibility to say how much financial losses persons seeking better living conditions abroad have suffered as a result of such and similar crimes. This question may be answered partially, only based on the disclosed cases, which do not give the actual picture of the whole reality. The situation will remain the same as long as citizens believe and trust the unreal promises of criminal elements with naïve expectation of getting back their lost money, which according to some calculations exceeds the limit of US\$ 100 million.

Among the disclosed cases there are many instances of illegal migration organized by or on behalf of tour agencies. Because of hard socio-economic conditions in the country very often persons refused by embassies try to take any chance of leaving for permanent residence, sometimes under the disguise of a tourist. The ratio of the tourists having left the country and those having returned over the past ten years will definitely provide basis for serious conclusions on this account. It is not accidental that part of the dealings is hidden in this very sphere. As long as there are no legislative structures for controlling these organizations, and as long as there is the tendency of leaving the country because of socio-economic hardships, it is too early to speak about uprooting these illegal events and actions in the country. However, the assessment of the overall situation should give reasons for serious conclusions. As long as people cherish hope for even relative improvement of their living standards overseas they will not stay out of the view-span of criminal elements with their new ways and methods of going against the law. In that, this tendency is observed in case of both organizers, and citizens who are ready to sell their houses and do anything possible in order to leave for abroad.

As to the organizers, given the imperfect legal basis, various tour agencies, loyal to the “sacred” rules of business have been and are still being established, along with individuals trying to get advantage of the situation, whose mission is closely tied to assisting the process of illegal emigration by means of document falsification and swindling. There are several ways of doing it. Here is one of them- money is taken, documents are prepared and only on Turkey-Greece, Poland-Germany, to other borders it comes out that our citizens are not simple tourists, but violators of borders under the disguise of tourists. This process has an organized nature, and a two-front counteraction is required on behalf of relevant entities both within the country and overseas.

The investigations of Counter-Corruption Unit under the Head Department for Organized Crime of the Ministry of Interior have revealed that in May-August 2000, R. Petrosyan and H. Papazyan, residents of Yerevan, recruited 119 Republic of Armenia citizens for purpose of taking them to France and collected about US\$ 150 thousand from them and accompanied the group to France with false foreign passports of Russian Federation citizens. On the border point of Marseilles the document falsifications were disclosed and the group was refused entry to France.

After being back to Yerevan, the members of the mentioned group got back only US\$ 40 thousand.

It is not occasional that this phenomenon is wide spread particularly in the countries with “weaker” visa and entry regimes. There, in collaboration with local criminal elements, the second part of the “deal” is realized.

Illegal border-crossing attempts have been recorded in Bulgaria: the entry visas in passports were false and people were deported. With the help of the Armenian Embassy they were issued temporary documents to be able to return home.

The operative measures taken by the Counter-Corruption Unit have revealed that A. Egiazaryan and M. Mirakyan, residents of Yerevan, demanded and collected US\$ 1,500 from a number of persons in order to organize entry permits for them to Schengen countries and to take them to these countries.

On the days of flights the persons were given Yerevan-Lvov air tickets and left for Lvov. From there during the flights to Italy and Hungary in the air-crafts S. Egiazaryan and M. Mirakyan distributed Russian Federation passports with photos of passengers, but with different (false) names, instructing them not to show their Armenian passports while crossing the Italian or Hungarian borders.

While attempting to cross the border they were discovered by the Hungarian border police. They were kept in jail for about 15 days, and then were deported from the country.

It is hard to say whether there is a sphere that is currently not infected with this ‘virus’. It appears that the wave of illegal migration does not bypass even the cultural groups and bands leaving overseas, who, actually, present our country abroad not only with their cultural events and performances. Is there a bigger shame disqualifying the authority of the country than the fact that appearance of a cultural group is prohibited because of a false dancer in the group.

Practice shows that there is something even more shameful, but this is another subject of discussion. On September 1999 the director of “Tatev” dance group having received invitation to the USA for performances falsified L. K’s documents, resident of Yerevan, born in 1978, and registered her as one of the dancers of the group, coming to mutual agreement that he gets US\$ 5,000 in case of successful outcome. Later in the Embassy it came out that L.K. was not the only one in group with false documents: other falsifications were disclosed as well and the whole group was refused.

The investigations of the Counter-Corruption Unit have revealed that G. Vardanyan and A. Hakopyan a couple residing in Yerevan, demanded US\$ 5,000 from L. K., the above mentioned “dancer”, for organizing her US visa and ensuring her departure, US\$ 1,000 out of which was paid

as advance payment. The couple bought V. M.'s passport, resident of Yerevan, with a US entry visa in it, changed the photo and sent L. K. to the USA.

In March 2000 the falsification was disclosed by US Immigration Service and L. K. was deported from the USA.

Cases brought in this and previous publications evidence the organized nature of this phenomenon, as well as common interests and the need for stricter struggle against it. Where from and in what circumstances false visas are obtained, are there real subjective bases for the promises of finding useful relations in various related entities, where from and how falsified passports of Russian Federation citizens appear in Russia, and finally why are the victims of swindling and illegal actions silent?

As long as the social bases of the phenomenon is in place the problem will not be confined to unexpected adventures of certain tourists. The stronger the counteraction is the newer and more elaborate manifestations will turn out. As long as there are people wishing to leave the country at any rate, there will be others ready to "help them" hiding themselves in the shadow of law and legality.

The analyses of the Counter-Corruption Unit under the Head Department for Organized Crime have shown that the "black market" price for going to the US is US\$ 5-7 thousands, and US\$ 1,200-1,700 to a Schengen country. Thus, a four-member family pays US\$ 20-30 thousand to these criminal elements.

It is well known that the major cause of leaving the country is the socio-economic situation in the country, and the desire of more or less stable living standards in foreign countries. Here is upon what our conclusions and the programme of economic reforms should rest. If every single citizen of our country is given the opportunity to earn his living, it will be more patriotism than pompous speeches about it...".

*Acronyms and Abbreviations*

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<b>ASA</b>	Armenian Sociological Association
<b>CIS</b>	Commonwealth of Independent States
<b>DM</b>	Deutschmark
<b>DMR</b>	Department for Migration and Refugees
<b>EU</b>	European Union
<b>IGC</b>	Inter-governmental Consultations
<b>IOM</b>	International Organization for Migration
<b>NGO</b>	Non-Governmental Organization
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>OVIR</b>	Passport and Visa Department
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children Fund
<b>USA</b>	United States of America
<b>USSR</b>	Union of the Soviet Socialist Republics

## Glossary

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<b>Asylum</b>	Protection granted by a State to an alien on its own territory.
<b>Border control</b>	A State's regulation of the entry of persons onto its territory, as an exercise of its sovereignty.
<b>Border guard officials</b>	A generic term to describe those officials whose primary task is to guard the border and enforce the immigration laws of the State.
<b>Bona fide (Latin)</b>	Made in good faith; without fraud; genuine.
<b>Criminal Code</b>	The branch of law relating to the punishment of crimes. The State brings before the court persons charged with violations of criminal statutes, usually seeking either imprisonment or fine.
<b>Deportation</b>	The act of a State in the exercise of its sovereignty in removing an alien from its territory after refusal of admission or termination of permission to remain.
<b>Fraudulent documents</b>	Passports, visas or other travel or identity documents which are either: altered, falsified or counterfeited, or legitimate documents obtained by using fraud, such as pretending to be someone else.
<b>Green border</b>	Term used to describe a State's border between checkpoints.
<b>Irregular migrant</b>	An alien who enters a country at the wrong time or place, eludes an examination by officials, obtains entry by fraud, or enters into a sham marriage to evade immigration laws. This would include among others, one: who has no legal documentation to enter a country but manages to enter clandestinely who enters using fraudulent documentation who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.
<b>Mala fide (Latin)</b>	In bad faith; with intent to deceive or defraud.
<b>Migrant</b>	The United Nations definition of migrant is an individual who has resided in a foreign country for more than one year. However the common usage includes certain kinds of shorter-term migrants.

<b>Migration</b>	The movement of persons, usually between States. Migration can take many forms: immigration vs. emigration, permanent vs. temporary, voluntary vs. forced, etc.
<b>Overstay</b>	To remain in a country beyond the period for which entry was granted.
<b>Passport</b>	A government document identifying a person as a national of the issuing state, which is evidence of the holder's right to return to that State.
<b>Returnee/Returning migrant</b>	Persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year.
<b>Schengen visa</b>	A visa that is issued by the European Union member states currently party to the Schengen Agreement (these are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxemburg, the Netherlands, Portugal, Spain, Sweden, and the non-EU member state Norway).
<b>Smuggling of migrants</b>	<p>The facilitation of illegal border crossing, often (but not necessarily) for financial gain.</p> <p>The UN protocol on Smuggling of migrants in relation to the UN Convention against Transnational Organized Crime (2000) defines Smuggling of migrants as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident. "Illegal entry" is defined in the protocol as crossing borders without complying with the necessary requirements for legal entry into the receiving State. "Fraudulent travel or identity document" means any travel or identity document, that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State, or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner, or that is being used by a person other than the rightful holder.</p>
<b>Trafficking in persons</b>	The UN defines Trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual



exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

**Transit passengers**

Persons who arrive in the State from another country while in transit to another (third country) destination.

**Visa**

An endorsement by a consular officer in a passport or certificate of identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of aliens who can be admitted under the State's laws.

**Voluntary return**

The return of a person to her/his country of origin on a voluntary basis. This term is commonly used to refer to the stage prior to deportation of an alien.

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