



International Organization
for Migration



European Union



A NEEDS ASSESSMENT OF SPECIAL ACCOMMODATION CENTRES FOR FOREIGNERS IN THE REPUBLIC OF ARMENIA



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Migration



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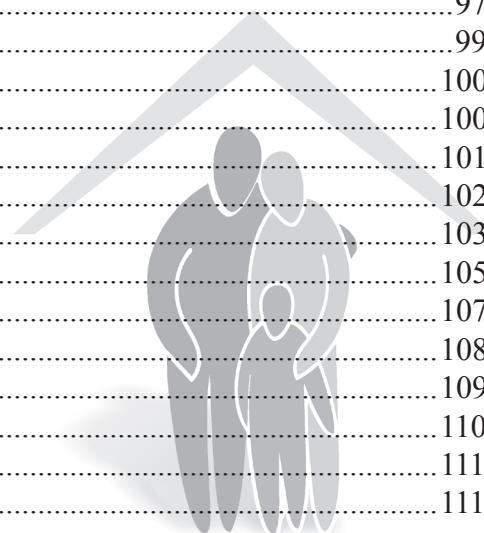


CONTENTS

EXECUTIVE SUMMARY	8
1.BACKGROUND	10
1.1 Assessment objectives	10
1.2 Scope and Methodology	10
1.3 Geographic, Economic and Political Considerations	12
2.PRINCIPLES GOVERNING THE DETENTION OF MIGRANTS	14
2.1 Main Mechanisms of Non-Custodial Measures	16
3.POLICY and LEGISLATION.....	18
3.1 Policy Framework in Armenia	18
3.2 Armenian Administrative Set Up for Migration Management.....	19
3.3 Legislative Assessment	21
3.4 Asylum	27
3.5 Detention and Alternatives to Detention	28
3.6 Expulsion and Exit	31
4. MANAGEMENT OF RECEPTION FACILITIES FOR FOREIGNERS IN THE REPUBLIC OF ARMENIA	33
4.1 Prison Population - Foreigners	33
4.2 The Detention Process.....	34
4.3 Prisoner Exchange and Removal	34
4.4 Prison Monitoring	34
4.5 Reception Facilities for Asylum Seekers	35
4.6 Detention Management - Evaluation	36
5. DETENTION IN THE OPERATIONAL CONTEXT	38
Borders.....	38
5.1 Bagratashen Border Crossing Point	38
5.2 Zvartnots International Airport, Yerevan	39
5.3 Bagratashen BCP Redevelopment.....	41
5.4 Detention at Bagratashen – Evaluation	41
5.5 Configuration of a Special Accommodation Centre at Bagratashen BCP.....	43
5.6 Configuration Detail.....	44
5.7 Zvartnots Airport Special Accommodation Centre	46
5.8 Detention at Zvartnots Airport – Evaluation	47
6. INTERNAL DETENTION	49
6.1 Enforcement and Detention.....	49
6.2 Enforcement – the Current Situation.....	50
6.3 The Need for a Central Special Accommodation Centre	51
7. ESTABLISHING A CENTRAL SPECIAL ACCOMMODATION CENTRE	53
7.1 Design Principles	53
7.2 Location and Configuration of a Central Special Accommodation Centre.....	54
7.3 Configuration and Design Detail.....	55
7.4 The Administration and Reception Unit.....	55
7.5 The Medical Centre	56
7.6 The Visitor Centre	57
7.7 Residential Units - Male.....	58
7.8 Residential Unit – Female and Family.....	60
7.9 Residential Unit – Induction and Segregation	61



7.10 The Community Facility	62
7.11 The Plant Room.....	63
7.12 Secure Equipment Store.....	63
7.13 The Outdoor Communal Area	63
7.14 Management and Staff Structure.....	64
8. CARE OF OCCUPANTS	66
8.1 Training	66
8.2 Staff-Occupant Relationships.....	66
8.3 Immigration Casework.....	67
8.4 Intimidation	67
8.5 Suicide and Self-Harm	68
8.6 Child Care and Child Protection	68
8.7 Faith and Diversity	68
8.8 Personal Property	69
8.9 Clothing, Bedding and Hygiene.....	69
8.10 Activities	70
8.11 Use of Force and Segregation	71
8.12 Catering.....	72
8.13 Welfare	72
8.14 Monitoring.....	72
9. SUMMARY AND CONCLUSIONS.....	73
ANNEX A.....	75
LIST OF RECOMMENDATIONS	75
ANNEX B.....	76
TERMS OF REFERENCES AND AGENDA FOR MEETINGS AND FIELD ACTIVITY OF THE SPECIAL ACCOMMODATION NEEDS ASSESSMENT TEAM.....	76
ANNEX C.....	84
PROCEDURES FOR OBTAINING A VISA FOR THE REPUBLIC OF ARMENIA	84
ANNEX D.....	85
INTRODUCTION	87
1.ACCOMMODATION.....	88
2. ADMISSIONS AND DISCHARGE	90
3. ARRANGEMENTS FOR PURCHASING GOODS.....	94
4. CASE MONITORING AND PROGRESS	95
5. CATERING.....	97
6. CLOTHES.....	99
7. COMMUNICATIONS.....	100
Correspondence.....	100
Phone calls	101
Email and the Internet	102
Visits (social, legal and official).....	103
8. COMPLAINTS.....	105
9. DISABLED OCCUPANTS	107
10. FAMILIES WITH CHILDREN.....	108
11. FEMALE OCCUPANTS	109
12. HANDLING A DEATH IN DETENTION	110
13. HEALTHCARE	111
Communication with Occupants	111



Medical Staff – Qualifications and Training	111
Access to Healthcare within the Centre	112
Health Care.....	113
Access to Specialized Healthcare Services and Secondary Care.....	113
Suicide, Self-Harm and Torture.....	114
Clinical Records	114
Pharmacy	114
14. HYGIENE.....	116
15. INTERPRETERS and TRANSLATION	117
16. PERSONNEL TRAINING	118
17. PREVENTION OF RACIAL DISCRIMINATION.....	120
18. RECREATIONAL and EDUCATIONAL ACTIVITIES.....	121
Education - Adults.....	121
Library - Adults	121
Physical Education - Adults	122
Recreation - Adults.....	122
Education, physical education and play facilities – Families and Children.....	123
19. RELIGION.....	124
20. SAFETY IN THE CENTRE	125
Intimidation	125
Suicide and Self-Harm	126
21. SECURITY	127
Management, Intelligence and Procedures.....	127
Accounting and Control	128
Escorts	130
Keys and Locks	131
Maintenance Tools and Equipment	132
Searching.....	133
22. SEGREGATION	135
23. USE OF FORCE	136



ABBREVIATIONS

BCP	Border Crossing Point
BMIS	Border Management Information System
CCTV	Closed Circuit Television
CIS	Commonwealth of Independent States
CSO	Community Safety Officer
CSTO	Collective Security Treaty Organization
DCIMIC	Division for Combating Illegal Migration and for International Collaboration
EaP	Eastern Partnership Initiative
ENP	European Neighbourhood Policy
EU	European Union
GDP	Gross Domestic Product
IOM	International Organization for Migration
IT	Information Technology
MIS	Management Information Systems
MOJ	Ministry of Justice
NBIBM	Enhancement of Border Management Capabilities at the Ninotsminda-Bavra Border Crossing Point between Georgia and Armenia (Project)
NGO	Non-Government Organisation
NSS	National State Security
OIC	Officer-in-Command
OSCE	Organization for Security and Co-operation in Europe
PVD	Passport and Visa Division (of the Police)
SAC	Special Accommodation Centre
SCIBM	South Caucasus Integrated Border Management (Project)
SMS	State Migration Service
SOP	Standard Operating Procedures
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees



EXECUTIVE SUMMARY

Assessment Background

The assessment forms the latest element in a range of activities in an IOM administered project, funded by the EU, to support effective readmission management in Armenia, Azerbaijan and Georgia. The assessment explores the need for special accommodation centres¹ in Armenia as an element in the development of integrated border management. There are currently two accommodation centres in Armenia, located at Bagratshen border crossing point and Zvartnots International airport. Administrative detention of migrants is currently rare, largely due to those refused entry at borders being swiftly removed, coupled with the absence of internal enforcement activity. This is exacerbated by a lack of effective migrant tracking and management information systems, which is hindering a proper assessment of the extent of illegal entry, unauthorised employment and overstaying. The perception in the migration structure of Armenia as a source country for migrants rather than a destination has led to a degree of complacency which has, to an extent, slowed the introduction of internationally compliant immigration controls.

Policy and Legislation

With the increasing European integration under the framework of European Neighbourhood Policy (ENP) and Eastern Partnership initiatives (EaP), new migration priorities were identified, based on changes in irregular migration patterns. The Concept of State Regulation of Migration in the Armenia (referred to as Concept) approved by the government in December 2010, identifies priority issues and mechanisms for achieving progress in migration management. This Concept is supplemented with an Action Plan, whereby regulation of irregular migration is one of the priority issues including also provisions on detention of foreigners.

The rules and the order of the activities of the special centers on the territory of Armenia for keeping the arrested foreigners in the cases defined by the Law on Foreigners are defined by the Government Decree # 872-N of 10 July, 2008. Such shelter functions as the structure of the Police. Nevertheless, it is important to mention that only two such centres have been established at border crossing points (BCPs) while there is still no central migrant accommodation centre. The recent government decree number 783-N of 18 July 2013 regulates the detention of foreigners in the special shelters at the border crossing points and at the transit zones. These shelters belong to the National Security Service. The decree 783-N regulates besides the procedures for accommodating foreigners in special facilities at BCPs, also provisions on material and medical aid, maximum detention period as well as stipulates the cases when release from detention needs to be carried out.

Detention Management

Initial detention of irregular migrants of up to 72 hours is the responsibility of the National Security Service at borders and the police internally. Beyond 72 hours, foreigners arrested for criminal offences would normally be moved, at the direction of the courts, to remand facilities in the penitentiary system, which is administered by the Ministry of Justice. However, administrative detention of migrants in prisons is very rare, if not non-existent. The Government has, through decrees, acknowledged the need for a central Special Accommodation Centre for foreigners and individual accommodation units at BCPs. It is envisaged that any irregular migrants detained at borders will be accommodated for no more than 72 hours in the existing and proposed border

¹Special Accommodation Centres (SAC) are reception facilities for apprehended migrants.



crossing point SACs. Legal responsibility for the management of border SACs has been designated to NSS and for the proposed central facility, to the police.

Detention in the Operational Context

Bagratashen BCP has no accommodation center. No instances of accommodation of migrants beyond 24 hours were reported and generally, they were either returned across the border, moved to Yerevan NSS Headquarters, or released to report to NSS later. However, plans are being prepared to build SACs at three BCPs on the border with Georgia², reflecting the existing facility at Zvartnots airport, which is compliant with international standards. As part of the development of integrated border management, better migrant accommodation facilities will provide the opportunity to investigate immigration abuse more thoroughly, particularly as the main threat to entry controls is seen as travellers with fraudulent or forged documents. Although in-country enforcement activity is virtually non-existent at the moment, a new central SAC could provide facilities to support the tracing and apprehension of immigration offenders as a more proactive policy evolves.

Establishing a Central Migrant Accommodation Centre

The current absence of central migrant accommodation provides the opportunity to design a purpose built closed centre for irregular migrants that will fully meet international standards in terms of space, services and facilities, combined with a care regime that protects the rights of migrants and acknowledges their status as non-criminal administrative detainees. Recommendations for design are an amalgam of ideas taken from existing facilities world-wide and from the personal experience of the assessment team. Whilst suggestions on what services and facilities should be provided are fully compliant with international practice, it is accepted that the level of provision will be dictated by the average time of detention and the demand for detention space. The suggested layout of the facility model is provided as an aid to designers and not intended to be a definitive blueprint.



²Bavra, Gogavan, Bagratashen.

1. BACKGROUND

1.1 Assessment objectives

This assessment forms part of the EU funded regional project “Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan and Georgia”. It is commissioned for the Government of the Republic of Armenia, administered by the International Organization for Migration and funded by the European Union.

The primary objective of the migrant accommodation needs assessment element of the project is to review existing procedures for the accommodation and detention of irregular migrants in Armenia, with regard to current and projected requirements, to identify gaps in capability and provide advice and recommendations for the improvement and provision of facilities. The secondary objective is the preparation of comprehensive standard operating procedures for special accommodation centres (SAC).

1.2 Scope and Methodology

In broad terms, the assessment focuses on:

- Irregular migration patterns and the issues arising from them, to determine present and projected detention requirements
- The administration of migration in Armenia with particular reference to how detention of foreigners and irregular migrants is currently managed, both at border crossing points (BCP) and as a result of internal enforcement activity
- Policy and legislation governing all aspects of detention, to include the current situation and any pending initiatives in the policy and legislative fields that are relevant to it, both directly and indirectly
- The capacity, scope, operation and management of special accommodation centres, both existing and proposed
- Operational procedures governing the day to day functioning of facilities, balancing the security need for detention with the safety, wellbeing and human rights of persons accommodated
- Management information systems (MIS) currently used to monitor irregular migration and future requirements to inform detention planning and provision of internationally compliant accommodation

The study commenced with open source research, which included a review of legislation, policy documents, reports and studies provided by the IOM Mission in Yerevan, together with websites related to migration and asylum in Armenia. This was followed up by a 5 day in-country programme, between 16 and 20 September, 2013, of meetings with government departments with responsibilities in the migration structure and non-government organisations operating within it (annex A).

Without duplicating activities, the assessment seeks to build on previous and current migration projects implemented by IOM in Armenia in partnership with, amongst others, the Armenian Government, the Swedish Migration Board, the Italian Government and the EU, including:

- “Informed Migration – An Integrated Approach to Promoting Legal Migration through National Capacity building and Inter-regional Dialogue between the South Caucasus and the EU”
- “Strengthening Evidence-Based Management of Labour Migration in Armenia”
- “Stemming Illegal Migration in Armenia and Georgia and Enhancing Positive Effects from Legal Migration”



• “Technical Assistance to the Armenian Government to Initiate Labour Migration Arrangements”
In addition to Armenian legislation, the assessment draws in particular on the IOM reports produced under the above programmes:

- “Review of Migration Management in the Republic of Armenia”³
- “Progress Review of Migration Management in the Republic of Armenia”⁴
- “Enhancing Data Collection, processing and sharing in the Republic of Armenia”⁵
- “Labour Migration in Armenia: Existing Trends and Policy Options”⁶
- “Analysis of Armenian Migration Legislation and Practice as Compared to EU Standards”⁷

The in-country visit involved interviews in Yerevan with representatives from the State Migration Service, the Ministry of Justice, the UN Development Programme (UNDP), the Police of the Republic of Armenia, the Ministry of Foreign Affairs (MFA), the European Commission Delegation to Armenia, The Chamber of Advocates, the Office of the Prosecutor General, the National Security Service (NSS), the United Nations High Commissioner for Refugees (UNHCR), the Ministry of Health, the Organization for Security and Co-operation in Europe (OSCE) and the Helsinki Committee of Armenia. Additionally, field visits were made to Bagratashen BCP, Zvartnots International Airport, and Abovian prison (for females and minors).

Special accommodation centre at BCPs in Armenia currently exists in Zvartnots Airport. There is no central facility and it emerged from research, interviews and site visits that detention of irregular migrants, at least beyond a few hours, is rare. There are various reasons for this, but foremost amongst them is the position of Armenia as a source country for migrants, rather than a destination, which engenders the perception that irregular migrants tend to be transient, usually on route to the Gulf or the West where there are better economic prospects. On a superficial level, official statistics support the contention that there is greater economic incentive for migrants to leave Armenia than to enter it, either regular or irregular. The table below shows figures published by the National Statistical Service of Armenia (Armstat)⁸:

YEAR	EMIGRANTS	IMMIGRANTS
2007	7500	1100
2008	6700	900
2009	4800	900
2010	3300	900
2011	2600	1300

Coupled with this is an unemployment rate of 27.5%⁹ which, if taken in isolation, would seem to explain the reason for negative migration and justify, at least in part, the unusually light-touch

³ Pier Rossi-Longhi, Therèse Lindström, Kristina Galstyan - March 2008 – funded by the Swedish Migration Board.

⁴ Kristina Galstyan, Pier Rossi-Longhi, Franz Prutsch – 2011 – funded by the EU and IOM Development Fund.

⁵ Marina Manke, Thomas Mortensen – December 2010 – funded by the Italian Government.

⁶ Alexandre Devillard – 2012 – funded by the IOM Development Fund.

⁷ Mária Temesvári, Christina Vasala Kokkinaki, conducted within the framework of the Project “Strengthening Evidence-Based Management of Labour Migration in Armenia” funded by the European Union and the IOM Development Fund.

⁸ Statistical Yearbook of Armenia – 2012.

⁹ NSS, Actual Unemployment Rate in Armenia Household Survey Analysis - 2010.



approach to migration management adopted by the Armenian authorities. However, this reasoning is too simplistic; such a laissez-faire policy has led to the development of reactive rather than proactive immigration control. This is demonstrated by the willingness of the authorities to fine overstayers when they leave the Country, rather than trying to identify potential problems on arrival or conducting in-country enforcement activity, which would deter illegal employment and other associated offending. Also, the lack of a coherent work permit system means that little reliance can be placed on the official migrant registration figures and even the approximate scale of irregular migration is therefore unknown. The confusion over official residence figures is compounded by disparities between those recorded in the statistical yearbook and numbers taken from the Police Registers on Permits (15 February 2012), which show a total of 6314 temporary and permanent residence permits were issued between 1 June 2010 and 31 December 2011. Of these, the top three positions are held by Iran, Russia and India respectively. All three relate predominantly to temporary permits for education¹⁰.

The challenges facing migration management in Armenia have been highlighted in all five of the reports listed as source material above, in particular in the “Review of Migration Management in the Republic of Armenia” and the follow up report “Progress Review of Migration Management in the Republic of Armenia”. Many recommendations were made to align the system more closely with international practice and increase capability to manage the migration structure, amongst them the establishment of special accommodation centres at all BCPs and centrally, in Yerevan. Whilst the current management structure, operational ethos, policy and legislation would suggest that migrant accommodation is not a real issue, when the recommendations in the reports are fully enacted and Armenian migration management is more compliant with international standards, detention policy and migrant accommodation will need to be an integral part. The methodology employed in this assessment therefore looks to the future rather than concentrating on existing needs, by anticipating what affect other strengthening measures are likely to have.

1.3 Geographic, Economic and Political Considerations

The geopolitical and economic situation of Armenia has been comprehensively covered in the “Review of Migration Management in the Republic of Armenia” report, so this section is intended as a brief synopsis for ease of reference, with updated statistics where applicable. It may also help to give further insight on factors affecting migration trends which will reflect, if only obliquely, on possible migrant accommodation needs.

The Republic of Armenia gained independence from the Soviet Union in 1991. It is a small landlocked country of 29,800 square Kilometres with limited natural resources and currently relies solely on Georgia and Iran for land access to the outside world. Population is in the region of 3,274,300¹¹, with a per capita gross domestic product (GDP) of \$5900. After a period of steady economic growth, GDP suffered a spectacular drop of 14% in 2009, but has since returned to growth, recording rises of 2.2%, 4.7% and 7.2% for 2010, 2011 and 2012 respectively. Sectors contributing to GDP are split between agriculture (21.1%), Industry (37.7%) and services (41.2%)¹²

¹⁰IOM Report – Labour Migration in Armenia: Existing Trends & Policy Options - 2012.

¹¹Armstat – National Statistical Yearbook 2012.

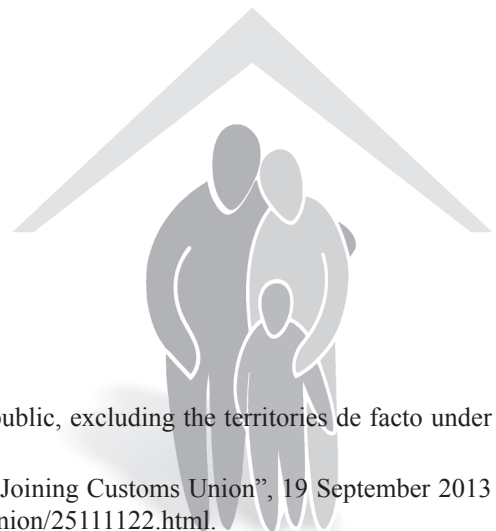
¹²CIA World Fact Book.



Armenia is bordered by Georgia in the North, Iran to the South, Turkey to the West and Azerbaijan in the East. Total border length is 1,728 Kilometres, broken down as 265, 45, 328 and 1090 Kilometres respectively¹³. Despite maintaining good relations with almost every other country in the world, long-running disputes with Turkey and Azerbaijan have led to the closure of these borders since the 1990s. The entire length of the Armenian/Turkish border is fenced and there are no functioning BCPs. It is patrolled by Russian border guards, as is the Armenian/Iran border, which reflects the fact that both once formed part of the external border of the former Soviet Union. The Armenian/Iranian border, stretching for 45 kilometres, is also fenced, with one BCP operating at Meghri/Karchevan where cross border relations are described as excellent. The Armenian/Azerbaijan border is patrolled by the Armenian military, as opposed to the National Security Service and there are no BCPs in operation. On the land border with Georgia there are 4 main crossing points at Bagratashen, Bavra, Gogavan and Ayrum railway station. BCPs also operate at Yerevan Zvartnots International, Yerevan Erebuni, Giumri, Stepanavan and Gavar airports.

Armenia is a partner country of the Eastern Partnership geared at bringing the countries closer to the EU and increase political, economic and cultural links with it. The Government of Armenia also declared the intention to join the Customs Union of Belarus, Kazakhstan and Russia and eventually become a member of the proposed Eurasian Union¹⁴.

Whilst high unemployment might have had a negative effect on Armenia's attraction as a destination for economic migrants, the growing economic recovery in the face of a world recession is likely to eventually provide incentives for inward migration. Closer economic ties with the EU or membership of the Eurasian Union are also likely to boost GDP and resolution of disputes with some of the neighbouring countries, however unlikely this seems at the moment, could significantly change the dynamics of migrant patterns and as a consequence, migration management, in Armenia.



¹³The figures reflect the borders of the Armenian Soviet Socialist Republic, excluding the territories de facto under Armenian control now.

¹⁴Radio Free Europe, "Armenian Government Adopts Road Map For Joining Customs Union", 19 September 2013 available at <http://www.rferl.org/content/armenia-road-map-customs-union/25111122.html>.

2. PRINCIPLES GOVERNING THE DETENTION OF MIGRANTS

Before examining how the detention of migrants is currently organised and managed from an operational perspective, it is pertinent to highlight the general international principles governing the detention of migrants.

As the number of both regular and irregular migrants worldwide is growing¹⁵, countries are constantly seeking methods of regulating and managing migration. Immigration detention is increasingly used by states in order to control irregular migration and ensure effective return of irregular migrants¹⁶, evidence of which can be, amongst other factors, seen by the growing detention capacity¹⁷ in individual countries.

When dealing with policy issues on detention of irregular migrants, there have been standards developed by different international bodies, including some with binding force that guarantee the protection of human rights of the detainees. Among these binding standards are the International Covenant on Civil and Political Rights, Convention on the Rights of the Child and the European Convention on Human Rights, to all of which Armenia is a Party.

It is important to note that detention that takes place prior to expulsion is considered as deprivation of liberty, whereas non-custodial measures such as residence restrictions, regular reporting or electronic monitoring are pure restriction of movement.

IOM defines the detention of migrants, both in cases of administrative and criminal detention as “the restriction of freedom of movement through confinement that is ordered by an administrative or judicial authority”¹⁸.

The basic principles that need to be fulfilled when detaining migrants include:

- **Legality and legitimate grounds for detention**

This means that the grounds for any deprivation of liberty must be set forth clearly in the law in an exhaustive manner. Furthermore, the legality of detention must be verified against international law, especially against the binding instruments mentioned above.

- **Necessity and proportionality**

Prior to detention, a weighing mechanism must ensure that the detention is necessary and proportional in regard to the individual circumstances of a case. The UN Working Group on Arbitrary Detention¹⁹ stated that the detention of asylum seekers, refugees and irregular migrants

¹⁵According to UNDESA the number of migrants worldwide grew from 154 million in 1990 to 232 million in 2013.

¹⁶ International Detention Coalition (IDC) carried out regional and national consultations with its members and stakeholders in 2011-2012 which support this fact.

¹⁷Detention capacity means the number of people that can be detained at any time within the national detention facilities.

¹⁸IOM, Glossary on Migration, International Migration Law Series No 25, second edition, 2011, p. 27.

¹⁹ The Working Group on Arbitrary Detention was established by resolution 1991/42 of the former UN Commission on Human Rights and has mandate to (a) investigate cases of deprivation of liberty imposed arbitrarily; (b) To seek and receive information from Governments and intergovernmental and non-governmental organizations, and receive information from the individuals concerned; (c) To act on information submitted to its attention; (d) To conduct field missions upon the invitation of Government; (e) To formulate deliberations on issues of a general; (f) To present an



shall be a measure of last resort, which shall be evaluated in each single case²⁰. Furthermore, according to the Working Group on Arbitrary Detention “criminalizing illegal entry into a country exceeds the legitimate interest of States to control and regulate illegal migration and leads to unnecessary detention”²¹.

- **Procedural safeguards**

Each individual detention decision needs to be ordered and approved by a judge, with a regular judicial review. Furthermore, there should be the opportunity to challenge the detention decision before a court and have access to a lawyer. These guarantees shall also enable that, in case of unlawfulness of detention, a person is released from detention and also compensated for this damage²².

The rights of detained persons include the right to be informed, in a language they understand, of the reason for detention and the right to communicate with the outside world (with family members, NGOs, lawyers) by telephone or mail²³. In case of communication difficulties, the detainee shall be provided with interpreter. Furthermore, it is of utmost importance that the detainee has access to medical doctor²⁴.

Detention facilities must keep a register²⁵ of people detained (recording the person’s identity, the grounds for custody, the competent authority which ordered custody and the time and date of admission and release).

Furthermore, the maximum period of detention shall be established by law and there shall be no cases of unlimited detention. After the stipulated period of detention expires, the detainee shall be released²⁶. While in detention, a regular review mechanism shall take place in order to ensure that detention is still necessary.

Detainees shall be treated with humanity and respect for dignity²⁷. What is important is that states remain responsible for providing this treatment to detainees, even in cases when these centres are managed by private companies²⁸. Furthermore, the migration accommodation centres/detention centres shall not resemble prison-type facilities and the staff working there should be sensitised and trained on human rights, cultural differences and other considerations such as treatment of elderly. The detention facilities shall be regularly monitored by ombudspersons or other national human rights institutions in order to highlight to the authorities and public any incongruence.

annual report to the Human Rights Council.

²⁰Opinions adopted by the Working Group on Arbitrary Detention, 2 March 2010, U.N. Doc. A/HRC/13/30/Add.1.

²¹Working Group on Arbitrary Detention, Annual Report 10 January 2008, U.N.Doc A/HRC/7/4, para.53.

²²Human Rights Committee, U.N.Doc. CCPR/C/78/D/1014/2001 (2003).

²³Report of the Special Rapporteur on Human Rights of Migrants, 4 August 2010, para 87 (e).

²⁴According to the European Committee for the Prevention of Torture and inhuman and Degrading Treatment (CPT), a minimum requirement for the detention facilities is to have a person with recognized nursing qualifications present on daily basis, which shall perform initial medical screening, receive requests to see a doctor, ensure the provision and distribution of prescribed medicines, keep the medical documentation and supervise the general conditions of hygiene.

²⁵Deliberation No 5, Annex II, Annual Report of the Working Group on Arbitrary Detention, 28 December 1999, UN Doc. E/CN.4/2000/4.

²⁶Working Group on Arbitrary Detention, Annual report, 15 January 2010, para 61.

²⁷Article 10 ICCPR.

²⁸UN. Doc CCPR/C/78/D/1020/2001 (2003).



Certain categories of foreigners shall not be placed in the detention centres such as unaccompanied or separated children²⁹, women who are suffering from abuse and pregnant or nursing women³⁰.

At EU level, detention of migrants is regulated within the *Return Directive*³¹ which establishes common standards among member states for the return of citizens of third countries with irregular immigration status, removal, use of coercive measures, detention and entry bans. The Directive states that detention shall only last no longer than is strictly necessary in order to prepare the return or carry out the removal process and must not, in any case, last longer than eighteen months, specifying in article 15/1 that recourse to detention must occur only as a last resort where it is impossible to apply “less coercive” measures. This is further emphasised by the UN Human Rights Committee, which found that “*detention should not continue beyond the period for which the State can provide appropriate justification. For v example, the fact of illegal entry may indicate a need for investigation and there may be other factors particular to the individual, such as the likelihood of absconding and lack of co-operation, which may justify detention for a period. Without such factors, detention may be considered arbitrary, even if entry was illegal*”³²

Recently, many countries started reforming their detention policies and legislation in order to allow for alternatives to detention, including community-based supervisions, reporting and case management, shelter models and electronic monitoring.

Alternatives to detention are not equivalent to unconditional release, as they impose restrictions on freedom of movement. Therefore, also in the case of alternatives to detention, any imposed restrictions to fundamental rights must conform to national as well as international and human rights law. The alternative measure selected shall be based on individual assessment of the migrant, be in compliance with non-discrimination principle, scrutinized periodically through legal review, and provide scope for legal counselling to the migrant.

Successful alternatives to detention programmes have in common similar outcomes, including an average cost savings of approximately 80 per cent compared to detention and an average compliance rate of 95 per cent³³.

2.1 Main Mechanisms of Non-Custodial Measures

The most common alternative to detention is the placement of migrants/asylum seekers in semi-open (or half-open) reception facilities, where there is a requirement of stay, but possibility to leave the centre. This is different from standard asylum residence centres where asylum seekers may leave the centre for a longer period of time. The semi-open reception facilities for asylum seekers/migrants have control mechanisms in place to ensure presence in the centres, such as daily reporting requirements, curfews and/or signing in or out of the centre and handover of travel documents. Nevertheless, general freedom of movement within and outside the centre should be maintained to ensure that it does not become a form of detention.

²⁹Children as defined by the UN Convention on the Rights of the Child, establishing that children are any person below age of 18.

³⁰Report of the Special Rapporteur on the Human Rights of Migrants, Addendum, 5 March 2008, §121.

³¹Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

³²CCPR/C/D/59/560/1993 para. 9.4 and C. v. Australia (900/1999), ICCPR/C/76/D/900/1999(28 October 2002 par.8.2

³³IDC, *There are Alternatives*, 2011.



- **Release with registration**

This measure provides free movement to the migrant/asylum seeker, however with an obligation to register the place of residence with the relevant authorities, which might include also in some cases production of identity documents.

- **Community supervision**

Community supervision programmes usually include the key elements of provision of legal advice, closer case management, and awareness of the consequences of non-compliance. Those people who are enrolled in community supervision programmes are permitted to live with family members and/or fellow church members or other community organisation members and may be allowed to work, and their children can usually attend school and medical appointments.

- **Reporting requirements**

This measure specifies the reporting obligations of migrant/asylum seekers either in person or over the phone or in writing to the police/immigration officer. The frequency of this sort of reporting can range from weekly to less frequently. The reporting alternative is often used in combination with the hand-over of travel documents.

- **Release on bail/bond/surety**

This is a relatively rare provision as it requires a pledge of certain sum of money in order to ensure the free movement of the individual and guarantee his appearance during the proceedings of his/her immigration case.

- **Release with duty to reside in a specific area**

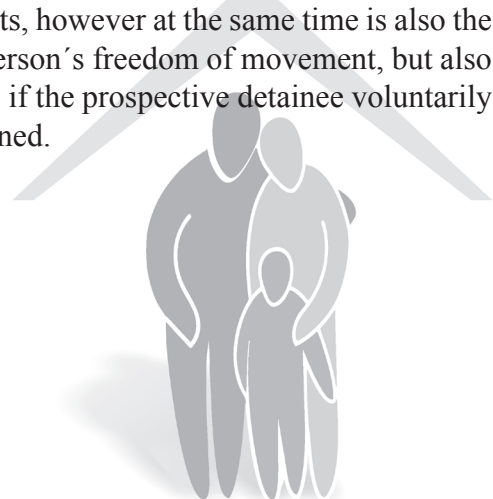
Under this measure asylum seekers/migrants can be released on condition they reside at a specific address or in a designated administrative area, which might be more advantageous in comparison to the duty to reside in semi-open centres. It still imposes important restrictions on the beneficiary's freedom of movement. In some countries, this system is used as a tool for distributing asylum seekers equally over the territory of the country and ensuring burden-sharing by all regions.

- **Controlled release**

Controlled release to individuals/family members/NGOs/religious organizations. These persons must be willing to act as a guarantor and to accept responsibility for ensuring that the asylum seeker/migrant will comply with his/her obligations under asylum/immigration law and be willing to pay a fine if the asylum seeker/migrant does not comply with these requirements.

- **Electronic monitoring**

This technically demanding alternative is used mostly in cases of people released conditionally on bail during criminal proceedings via a device attached to a person's wrist or ankle, not for those cases where people have committed administrative offences. This alternative ensures the best possible monitoring of the given person's movements, however at the same time is also the most sensitive one as its use may impinge on not only person's freedom of movement, but also respect for privacy. However, this should not be an issue if the prospective detainee voluntarily elects to be electronically tagged rather than being detained.



3. POLICY and LEGISLATION

This part of the assessment will map out Armenian immigration policy and legislation in general and focus in detail on migrant detention.

3.1 Policy Framework in Armenia

The first comprehensive governmental migration management policy was developed in 2000, when the Armenian Government approved the first “Concept of State Regulation of Migration in the Republic of Armenia”. This Concept paper was revised and adopted in 2004 due to the changes in migration situation in Armenia. The revised policy paper took into account the demographic situation, national security issues as well as human development in Armenia. In addition to the priorities stipulated in the previous Concept, it added two new priorities:

- Preventing irregular migration from the Republic of Armenia and supporting the return and reintegration in the Republic of Armenia of Armenian citizens illegally staying abroad, and:
- Preventing smuggling and trafficking of humans from the Republic of Armenia and developing victim protection arrangements.

Although there was a significant improvement in the Concept, some aspects were marked as missing such as the action plan, the fact that the Concept was not evaluated from financial point of view and the mechanisms of monitoring and efficiency evaluation of the migration policy process were not defined³⁴.

With increasing European integration under the framework of European Neighbourhood Policy (ENP) and Eastern Partnership initiatives (EaP), new migration priorities were identified. These were based on slight changes in irregular migration patterns, including human trafficking issues. The new Concept of State Regulation of Migration in the Republic of Armenia (further referred to as Concept) was approved by a government protocol decision in December 2010 identifying 14 priority issues and mechanisms for achieving the progress in these areas. The 2010 Concept was filling the gaps in migration management, as identified earlier on, by different international stakeholders, such as IOM³⁵. The 2010 Concept was adapted to harmonize with commitments towards the EU³⁶. This was supplemented with an Action Plan 2012-2016 in order to ensure its implementation. The Action Plan aimed for the approximation of the legal and administrative framework to the relevant EU legislation and EU best institutional structures, taking into account national state interests. Regulation of irregular migration is mentioned under issue 7 and the actions related to detention under point 7.4.3³⁷. The 2011 action plan also targeted irregular migration under other headings, such as, for example, issue 1³⁸ - where activity 1.4 foresees identification mechanisms for those foreigners violating the entry regime through collection and information sharing among relevant state authorities.

³⁴CARIM East, On Migration Policy Framework in the Republic Armenia (RA), p.2.

³⁵IOM, Progress Review of Migration management in the Republic of Armenia, Follow-up on the 2008 Migration Management Assessment Report, 2011.

³⁶Ibid.

³⁷Foreigners to be separately detained, make amendments to Criminal Code for the maximum period of detention. The Action Plan also stipulates that relevant changes to the Criminal Code need to be made to ensure that the illegal crossing of borders is an administrative and not criminal liability.

³⁸Issue 1 of the Action Plan „Approximation of Legal Framework and Administrative System to the Relevant EU Legislation and EU Best Institutional Structures taking Into Consideration National state Interests”



In December 2011, the Armenian Government adopted a Concept on Studying and Preventing Irregular Migration Originating from the Republic of Armenia. However, Armenia was primarily identified as a country of origin and therefore the concept dealt only with irregular migration stemming from Armenia and not with transitory flows.

The fight against irregular immigration, trafficking in human beings, readmission and security of identity and travel documents as well as border management are priority areas in the EU-Armenian Mobility Partnership³⁹.

Furthermore, the Working Arrangement that Armenia signed with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) identifies as its objectives countering irregular migration and related cross-border crime⁴⁰.

In regard to border management policy, the Strategy on Border security was adopted in 2010 and the 2011-2015 Integrated Border management Action Plan adopted in April 2011, with the main aim of modernising border crossing points.

The EU-Armenia readmission agreement covering the readmission of its own as well as third country nationals was recently ratified and is expected to enter into force in December 2013.

In regard to **specific policy on detention** and upholding of human rights, there is no specific document in place, however quite extensive legislation which guarantees freedom of movement of migrants which will be analysed in the legislation section of this assessment.

3.2 Armenian Administrative Set Up for Migration Management

Though there is now a central body established for developing, coordination and overseeing of the implementation of migration policies, the overall administrative set-up in migration management is still quite decentralized.

- **State Migration Service (SMS)**

The main body responsible for development, coordination and monitoring of implementation of migration policies is the State Migration Service. A further competence of SMS is conducting the centralized registration of asylum seekers and refugees, processing of asylum applications and making asylum decisions in the first instance. The State Migration Service is a special public operational agency of the Ministry of Territorial Administration of the Republic of Armenia.

- **Ministry of Foreign Affairs (MFA)**

MFA through its Consular Department, Migration Desk and Legal Department is responsible for visa⁴¹ and passport issuance and for negotiating and implementing of readmission agreements.

³⁹Joint Declaration on a mobility partnership between the European Union and Armenia, 2011.

⁴⁰Working Arrangement establishing operational cooperation between the European Agency for the management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the National Security Council of the Republic of Armenia, 2012.

⁴¹The decision on visa to be issued is taken at MFA.



- **Police**

The Division for Combating Illegal Migration and for International Collaboration of the Police (DCIMIC) has the overarching goal to counter international crimes related to irregular migration and to ensure international cooperation on these issues. This new division within the Police is also the central body in the field of combatting irregular migration. DCIMIC is also the implementing body of the Interstate programme on joint actions of CIS Member states in Fighting Crime, Cooperation Programme of CIS Member States on Countering Illegal Migration and Action Plan of CSTO Member states on the Formation of a Collective System for Countering Illegal Migration of Citizens of Third World Countries. DCIMIC is the coordinating body for CSTO operations Nelegal, organized on a yearly basis⁴² to detect and intercept irregular migrants from non-CSTO states on the territory of CSTO Member States. These operations take place twice a year, one in spring and one in autumn and are carried out on all BCPs in coordination with NSS.

The Department of Passports and Visas of the Police is in charge of the issuance of visas and residence permits and registration of foreign nationals in Armenia. It also operates the passport database of the citizens of Armenia. The police have no involvement in the detention of irregular migrants other than fining overstayers.

- **The National Security Service (NSS)**

NSS deals with border management and control and is involved in the implementation of policies related to combatting irregular migration. Furthermore, NSS keeps data of foreigners with residence permits. NSS officers have the authority to detain irregular migrants for an initial period of three hours without serving any form of legal notice. If cases cannot be resolved within this period, irregular migrants are transported to NSS Headquarters in Yerevan, where they are detained and the legal processes are started and completed.

Border Guards Troops under the National Security Service is in charge of border management and control and management of the BMIS database.

- **Ministry of Justice**

The Ministry of Justice oversees the penitentiary system whereby those foreigners who committed a crime while on the territory of Armenia are placed within special wings of penitentiary institutions. There are 12 penitentiary institutions in Armenia, all of them under the responsibility of the Ministry of Justice (MOJ), together with the administration of alternative measures to detention, such as house arrest and/or probation. The only circumstances under which irregular migrants are held in prison are if they have illegally entered Armenia. This is because illegal entry is a criminal offence punishable by up to 3 years imprisonment.

- **Ministry of Health**

The Ministry of Health is responsible for dealing with health issues at all 7 Armenian BCPs, each of which has a health facility of some sort. The MOH takes a strategic role in so far as they send information on general health threats, pandemics etc. to BCPs and leave the health units to decide how to deal with the issues at a tactical level. Border Post medical staff is directly controlled by an MOH division called the State Hygiene and Anti-Pandemic Inspectorate, whose responsibility it is to ensure that World Health Organisation instructions for BCPs are complied with.

⁴²During the assessment visit in September 2013 in Yerevan, the Police, Passport and Visa Directorate, informed IOM that the NELEGAL operations take place twice a year, one in spring and one in autumn.



3.3 Legislative Assessment

Entry

The decree of the Government of the Republic of Armenia N 884-22, created a legal base for the development of an entry/exit border management information system (BMIS), specifying its key functions, rules and regulations for information collection and processing. The NSS is the coordinating authority for the border management information system and is responsible for its maintenance, development and coordination work with other agencies that have user rights to BMIS. The main purpose of this database is to ensure efficient border control, including detection of irregular migration, and at the same time facilitate entry for genuine travellers. One of the functions of system is the verification of passports and visas of persons entering and exiting Armenia against BMIS, including checking against different alert lists.

The main legislation on border control and entry is stipulated in the Law on Foreigners, Law on State Border⁴³ and the Law on Border Guard Troops⁴⁴. The Law on Foreigners from 2006⁴⁵ regulates the legal entry, transit, stay and exit of foreigners from Armenia as well as other areas related to foreigners.

According to article 6 of the Law on Foreigners, a legal entry takes place when the foreigner enters with

- Valid passport,
- Valid entry visa, or
- Valid residency document.

A Valid Passport

The Law on Foreigners only provides a definition of what a passport is, but there is no provision in the law stipulating when a passport is considered to be valid. A passport or travel document is defined as an internationally recognized travel document verifying identity, issued by a foreign state or international organization, which authorizes the foreigner to cross international borders.

A Valid Visa – Visa Requirements

The requirement for a valid entry visa is stipulated in Article 6 of the Law on Foreigners as an authorisation by the public administration body of Armenia, which entitles the foreigner to either entry or transit through Armenia, stay in Armenia and exit from Armenia within terms indicated therein. However, the current visa contains no biometrics and there are no plans to introduce them⁴⁶.

A short overview of the visa system needs to be presented in order to clarify the system. The procedure for obtaining visa in Armenia is presented in Annex 1.

a) Visa-free regime

Citizens of certain countries do not need to present a visa upon entry and are allowed to stay on

⁴³Law of the Republic of Armenia on State Border, Official Journal of Armenia (OJA), No. 41(173), 25 December 2001 (hereinafter Law on State Border).

⁴⁴Law of the Republic of Armenia on Border Guard Troops, Official Journal of Armenia (OJA) No. 41(173), 25 December 2001.

⁴⁵Republic of Armenia Law on Foreigners, adopted on 25 December 2006 and amended on 2 February 2010.

⁴⁶Assessment visit Yerevan, September 2013.



the territory of Armenia for a maximum period of 180 days in one year⁴⁷. Currently, citizens of the Commonwealth of Independent States (CIS) countries (with the exception of Turkmenistan), citizens of EU, and citizens of Schengen countries do not need a visa when entering Armenia. The visa-free regime is established based on the principle of reciprocity⁴⁸. Furthermore, according to Decree No. 1650-N, visa-free entry is also granted to those persons who are granted citizenship of the Republic of Armenia by the order of the President, but have not yet obtained an Armenian passport.

b) Visa obligation based on invitation letter

Currently nationals of 64 countries need to obtain a visa at consular posts of the Armenian embassies abroad, based on an invitation letter⁴⁹. The Ministry of Foreign Affairs is responsible for issuing these visas and the approval and registration of invitations is regulated by Decree 62-N. Besides the invitation letter, the sponsor needs to submit a statement where he/she guarantees to cover the expenses related to the stay of the invited foreigner. The visa applicant on the other hand, does not need to provide other supporting documents, such as proof of accommodation, documents indicating the purpose of the journey, proof of sufficient means of subsistence or medical insurance, which is not in line with international best practice.

c) Visa obligation without the need for an invitation letter

According to Decree Number 1154-N of 8 October 2008, in certain instances foreigners may obtain visas under special conditions (there is no need for an invitation letter during the visa application process) if the foreigners fall under one of the following categories

- Nationals of Armenian origin of foreign states based on documents proving Armenian origin provided by religious and community organizations, as well as state entities;
- Close relatives of Armenian nationals and foreign nationals of Armenian origin (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) based on official documents proving the relationship;
- Persons having diplomatic and service (official, special) passports of foreign states, if there is no arrangement with the foreign state for visit of such people without an entry visa;
- Members of official delegations of foreign states based on note from the MFA of the foreign state or diplomatic mission or consular office of the foreign state accredited to the host country of the diplomatic mission of the Republic of Armenia;
- Nationals of foreign states working at international organizations having diplomatic status based on notes from the headquarters or representations of these organizations;
- Nationals of foreign states, whose activities in the Republic of Armenia contribute to the development of economic ties;

⁴⁷Pursuant to the Governmental Decree of the Republic of Armenia No. 1255-N dated October 4, 2012, the citizens of the EU member-states and the Schengen Acquis states shall be exempted from the visa requirement for travel to and stay in the Republic of Armenia beginning from January 10, 2013. Furthermore, there is also a visa free regime with the CIS countries established by the Agreement on Visa-free Movement of Citizens of the CIS-Countries on the Territory of the Member States ratified on October 9, 1992 in Bishkek, Kyrgyzstan. Armenia has signed a bilateral agreement with Georgia in 1993 about visa-free regime for their citizens.

⁴⁸European Parliament ratified the EU-Armenia visa facilitation agreement, which is expecting to enter into force on 1 December 2013. The new rules will make the visa procedures quicker, cheaper and less bureaucratic.

⁴⁹Decision of the Government of the Republic of Armenia No. 329-N of 4 April 2008 on the list of the States whose citizens can apply for an invitation-based entry visa only in the consular and diplomatic authorities of Armenia in foreign countries, Official Journal of Armenia No. 24 (614), 23 April 2008, subsequently amended on 14 July 2011 by the decision No. 966-N, on 28 June 2012 by the decision No. 823-N, on 26 July 2012 by the decision No. 941-N (hereinafter Governmental Decision No. 329-N). Available at: http://www.mfa.am/u_files/file/consulate/Visa/Invitation_eng.pdf.



- At the discretion of the head of diplomatic mission or consular office of Armenia entry visa of the Republic of Armenia may be granted without an invitation also to nationals of foreign states (except for the African continent (except for Egypt), Afghanistan, Pakistan and Saudi Arabia) having a status of permanent resident in the United States, Australia, Canada, Japan, the United Kingdom, New Zealand, Schengen states (except for Greece, Spain and Portugal) and Swiss Confederation;
- Persons of other category - in accordance with agreement between the foreign state and Armenia based on the instruction of the MFA.

Any claim to Armenian ethnic origin, according to the Order No. 1/1199-N⁵⁰, should be supported by indicators such as a passport, knowledge of Armenian language, an Armenian name and baptism certificate. Currently, however, there is no provision specifying what constitutes “Armenian origin/ethnicity”. A draft law on the acquisition of citizenship for diaspora members is currently being drafted and it is planned that it will include the concrete definition of Armenian origin/ethnicity.

d) Visas obtained at border and e-visas

Visas at the border are issued by the Police for nationals of approximately 20 countries, among them, for example, citizens of the USA. These nationals are also entitled to apply for a visa electronically (e-visas). Armenia introduced e-visas in 2002 and was one of the first countries to do so. The application process normally takes 2 days.

The procedure is as follows:

A foreigner applies at home → pays the visa fee → tracks his/her application through a unique reference number online to see if the decision was positive → prints the visa confirmation and presents it on arrival. The e-visa is already in BMIS and is checked against the BMIS alert list.

There are four categories of Armenian visas:

- **Visitor visa** - issued when a foreigner intends to enter Armenia for a short term stay for the purposes of tourism, visiting relatives or other persons, business, transportation and other professional interest or medical treatment. A visit visa can be issued for a single entry or for multiple entries with a validity of one year.
- **Official visa** – for holders of Official or Service Passports with multiple or single entry.
- **Diplomatic visa** – for holders of diplomatic passports and for persons with diplomatic status for multiple or single entry.
- **Transit visa** – single entry visa or multiple entries visa with validity of 1 year with a stay in Armenia for no more than 3 days, with the possibility to extend to a maximum for 4 days.

The MFA issues and extends official and diplomatic visas, e-visas and visas for groups; the Passport and Visa Department of the Police issues visitor and transit visas for individuals.

A Valid residency document – Requirements for Resident Permits

A residence permit is issued by the Armenian authorities after the period of validity of the visa expires and other preconditions are met.

⁵⁰Order on the procedure on submitting the document confirming Armenian identity/origin to a diplomatic mission or consular institution of the Republic of Armenia in foreign states and certification of the submitted document by a diplomatic mission or consular institution of the Republic of Armenia.



There are three different types of residence status⁵¹:

- **Temporary residence status** - issued by the police (for the purpose of study, work, entrepreneurial activities, marriage with a citizen of Armenia, close relatives of Armenian nationals and for those of Armenian origin), and documented by the issuance of a temporary residence card with a validity of a maximum of one year and the possibility of extension;
- **Permanent residence status** - issued by the police (for foreigners with close relatives in the Republic of Armenia, for those with accommodation and means of subsistence, if they resided in Armenia for three years)⁵² which is documented by the issue of a permanent residence card for a renewable period of five years;
- **Special residence status**⁵³ (for foreigners of Armenian origin and other foreigners who carry out economic or cultural activities in Armenia) which is documented by the issue of a special passport for a renewable period of 10 years.

If a foreigner wants to perform a remunerated activity in Armenia, according to the Article 22 of the Law on Foreigners, he/she shall be performing this activity based on a work permit. According to Article 23 of the law, in some cases foreigners are exempted from the work permit requirement, such as when the foreigner has been granted permanent or special residence status, or if the foreigner is a close relative of Armenian nationals or close relative of foreigners holding a permanent residence status in Armenia.

Although legislation on employment of foreigners in Armenia is in place, due to the lack of secondary legislation on procedures and conditions for granting work permits, Chapter 4 of the Law on Foreigners⁵⁴ has not being implemented⁵⁵.

In practice, the police issues temporary residence cards for foreigners for the purpose of employment whenever a potential migrant worker is sponsored by an employer, which means that the access of foreigners to the labour market is not controlled or regulated and the labour market is totally open to foreign citizens, except for vacancies reserved for Armenian nationals. Therefore, it is still a priority to adopt secondary legislation on the work permit system⁵⁶.

Legislation related to the sanctions and measures in place against employers who employ illegally staying foreigners is limited and there is no obligation for the employer to keep a copy of the residence card or work permit of a foreigner, nor an obligation to notify the relevant authorities regarding employment of a foreign national. As for illegally employed foreigners, there are no mechanisms in place that would enable them to secure the payment of outstanding remuneration.

A foreigner can be **refused issuance of a visa, refused a visa extension, a visa might be revoked**

⁵¹Articles 14-18 of the Law on Foreigners.

⁵²According to Article 16/1 of the Law on Foreigners, the permit can also be granted to a foreigner of Armenian origin and to a foreigner carrying out entrepreneurial activities in Armenia.

⁵³Issued by the police or by the diplomatic or consular entity of the Republic of Armenia in a foreign country based on the decision of the President of Armenia.

⁵⁴Chapter 4 of the Law on Foreigners “Employment of Foreigners in the Republic of Armenia“.

⁵⁵IOM, Labour Migration in Armenia: Existing Trends and Policy Options, Yerevan, 2012, p.17.

⁵⁶Ibid, Labour Migration in Armenia, p.17.



or entry into the Armenian territory banned in certain specific cases, outlined in Article 8 Law on Foreigners. These include the following:

- a foreigner who has been expelled from the territory of the Republic of Armenia or has been deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or deprivation of residence status;
- a foreigner who has been subjected to administrative liability for violating the Law on Foreigners and has not fulfilled the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability;
- where there is evidence that a foreigner carries out activities, participates in, organises or is a member of such an organisation, the objective of which is to: harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity; carry out terrorist activities; illegally transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or - carry out human trafficking and/or illegal border crossings;
- a foreigner who suffers from an infectious disease which threatens the health of population, except for cases when he or she enters the Republic of Armenia for the purpose of treating such a disease.
- while seeking an entry authorisation, a foreigner who has submitted false information, or has failed to submit necessary documents, or there is evidence that his/her entry into, or stay in, the Republic of Armenia pursues an objective other than the declared one; or
- where there are other serious and substantial threats posed by a foreigner to the state security or public order of the Republic of Armenia.
- a foreigner who has been convicted of committing in the Republic of Armenia a grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner.

In addition to the reasons stated above, a visa can be revoked if a foreigner has taken up employment without a work permit.

The refused issuance of a visa, refused visa extension, a revoked visa or banned entry is noted in the foreigner's passport and the data is stored in a database of undesirable foreigners, which is managed by the NSS⁵⁷. According to NSS, between January 2013 and September 2013, there were 190 cases of refused entry⁵⁸.

It is important to mention that the Law on Foreigners does not provide for the right to appeal the decision of the border authorities that refused entry to a foreigner, which is not in line with international practices.

In regard to transnational organized crime, Armenia is a party to the UN Convention against Transnational Organized Crime, as well as its two Protocols targeting smuggling and trafficking of human beings⁵⁹. Furthermore, Armenia signed the Agreement of Cooperation of CIS against Illegal Migration and participates in other activities of CIS countries with a focus on combating irregular migration, such as the Nelegal operations mentioned above.

⁵⁷Article 8/6 Law on Foreigners.

⁵⁸Information obtained during the assessment visit.

⁵⁹Protocol against Smuggling of Migrants by Land, sea and Air and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.



As far as irregular migration is concerned, there is no pertaining definition in Armenian legislation. The definition in the Armenian policy documents of irregular migrant is the following:

- “Those who entered the given country without permission
- Those who entered the given country on a legal basis but who, however: have not renewed their work permit; remain in the country after the rejection of their application for asylum; whose stay in the country does not comply with the goal specified in the entry permit; Who stay in the given country longer than declared in the entry permit or the term defined by laws”⁶⁰.

Illegal border crossing is defined in article 329 of the Criminal Code as “Crossing the guarded state border of the Republic of Armenia without relevant documents or permits.”

In regard to illegal border crossing, the penalty for this offence is disproportionately high, with a maximum sentence of up to three years. During the assessment visit, it was mentioned that illegal border crossing is prosecuted in approximately 50 cases a year and the perpetrators are mostly Armenians. The smuggling of migrants is still not criminalized, although there is already a new draft Criminal Code article 329.1 called “Organization of Illegal Migration”, which will come into force in 2014⁶¹. This definition is, however, not entirely in line with the definition provided in the UN Protocol against the Smuggling of Migrants by Land, Sea and Air (further referred to as the Smuggling Protocol), which is in its Article 3 defined as “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 a permanent resident.”

Draft Article 329.1 of the Criminal Code⁶² contains following definition without specifying the meaning of “mercenary ends” and penalizing besides the entry also transit, stay and exit.

“1. The organization of a person’s illegal entry into the Republic of Armenia, or illegal exit from the Republic of Armenia, or illegal stay in the Republic of Armenia, or illegal transit through the Republic of Armenia, which was done for mercenary ends is punished with imprisonment for maximum 3 years.

2. The organization of RA citizens’ illegal exit from the Republic of Armenia, illegal entry into the Republic of Armenia or illegal stay in the Republic of Armenia which was done for mercenary ends is punished with imprisonment for maximum 3 years.

3. The same act foreseen within the 1 Article and 2 Article, committed:

1/ towards two or more persons;

2/ by a group of people with prior agreement or by an organized group;

3/ in the conditions dangerous to human life and health or in the conditions humiliating human honor and dignity;

4/ by exploitation of position;

is punished with imprisonment for 3-8 year period, with confiscation of property or without it, with depriving from the right to hold certain positions or be engaged in certain activities maximum for maximum three year period or without it”.

⁶⁰Extract, Session Minutes, Republic of Armenia Government, On approving the Concept on Studying and Preventing Irregular Migration Originating from the Republic of Armenia, p.4.

⁶¹Information obtained during the assessment visit in Yerevan in September 2013, Interview with the Police and Office of the Prosecutor General.

⁶²Non-Official Translation from Armenian, Draft Law of the Republic of Armenia on Amending the Criminal Code of the Republic of Armenia, Addition to the RA Criminal Code dated 18 April, 2003 with the Article 329.1.



It is recommended that administrative rather than criminal penalties for illegal border crossing be applied in cases where no further criminal intent was established and introduce smuggling of migrants in the sense of the definition of the Smuggling Protocol into the Criminal Code of Armenia.

The majority of attempts at illegal border crossing are related to document fraud and are recorded at the Zvartnots international airport in the vicinity of Yerevan. At other BCPs there is, according to NSS, only a negligible number of illegal border crossings and this involves mostly Armenian nationals exiting with fraudulent documents/visas. Currently, the major caseload of illegal border crossing recorded at Zvartnots international airport is reported to be committed by Iranian nationals who are entering Armenia with fraudulent passports. If they are not able to present their genuine identity documents, they are usually returned to the country of origin/transit via airline due to the carrier liability agreements⁶³. Interestingly, foreigners travelling with fraudulent travel documents are mostly not detained. The fraudulent documents will be seized and once they reveal their genuine identity documents, they are allowed to continue their travel⁶⁴.

3.4 Asylum

It is important to mention that the Law on Foreigners is not applicable for those persons seeking international protection in Armenia⁶⁵ and instead it is the Constitution, the Law on Political Asylum and the Law on Refugees and Asylum that provide the legal basis for granting asylum and treatment of asylum seekers and refugees in Armenia.

According to the Article 13/2 of the Law on Refugees and Asylum, it is possible to claim asylum both at the border and within the territory of Armenia. According to interviews with State Migration Service during the assessment in September 2013, over the last 13 years only a maximum of five applications for asylum were made at border crossing points⁶⁶. An application for asylum can be made in writing or communicated orally⁶⁷. Different procedures apply to asylum seekers claiming asylum at the border, those staying illegally on the territory of Armenia and those staying legally on the territory of Armenia. In case of an asylum claim at the border, the border guards register the asylum request and inform SMS about it. Asylum seekers will either be directed to go on their own to SMS or will be picked up by SMS to register the claim in their premises. Asylum seekers who entered Armenia legally are housed in the Reception Centre for Asylum Seekers and enjoy freedom of movement, while the ones entering illegally Armenia without either valid visa or valid travel documents, can be detained for up to 72 hours in a special shelter from where they are subsequently transferred to the temporary reception centre for asylum seekers. The order of placing the asylum seekers in the mentioned shelter temporarily and for providing them with sustenance resources are defined by the Government Decree # 1440-N of 19 November 2009. There is also currently the practice of expediting decision-making for applications received from persons arriving from Syria⁶⁸.

⁶³Information obtained during the assessment visit in September 2013 from NSS.

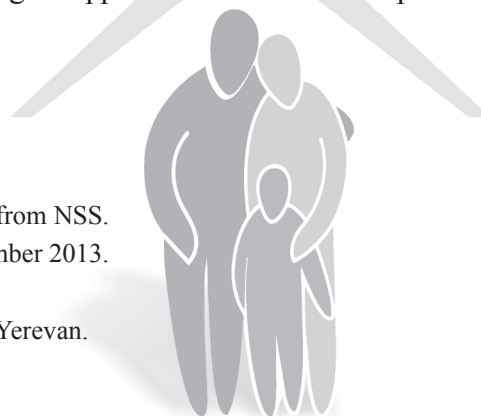
⁶⁴Information obtained from NSS during the assessment visit in September 2013.

⁶⁵Article 1/3 Law on Foreigners.

⁶⁶Information obtained during the assessment, SMS, September 2013, Yerevan.

⁶⁷Furthermore, it is also possible to use sign language.

⁶⁸Interview with UNHCR Armenia, September 2013, Yerevan.



The Law on Refugees and Asylum in Article 28 furthermore, specifies that the asylum seekers shall not bear criminal or administrative liability for illegal entry or stay in Armenia. Nevertheless, according to some unconfirmed reports, there were cases of some asylum seekers being detained in two remand prisons Varadashen and Nubarashen, due to illegal entry. In some cases, they were not released until they received refugee status⁶⁹. According to UNHCR, in view of Armenia's obligation under Article 31 of the 1951 Convention relating to the Status of Refugees, it remains problematic that the Criminal Code does not contain an exception to criminal liability for asylum-seekers.

3.5 Detention and Alternatives to Detention

Foreigners are detained in special facilities until their identity has been established in cases where it is not possible to return them to the country of origin/transit because they do not hold genuine travel documents, or because they have been denied a visa, or entry in general, at a border crossing point. Furthermore, irregular migrants are detained for illegally crossing the border, which is a crime penalized in Armenian Criminal Code.

In regard to short-term detention at the border crossing points, the Government of the Republic of Armenia adopted a Decree in July 2013 on the Operation of Special Facilities (SAC) located within the Crossing Points of the State Border and transit Zones of the Republic of Armenia⁷⁰. This decree became effective in August 2013.

This Decree regulates the procedure pertaining to the short-term accommodation⁷¹, detention and release of foreigners at the border crossing points. As stipulated under the article 37/1 of the Law on Foreigners and article 35/2 (2) of the Law on Refugees and Asylum, the border guards shall accompany the foreigners to the SAC. Each border crossing point shall have a SAC in place in order to facilitate the identification and pre-screening of foreigners and ensure the corresponding treatment and referral⁷². Currently only two border crossing points have reception facilities for foreigners, one at the Zvartnots International Airport (Yerevan) and the other at Bagratashen BCP, which is currently being refurbished under an EC funded project⁷³. Under this project, the reconstruction of other two BCPs on the border with Georgia will also take place (Bavra and Gogavan), including construction of SACs which shall be finalized by the end of 2015.

As to the rights of the foreigners detained, these rights shall be the same ones as prescribed by the Law on Foreigners in article 39. These rights include:

- to be informed about the reasons for the arrest and detention in a language that the foreigner understands and ensure relevant interpretation when necessary;
- to have the possibility to appeal against any court decision in relation to the foreigner;

⁶⁹Interview conducted with UNHCR, September 2013, Yerevan.

⁷⁰Government of the Republic of Armenia, Decree, N783-N, On the Operation of the Special Facilities located within the Crossing Points of the State Border and Transit Zones of the Republic of Armenia and Accommodation of Aliens in such facilities.

⁷¹The accommodation within SACs is foreseen to be for maximum period of 72 hours.

⁷²In case of asylum seekers, these shall be accommodated in SAC until their asylum request is accepted and registered – See Appendix to Decree N788-N Article 5.

⁷³UNDP managed project called “Modernization of Bagratashen, Bavra, Gogavan Border Crossing Points of the Republic of Armenia”.



- to communicate with a legal representative (including NGOs), an official of the diplomatic or consular authorities of relevant country of origin,
- to apply to court requesting release and,
- to receive necessary medical assistance.

Furthermore, a detained foreigner in SAC has the right to have his suggestion, complaint or application examined as per a procedure established by the law⁷⁴.

In regard to free legal aid, the Law on Advocacy in article 41/5 stipulates the cases for which free legal aid is available and neither irregular migrants nor asylum seekers are mentioned as beneficiaries. Currently, free legal aid to asylum seekers is provided by an NGO Mission Armenia, whose employees were trained by UNHCR and cooperate closely with Public Defender's Office.

In regard to the actual facilities, the special reception facilities at the border are closed reception centres. According to the Decree N 783-N, these facilities should contain segregated accommodation according to the gender, nationality or religion, as well as separate facilities for families and sick/disabled persons⁷⁵.

The decision to detain a foreigner at the border shall be taken by the head of the frontier surveillance detachment of the frontier troops or a person acting on his behalf⁷⁶, and an entry needs to be made in the registries notifying the people accommodated in the special facilities. Also, control over foreigners accommodated at the SAC is performed by the frontier surveillance detachment under the responsibility of the commanding officer of the shift⁷⁷.

Prior to accommodating foreigners in these facilities, a medical check shall be performed through the medical post and sanitary quarantine post, located at the BCP in order to identify foreigners with infectious diseases and to provide necessary medical assistance/medical aid.

As to the categories of foreigners to be accommodated at the border in the special accommodation facilities, these include such foreigners who cannot be returned to the country of origin/transit and:

- who arrived at BCP without a passport or with invalid passport
- who have been refused an entry visa at BCP
- who have not obtained an entry authorization from the body carrying out border control
- asylum seekers who claim asylum at the border.

Unaccompanied minors are explicitly mentioned in the Decree as a category of foreigners who may not be held at such facilities⁷⁸.

In regard to food and other living essentials, this shall be provided from the funds of the State Budget, whereby it is suggested that agreements with the catering unit operating within the BCP shall be concluded by the NSS.

⁷⁴Article 23 of the Appendix to the Decree N 738-N.

⁷⁵Article 8 of the Appendix to the Decree N 738-N.

⁷⁶Article 4 of the Appendix to the Decree N 738-N.

⁷⁷Article 14 of the Appendix to the Decree N 738-N.

⁷⁸Article 6 of the Appendix to the Decree N 738-N, in connection with the article 37/3 of the Law on Foreigners.



The foreigners shall be released from the special facilities at the border after the fact-finding procedure has been completed and their identity established⁷⁹. There are specific procedures established for different categories of foreigners upon release:

- **Asylum seekers:** When transferring asylum seekers to SMS, the border guards have to draft a handover document and make an entry into the registry of asylum seekers⁸⁰.
- **Foreigners whose documents/property was seized:** When releasing foreigners, the border guard needs to return to them all items and documents that have been seized in order to facilitate the identification (besides falsified documents and illegal goods)⁸¹.
- **Foreigners with contagious diseases:** When releasing foreigners with contagious disease, a disinfection of the room needs to be carried out, with the sanitary quarantine authority overseeing the disinfection activities⁸².

To explain the process, an example was given of when a person notified by INTERPOL as wanted is detected, arrested and taken into police custody. The foreigner can be held in police detention for up to 72 hours while authority to detain is sought from the courts. Foreigners in general can then be detained for 30 days and in the case of CIS nationals, for 40 days. For detention beyond 72 hours, in the absence of central detention facility, the foreigner will be usually moved to a prison remand facility, with the approval of the courts.

As mentioned above, in the absence of a central special shelter, irregular migrants in Armenia are currently held in the Penitentiary Institutions Vartashen⁸³, Nubarashen⁸⁴ and Abovian⁸⁵. Detained foreigners have the right to an interpreter, access to court, right to appeal, right to have legal representation, contact with diplomatic or consular officials and necessary medical assistance. The Ombudsman has a mandate to visit the penitentiary centres. In total there are 12 penitentiary institutions in Armenia, whereby foreign nationals are detained separately in the three above mentioned institutions. The responsible entity for pre-trial detention and detention after conviction is the Ministry of Justice. It is important to mention that there is also possibility for application of alternative measures to detention, such as reporting, also for foreigners, however not for the crime of illegal entry. An insufficient framework for the implementation and supervision of alternatives to detention is a major problem at all stages of criminal justice. For example the alternative measure of bail is very seldom requested due to excessive amounts set by law⁸⁶.

⁷⁹Government of the Republic of Armenia, Decree, N783-N, On the Operation of the Special Facilities located within the Crossing Points of the State Border and Transit Zones of the Republic of Armenia and Accommodation of Aliens in such facilities, Annex, article 24.

⁸⁰Article 25 of the Appendix to the Decree N 738-N.

⁸¹Article 26 of the Appendix to the Decree N 738-N.

⁸²Article 27 of the Appendix to the Decree N 738-N.

⁸³Vartashen is a small pre-trial detention facility for foreign nationals and charged Armenian officials and police situated on the outskirts of Yerevan with capacity for 154 inmates. It is considered to be the best detention centre in Armenia.

⁸⁴Nubarashen is a pre-trial detention facility on the outskirts of Yerevan with capacity for 1200 detainees.

⁸⁵Abovian is a pre-trial penitentiary institution as well as detention facility after conviction for female and minors offenders.

⁸⁶ABA Rule of Law Initiative, Detention Procedure Assessment Tool for Armenia, 2010.



Interestingly, those foreigners who are apprehended on exit for overstaying their legal permit to stay in Armenia are not detained, but rather obliged to pay a fine and leave. In cases where foreigners are unable to pay the fine, they receive an entry ban for a period of one year⁸⁷.

Foreign prisoners are, in some cases, returned to their home countries to serve their sentence there, which is possible due to bilateral agreements between Armenia and the relevant country regarding the transfer of prisoners.

If they serve their sentence in Armenia and they do not have any legal ground to stay after completing their sentence, the prison authorities will liaise with the relevant diplomatic mission/consulate in advance of their date of release in order to facilitate their return. As a result, it is not considered necessary, according to MoJ, to have separate detention facilities to hold them while they await deportation⁸⁸.

Currently there are different independent monitoring groups composed of NGO members that visit penitentiary institutions as well as police detention facilities. These monitoring groups have been established after Armenia became part of the Council of Europe and was required to collaborate on abuse of human rights and torture. These two monitoring groups have the authority to visit any prison/detention facility at any time and cannot be denied access. They prepare reports on conditions. None of the publications has so far focused on foreign detainees.

3.6 Expulsion and Exit

Chapter five of the Law on Foreigners deals with the expulsion of persons who are found to be illegally on the Armenian territory and also contains provisions on voluntary return. However, Article 35 does not stipulate specifically the period granted for voluntary return. Article 30 specifies following cases in which a foreigner is obliged to leave Armenia:

- Upon the expiration of the validity period of the foreigner's entry visa or residence permit;
- Upon revocation of the entry visa according to Article 8 para. 1, 2 and 3 of this Law;
- Upon refusal of an application to obtain or extend a residence permit;
- Upon deprivation of residence status according to Article 21 of the Law on Foreigners.

If a foreigner does not voluntarily leave the territory of Armenia, according to Article 31 of the Law on Foreigners, the responsible administrative body of the police files an action of expulsion of him/her with the court. The court then decides on the expulsion or refusal of expulsion of the foreigner. When the court refuses the expulsion, the responsible administrative body of the police must grant the foreigner temporary residence status⁸⁹. Expulsion is the forced removal of a foreigner from the Republic of Armenia in the absence of legal grounds for his or her stay or residence in the Republic of Armenia.

According to Article 32 of the Law on Foreigners, contains the non-refoulement principle and forbids the expulsion of a foreigner to a country where he/she is threatened with persecution on grounds of racial, religious affiliation, social origin, citizenship or political convictions or if the foreigner may be subject to torture or cruel, inhuman or degrading treatment or punishment or the death penalty.

⁸⁷ Assessment visit, Yerevan, Interview with the Police, September 2013.

⁸⁸ Interview with MoJ, assessment visit, Yerevan, September 2013.

⁸⁹ Article 34/3 Law on Foreigners.



During the examination of the expulsion case by the court, the foreigner has all the rights to judicial remedies provided by the Armenian laws, especially the right to appeal, with suspensive effect, against the decision on expulsion stipulated in Article 35 of the Law on Foreigners. Article 35 of the Law on Foreigners however, does not explicitly state that free legal assistance and/or representation are provided to the foreigner in order to appeal against an expulsion decision, which is not in line with international standards.

According to article 36 of the Law on Foreigners, the expulsion decision is noted on the foreigner's passport and it is executed by the Police, whereby the consular authorities of the state of origin of the expelled foreigner are informed of the decision of expulsion. The expenses for the expulsion are met by the foreigner or by the state budget of the Republic of Armenia. The law does not clearly stipulate if the police are authorized to use coercive measures or not.

Article 38 of the Law on Foreigners provides for the detention of foreigners for the purpose of expulsion in special facilities inside the Armenian territory if there are sufficient grounds to believe that the foreigner will abscond prior to examination of expulsion decision by the court or until the expulsion decision has gained legal affect. In case of detention, the relevant body of the police needs to apply to court within 48 hours to obtain a decision authorizing the detention of a foreigner. Having obtained this permission, a foreigner can be detained for a period of maximum 90 days. The police also have an obligation to inform the diplomatic representatives or the consular department of the state of origin of the foreigner of the arrest. There are no provisions in the Armenian legislation specifying that the foreigner should be immediately released when it appears that a reasonable prospect of removal no longer exists for legal or other considerations. The rights of arrested detainees are stipulated in article 39 and include:

- the right to be informed about the reason of the arrest,
- the right to appeal,
- the right to legal representation and access to the diplomatic representation or consular office of the country of origin,
- the right to request release and right to receive medical assistance.

In regard to facility where this detention shall take place, article 38/4 specifies that this shall be a special facility, which needs to be established as of yet in line with the decree 872-N⁹⁰. Police detention facilities are not being used for detention pending deportation.

It needs to be mentioned however, that these special reception facilities for foreigners are non-existent at the moment. The Law on Foreigners stipulates the need to have these special facilities in place for deportees in place, therefore it is recommended to comply with the law and establish the closed central detention facility for irregular migrants in line with the international standards provided in chapter 2.

⁹⁰Decree On establishing the Procedure for Operating Special Accommodation Centres in the Republic of Armenia and detaining arrested foreigners therein, No 872-N.



4. MANAGEMENT OF RECEPTION FACILITIES FOR FOREIGNERS IN THE REPUBLIC OF ARMENIA

This chapter deals with how the Armenian penal system governing imprisonment and detention of foreigners is operationally managed within Armenia, including the administrative detention of irregular migrants. Unlike in many countries, responsibility for detention is relatively clear cut; National State Security (NSS) is responsible for detention of up to 72 hours at BCPs⁹¹, the Police are responsible for detention of up to 72 hours internally⁹² and the Department of Justice is responsible for any detention beyond 72 hours, unless in exceptional circumstances and then only at the direction of the courts.

4.1 Prison Population - Foreigners

The 12 prisons in Armenia are all under the responsibility of the Ministry of Justice (MOJ), as is the administration of alternative punishments to incarceration. Alternatives were given as house arrest and/or probation. There are currently a total of 147 foreign nationals in the Armenian penitentiary system; 95 from the Commonwealth of Independent States (CIS) countries and 52 from other countries. The former are mostly Russians and Georgians and the latter are predominantly Iranians, with a small number of Turkish Kurds. The offences include fraud, drugs and theft. Furthermore, there are also a few cases of foreigners convicted of illegal border crossing, which is classed as a criminal offence in Armenia, which is not in line with international standards which rather classify illegal entry as administrative offence. There are no foreign minors in the system, although there is specific accommodation to hold them and females. It was made clear that prisons were only used to house convicted criminals and those charged with criminal offences and not for irregular migrants, other than those who cross land borders clandestinely.

Unlike common international practice, illegal entry by avoiding border controls is classified as a criminal offence punishable by up to three years imprisonment although, curiously, smuggling of migrants is not criminalised. This is apparently because there is a perception that migrant smuggling does not involve exploitation. This is a flawed presumption; whilst people smugglers may be said to be simply providing a service, charging people money to assist them to commit a crime would be regarded as criminal activity in the vast majority of legal systems worldwide. This said, the criminal element of people smuggling has recently been acknowledged and the law is in the process of being changed. This will create a need for administrative detention of migrants being smuggled, both to assist in investigation of smugglers, methods of smuggling and to await removal.

Clandestine (illegal) entry is not a common offence, confirmed by the fact that there are currently only two offenders in prison. Trafficking of third country nationals to Armenia, which is also not common, is a criminal offence and approximately 20 persons have been convicted, almost all of them Armenian females, for trafficking for sexual exploitation. Currently there is however also a case of a female foreigner serving a sentence in Abovian prison for trafficking in persons.

Under Armenian law, foreigners are required to be separated from Armenian prisoners before trial (on remand) but the practice is to go further and keep them separated after conviction, because of cultural and religious sensibilities.

⁹¹RA Government Decree No. 127-N of February 25, 2008

⁹²Decree N 872-N of the Government of the Republic of Armenia dated July 10, 2008



4.2 The Detention Process

All offenders, including foreigners, may be detained for up to 72 hours in police detention accommodation, during which time authority to detain must be obtained from the courts. The courts are responsible for granting extensions to detention, first to two months and then up to 12 months. They also specify location of detention, which in cases exceeding 72 hours, would normally be the remand sections of prisons, where there is access to interpreters, translation services and legal aid. Any foreigners arrested on international warrants and held for extradition can be detained for 30 days or, for nationals of CIS countries, 40 days. An extradition request must be received within 30 days and court authority must be given to further extend detention. Foreign prisoners do not share cells with Armenian convicts and most foreign prisoners are assigned to Vartashen Prison in Yerevan, which also houses convicted Armenian ex-law enforcement officers. Another prison, Nubarashen, also has special provision for foreigners. Foreign diplomatic missions are informed within 24 hours when their nationals are detained and consular access is guaranteed. Although foreigners are segregated, the conditions of incarceration are the same for all prisoners.

4.3 Prisoner Exchange and Removal

Foreign prisoners are often returned to their home countries to serve their sentences under bilateral agreement or international convention regarding the transfer of prisoners. If they serve their sentence in Armenia, the prison authorities liaise with their consulate in advance of their date of release if deportation is required. As a result, it is not considered necessary to have separate detention facilities to hold them while they await deportation. This situation was reported from the personal experience of the prison governor in Abovian prison and may not be common to all prisons. This will not be an issue for foreigners convicted of illegal border crossing when the law is changed as they will presumably be detained in the proposed SAC, but the possibility must exist that the removal process for foreigners convicted of criminal offences may not have been completed by the time that they finish their sentences if, for example, there is difficulty in obtaining travel documents or readmission is being contested by their own or a third country. If this is the case, they should be transferred to administrative detention to await deportation, as continued incarceration in prison could be construed as illegally extending their sentences. The proposed central SAC would serve this purpose.

4.4 Prison Monitoring

Information on the independent monitoring of prisons was given by the Armenia Helsinki Committee, which has as part of its responsibilities the monitoring of prison conditions and the prevention of torture and abuse of prisoners.

Armenia became part of the Council of Europe in 2001 and as such, was required to collaborate on abuse of human rights and torture. In relation to prisons, the Public Monitoring Group was first established in 2006 under the MOJ and subsequently given an independent charter. It is now effectively an independent Non-Government Organisation (NGO) and recruits 11 members from other NGOs through an open competition process. The Group has the authority to visit prison or police/NSS detention accommodation at any time and cannot be denied access. They are required to visit every prison at least once a year and in some cases, on finding poor conditions after complaints from inmates, they have been back more than 20 times in a year. They prepare reports on conditions and are required to submit them to the MOJ before publication. Those classified as



urgent require a response from the MOJ within three days and those that are intermediate give a 15 day deadline. If the MOJ does not provide a response, the group publishes the report regardless. The monitoring group started a project in 2012 to encourage ex-prisoners to talk about prison conditions and the main findings were:

- Poor food
- Over-crowding – 8 to 10 inmates to a cell
- Poor access to, and poor quality of, legal aid
- There are issues with corruption

Vardashen prison, which houses most foreign prisoners, was deemed to be one of the best in the system.

4.5 Reception Facilities for Asylum Seekers

As part of their responsibility for asylum seekers, SMS administers an open asylum accommodation centre in Yerevan. The facility has a theoretical capacity of 45 beds and is situated within a residential housing complex. It is an open centre and is intended only for asylum seekers who are without shelter and are in need of reception. It is not designed for detaining migrants and is therefore not suitable for accommodating immigration offenders, even if there was space, which there currently is not.

Official figures supplied by SMS show that, between 2005 and 2012, a total of 2098 asylum applications were lodged, of which 1088 were granted. No figures were available for the number of asylum refusals for the whole of this period, but between 2010 and 2012, out of a total of 720 asylum applications, 255 were granted and 63 were refused. Three main factors help to explain the disparity in numbers:

- Applicants abscond before their applications are decided
- Some applicants are of Armenian ethnic origin and are found to qualify for resident permits or citizenship. It is not fully understood why these people apply for asylum, but UNHCR suggested that it may be related to perceptions as well as misperceptions of the consequences of opting for the different legal avenues to regularise stay in Armenia. There are outstanding applications awaiting decision, although this figure would be expected to be low as the target time for processing is three months

Top three nationalities applying for asylum are, between 2005 and 2012:

Country	Applied	Granted
Iraq	886	850
Syria	513	161
Lebanon	284	15

The majority of Iraqis applied between 2005 and 2007, after which the flow steadily decreased from 63 in 2008 to 35 in 2012, indicating that any influx is no longer significant. Intake of Syrians between 2005 and 2011 was either non-existent or in single figures, then jumped to 496 in 2012. The figure for Lebanese comes almost entirely from 2006, when 279 arrived and thus, as with Iraq, the flow has significantly decreased to negligible numbers. The only other country of possible concern, though hardly significant, is Iran, with a total of 94 over the seven year period, with arrivals averaging 14 per annum. Unsurprisingly, these figures reflect internal instability in the countries of



origin, which suggests that applicants from these countries have well-founded fears for their own safety, either from persecution or armed conflict. This was clearly acknowledged by the SMS, who confirmed that most, if not all of Iraqi and Syrian applicants are granted some form of international protection. What these figures show is how quickly asylum intake can go from virtually nothing to significant numbers in response to a deteriorating security and/or economic situation in source countries. This reinforces the need to be prepared, particularly as many situations are not going to be easy to predict.

The vast majority of asylum applications are made in country and it was estimated that there have been only 3 or 4 applications made at airports in the past 13 years. This said, SMS is heavily involved in organising training for border guards in dealing with asylum applications and potential refugees, in conjunction with UNHCR. Failed asylum seekers, after they have exhausted the appeal process, are given 5 days to leave the country and if they fail to do so, it becomes a police matter to remove them. SMS did not have any figures relating to failed asylum seekers who had left Armenia and given the generally liberal approach to immigration enforcement, it seems likely that, after being told to leave the country, there is no follow-up action to ensure that they do so. It was reported that there were no asylum seekers being detained, either failed or otherwise and it was made clear that it is not the practice to detain them. However, UNHCR had in the past very occasional reports of cases where migrants reportedly crossed the border outside of BCPs for the purpose of claiming asylum following which they were detained, but details were sparse and it is possible that there was a delay in the applications being made.

4.6 Detention Management - Evaluation

The situation of foreign nationals charged with or convicted of criminal offences is relatively clear cut, as they are treated in the same way as Armenian nationals, although accommodated separately. They have the same human rights protection as all prisoners in the penal system, plus access to consular support. Despite the fact that there is no central long-term migrant accommodation facility for irregular migrants in Armenia, prisons are not used for administrative detention of migrants for immigration offences, other than illegal border crossing, because it is currently classified as a criminal offence, which is not in line with international standards. The management of the prison estate is firmly the responsibility of the Ministry of Justice and prison conditions are independently monitored by the Public Monitoring Group. According to the information received during the assessment, detention of asylum seekers is not common, with some exceptions reflecting those cases where asylum seekers crossed the border illegally. According to UNHCR, in some few cases asylum seekers were held in penitentiary institutions due to their illegal entry until they received refugee status.

The Government has, through decrees, acknowledged the need for a central Migrant Accommodation Centre⁹³ and individual units at BCPs⁹⁴. Legal responsibility for the management of border SACs has been designated to NSS and for the proposed central facility, to the police. As BCP SACs will only be used intermittently for temporary, short-term accommodation, giving responsibility for management to NSS border guards currently seems to be the best option but, as migration management in general becomes more structured and robust, leading to a higher incidence of detention, this will need to be reviewed. If BCP SACs are occupied on a regular

⁹³Government of Armenia Decree N872-N dated 10/7/08.

⁹⁴Government of Armenia Decree N783-N dated 18/6/13.



basis, consideration will need to be given to employing full time civilian staff or private security contractors to run them, to enable the NSS to carry out its core function of border control.

The proposed closed central SAC will be designed for irregular migrants detained by the police for administrative immigration transgressions, taking into account the international guidelines in regard to maximum detention period. While police routinely detain all types of offenders for short-term investigation, there are drawbacks to them managing SACs. As with the border SACs, consideration should be given to passing administration to a civilian authority, such as SMS, who would either employ dedicated, trained SAC officers of their own or out-source to a private security contractor. This would have the advantage of not committing trained, experienced police officers on permanent guard duty and by taking out the policing element, clearly differentiate between administrative and criminal detention. Another option is for the MOJ to operate the facility, but this runs the risk of it being used to ease pressure in the penal system by housing criminal offenders and being seen as a criminal institution.



5. DETENTION IN THE OPERATIONAL CONTEXT

Borders

As previously stated, there are currently two facilities in Armenia that can be used for the accommodation of migrants, referred to as both Special Accommodation Centres and Migrant Accommodation Centres, depending on source material. They are the same and for the sake of clarity, they are referred to as Special accommodation centres (SAC) in this assessment. One is located at Bagratashen BCP and the other is at Zvartnots International Airport, Yerevan.

Irregular migrants who may be considered for administrative detention at borders will generally fall within the following categories:

- Those attempting to enter with fraudulent or forged documentation
- Clandestine entrants either concealed in vehicles or attempting to cross the border outside of an official crossing point
- Those who attempt to enter through deception by misrepresenting their reasons for, and purpose of, travel
- Those without the means to support themselves without recourse to work
- Visa nationals with no visa
- Undocumented travellers
- Those who have failed to comply with entry conditions attached to a previous stay in Armenia or another country
- Those who have been removed, deported or expelled from Armenia or elsewhere

5.1 Bagratashen Border Crossing Point

The review team visited Bagratashen border control point on 16 September 2013.

Traffic through the BCP was estimated at 8000 per day in high season – June to the beginning of September - and 3000 per day for the rest of the year. A sample of traffic by nationality was, without reference to official records, quoted as Armenians, Georgians, Russians, Germans, British, Japanese and Koreans. There is regular traffic in tour groups coming from Tbilisi to Yerevan by coach and vice versa. Refusal of entry was reported as being very rare and migrant examination concentrates on establishing the authenticity and validity of travel documentation. Once immigration officers are satisfied that documentation is genuine and adequate, passengers are allowed to proceed; they do not routinely question travellers to establish personal circumstances, means of support or the general credibility of their reasons for travel and accepted practice is for any immigration offences that subsequently come to light to be dealt with internally. The rarity of refusal of entry was also explained by the fact that potential refusals are usually filtered out by the Georgian authorities. Reasons for refusal are almost exclusively confined to lack of visas for nationals on the list of countries not eligible for visas on entry and those holding fraudulent or forged passports. The former are sent straight back to the country of transit/origin without being detained and the latter are taken as soon as possible to Yerevan for processing or, if their true identities can be established, released and told to report to the NSS in Yerevan. Whilst refusal statistics were said to exist, none were immediately available. In regard to detection of clandestine entry, it is important to mention that currently there are no scanners or other specialist vehicle search equipment on site for use by NSS.

NSS officers have the authority to hold irregular migrants for an initial period of 3 hours for further examination and if clarification of identity and circumstances of the case is required, formal detention of up to 72 hours can be invoked but, in order to do so, authority has to be obtained from



the courts within 24 hours. In practice, if cases cannot be resolved at the BCP within the 3 hour further examination period, foreigners are transported to NSS Headquarters in Yerevan, where they are further interviewed and either released, sent on or sent back to their home country. However, if they are detained late in the day or during the night, they are held in the detention room until they can be taken to Yerevan. While in theory, the maximum period of detention in a SAC is 72 hours, it was reported that the full period is never used and overnight is the most that occurs.

Detention was reported as being very rare and officers could not recall any foreign nationals being detained. The last detained case had been an Armenian, several months previously and the Officer-in-Command (OIC) had never encountered an asylum applicant or a problematic unaccompanied minor. It was reported that trafficking and smuggling of persons through the BCP had never been encountered and there was no evidence of clandestine entry by concealment in vehicles. Travellers requiring secondary examination are interviewed in the OIC's office, which is on the second floor of the immigration building. Interpreters are rarely required as various officers are proficient in Armenian, Georgian, Russian, English and Turkish and at least one is scheduled to each shift. There is a health office staffed by a paramedic on site.

Existing recreational accommodation for staff refreshment is used occasionally also for migrant detention purposes. It is located on the ground floor of the immigration building, on the opposite side of the entrance corridor to the police office, where applications for visas on arrival are processed. It is comprised of a small kitchen with a breakfast bar and an adjoining bedroom approximately 3m x 2.5m, furnished with a two tier bunk bed, a single bed and one chair. Both rooms were clean and tidy.

The team was told that the site is to be redeveloped under an EU funded initiative⁹⁵ and work is due to start soon after an inauguration ceremony in September 2013⁹⁶. The control structure will be updated so that the arrival and departure lanes can quickly be interchanged in response to the volume of traffic and a new immigration building will include a purpose built detention suite based on the one at Yerevan airport.

5.2 Zvartnots International Airport, Yerevan

In common with the land border, all immigration officers at the airport are members of NSS. Passengers were divided into three distinct categories:

- Those not requiring visas
- Those who qualify for visas on entry
- Nationals of 64 countries who must obtain visas from Consular Sections at Armenian missions abroad

The responsibility of the Border Guard is seen as verifying the validity and authenticity of travel documents and checking the electronic Border Management Information System (BMIS) to ensure that passengers are not on the warning index. Access to INTERPOL alerts is also available through BMIS. Border guards do not generally question passengers to test the credibility of their reasons for travel and provided that documents are in order, BMIS checks are negative and visas have been

⁹⁵Funding is coming from EBRD, EIB and Neighbourhood Investment Facility, Government of Armenia and UNDP.

⁹⁶The inauguration ceremony took place on 27 September 2013.



obtained where required, passengers are granted entry. If problems with them subsequently come to light, they are dealt with internally. The perception of Armenia as a transit point for potential irregular migrants intending to travel on to Western Europe, Canada and the USA is evident in the light touch immigration control, as is Armenia's desire to attract tourists, business visitors and inward investors, which have resulted in EU nationals recently being exempted from the visa requirement.

The nationalities perceived to be most problematic are Africans and Iranians travelling on forged passports and/or with fake visas. The former have decreased dramatically in number since most nationals of African countries were required to obtain visas prior to arrival in 2012. The latest trend, as reported by NSS headquarters, was said to be Iranians with false passports and/or visas coming from Turkey and the United Arab Emirates. As these two countries have only cursory departure checks, irregular migrants appear to think that if they get their documents stamped without close examination, it will legitimise them in the eyes of immigration officers in other countries. Their intention is not thought to be to remain in Armenia, but to try and travel on to Western Europe, the USA and Canada. To reinforce the deception Iranians, who used to travel in traditional garb, now dress in western clothes to add credence to whatever nationality they have assumed. When passengers with forged documents are identified, they generally have their real documents concealed on them and if they produce them and establish their real identity and nationality, they are permitted to buy a ticket to anywhere they choose, which may be pragmatic as far as Armenia is concerned, but it is not in accordance with international practice. If they do not produce their real documents, they are sent back from whence they came or to their home country.

Also according to NSS HQ, there is not seen to be a problem with organised cross-border crime or terrorism now, although it used to be an issue before Africans and Asians were required to obtain visas abroad. Armenia, at this time, was a supply country for forged passports and fake documentation, but the perception in NSS is that this has now been dealt with and largely ceased.

If officers on the control desks encounter any problem passengers in terms of forgery or lack of visa or indeed for any other reason, they refer to a senior officer and if secondary examination is deemed necessary, the person is removed by a patrol team to an interview room in the immigration office on the second floor of the building. If the problem is not resolved within 3 hours or if passengers are refused entry and need to await removal, they are moved to the detention centre. Detention is rare and an average figure of 5 – 8 persons per month was quoted. Refusal was described as even rarer but, as at Bagratashen, no official statistics were available. Subsequent enquiries at NSS HQ produced a figure of 190 refusals of entry since 13 January 2013 but these were not recorded by nationality or reason for refusal. The principal (if not only) reasons for refusal were given as forged documentation, lack of visa or being a banned overstayer.

Asylum applications at the airport are perceived to be non-existent, as are problems with unaccompanied minors. Asylum applications are invariably made in-country. Passengers are sometimes briefly detained on departure, principally for forged documentation or overstaying. The procedure for processing passengers with forged documents is the same as for those encountered on arrival; they either produce genuine documents and are allowed to proceed or are sent back to their home country. Overstayers are passed to the police to be issued with a fine. If they cannot pay, they are allowed to proceed but barred from re-entering the country for 12 months.

Annual passenger traffic was estimated at 1.6 million for 2012. Border guards work 16 hour shifts and are deployed by shift supervisors in response to traffic patterns on arrivals, departures and in



the VIP area. If there is anyone being detained, two officers are sent to the airport detention centre. There are no designated detention officers permanently based in the centre, which is unsurprising given the rarity of detention. There is no specific training for officers supervising detainees, but training is included in the general training programme given to all officers on induction and it was stressed that all officers are made aware of their obligations under international human rights guidelines, in particular in relation to asylum. Decision time very seldom exceeds one day and the vast majority of detainees are out within 24 hours. In theory, detention in the Centre is for a maximum of 72 hours, governed by the need to obtain court authority within 24 hours of initial detention but, again in theory, the courts can authorise an extension to 90 days.

5.3 Bagratashen BCP Redevelopment

Details of the redevelopment of Bagratashen Border Crossing Point were given by United Nations Development Programme (UNDP). It is being undertaken as part of the EU backed “Enhancement of Border Management Capabilities at the Ninotsminda-Bavra Border Crossing Point between Georgia and Armenia (NBIBM)” regional project, under which the scheme is being funded.

The NBIBM programme superseded the “South Caucasus Integrated Border Management (SCIBM)” project, which ran from 2009 until 2012. This, essentially, involved building cooperation between Armenia and Georgia and Georgia and Azerbaijan, although because of the political situation and disputed border, it was not possible to establish direct cooperation between Armenia and Azerbaijan.

The NBIBM project has an overall budget of Euros 61 million and is scheduled to run until 2015. The bulk of investment comes from the European Investment Bank and the European Bank for Reconstruction and Development (41m), with smaller contributions from the Neighbourhood Investment Fund, UNDP and the Armenian Government. The main purpose of the project is to renovate and redevelop the 3 land border crossings on the Armenia/Georgia border at Bavra, Bagratashen and Gogavan. The scheme is due for completion in 2015. The role of UNDP is to manage and coordinate the project to make sure that the needs of all agencies are met in EU compliant, modern BCPs. Bagratashen and Bavra will be of a similar size, with average traffic of 2000 car travellers, 600 freight vehicles and 500 on foot, while Gogavan will be slightly smaller.

Plans have been prepared by a French company called Inbrevi for the redevelopment of the three BCPs. Those for Bagratashen involve demolition of virtually the entire existing site, followed by construction of a larger border crossing control structure accessed by a new 4 lane bridge and administrative buildings housing all of the agencies represented at the BCP – NSS, Police, Customs, the Ministry of Agriculture and the Ministry of Health. The new site will include a freight vehicle scanner and a guest house. Technological improvements will be made to BMIS to alert health and agriculture officials, via border guards, to travellers from countries that may pose a risk in these two areas. Consideration is being given to making them one-stop BCPs to further improve traffic flow. All posts will have EU compliant detention facilities, for which IOM and UNHCR input was requested.

5.4 Detention at Bagratashen – Evaluation

The need for special accommodation centres at BCPs will clearly be dictated by the projected incidence of detention which, at Bagratashen, is currently low to very low. The factors impacting

on the level of detention have been touched on already, but are worthy of repetition and expansion, specifically in the context of Bagratashen.

Two out of Armenia's four land borders, with Turkey and Azerbaijan, are closed. They are, therefore, impossible to cross legally and difficult to cross illegally, which naturally restricts the flow of potential migrants, both those in transit and those seeking to make Armenia their destination, to the Iranian and Georgian borders. The border with Iran is very short and fenced, with only one BCP. Economic migration from Iran might be expected to be minimal, given that the per capita GDP of Iran is twice that of Armenia, but resident permit records show that, between 1 June 2010 and 31 December 2011, 2398 residence permits were issued to Iranians, the vast majority in the temporary category for studies – 1700, followed by employment – 357 and family – 199. The balance is made up of 53 permanent permits for employment and 89 permanent family permits⁹⁷. These statistics indicate that there is a pull factor for Iranians, which may possibly be due to the large Armenian Diaspora in Iran, but there does not appear to be any official information available to establish what motivates students or what jobs workers are filling. It is also unclear how well those on temporary permits are tracked and how many become immigration offenders through non-compliance. Logic suggests that, because of its length and number of BCPs, the border with Georgia would pose the biggest risk of penetration by irregular migrants, for whatever purpose. Economic migration would seem unlikely to be a significant pull factor as Georgia and Armenia has a very similar per capita GDP and economic growth rate, which is supported to some extent by the previously quoted residence permit records that show a total issue figure to Georgians of only 247 permits over the same 18 month period. It would not, however, preclude third country irregular migrants seeking employment in, or using Armenia as, a transit point to the West and the Gulf through the Georgian border.

A lack of statistical information on overstaying and other immigration offences makes it difficult to gauge the scale of offending, as does an apparent lack of internal enforcement activity. What there seems to be very little information about is irregular migrants who enter with the intention of transiting elsewhere but are prevented from doing so, perhaps by a lack of funds, inadequate documentation for the intended destination or arrangements for onward travel that fall through; thus, they have to take illegal employment. Light touch immigration control seems to also extend to vehicle searching, which appears to be rare and lacking in technical support. People smuggling and trafficking, especially in freight vehicles, is common worldwide and searches, preferably intelligence led, should be a core activity. The proposal to site vehicle scanners at Bagratashen BCP as part of the redevelopment scheme is a welcome initiative and even if customs is the official owner, it is common for such equipment to be jointly used with immigration. Scanners are particularly good at detecting deep concealment of clandestine illegal migrants. Finally, all countries have an international obligation to disrupt illegal migration routes across their territory and as has been highlighted in previous reports, a more robust approach to control on entry would be likely to provide a more realistic and accurate picture of the scale of immigration abuse and as a result, increased need for temporary migrant accommodation.

The UNDP co-ordinated NBIBM project to redevelop Bagratashen BCP offers the solution to the currently sub-standard migrant accommodation although it is, of course, not immediate and will take two years to complete. Detailed plans have not yet been agreed, but it is proposed to

⁹⁷Police of Armenia – Registers on Permits - 2012.



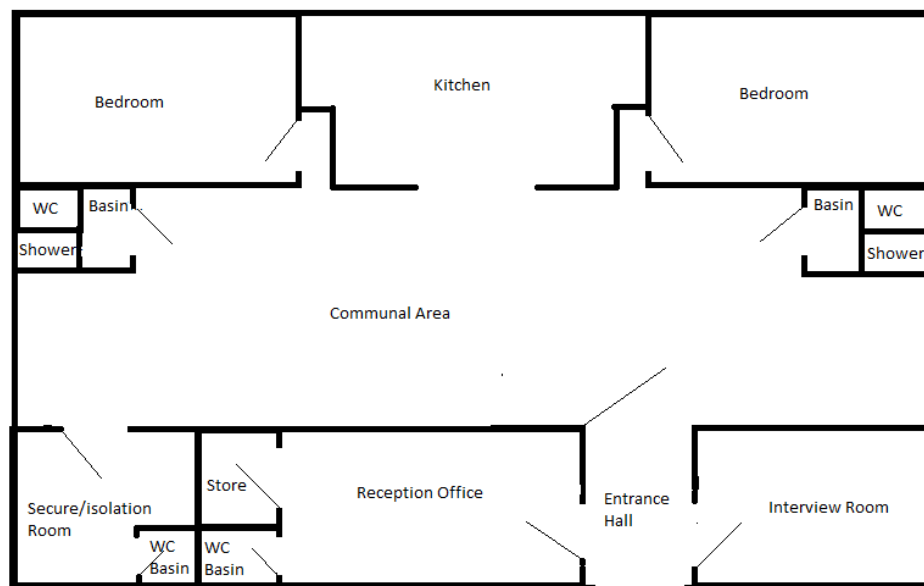
broadly model the detention centre on the purpose built facility at Zvartnots International Airport. In response to a request to IOM from UNDP for suggestions on accommodation dimensions and layout, the team provided guidance based on that contained in the IOM publication “Essentials of Migration Practice”. It is based on the premise that any detention at land borders is going to be, at least under current legislation and procedures, short-term and highly unlikely to extend beyond 24 hours. It will certainly be no longer than the 72 hours allowed by law. The current overall design for the BCP administration building allows for the inclusion of migrant accommodation for between 8 and 10 persons, which is a realistic estimate of capacity, allowing for increased need over the coming years.

5.5 Configuration of a Special Accommodation Centre at Bagrateshen BCP

It is suggested that, as a minimum, the following accommodation should be provided:

- A reception office immediately after the entrance with glass panel overlooking the communal area, with a venetian blind for when privacy is required. A WC and wash hand basin for the use of staff. A secure storeroom
- A hall adjoining the reception office, separated from the central communal area by a door
- A central communal area furnished with comfortable seating
- Bedroom 1 – family room for a female and children – 4 single beds
- Bedroom 2 – either 4 single beds or 2 sets of bunk beds to accommodate up to 4 males sharing
- A secure bedroom – one single bed
- A kitchen with a dining area sufficient to seat 4 persons
- An interview room
- Male and female WCs, showers and wash hand basins

The floor plan below gives an idea for the possible layout and is not to scale.



5.6 Configuration Detail

In suggesting this layout, consideration has been given to meeting a range of requirements, some of which were specified by government decree⁹⁸ which are, in abridged form:

- Special Accommodation Centres (SAC) shall be established at BCP transit zones to enable the circumstances and identity of migrant foreigners to be established and a decision taken.
- Each BCP shall have at least two centres to accommodate separately persons of different sex, or women and children, or citizens of different countries (at their discretion).
- Centres shall be furnished with a table, permanently fixed chairs, a permanently fixed case for luggage and carry –on items, table utensils (made of plastic), wash basin, toilet, bed, air ventilation and emergency lighting.
- Control of foreigners in centres shall be carried out by shifts of the border control unit under the command of the shift supervisor.

Although the decree specifies two SACs to separate males, females, children and different nationalities, it is assumed that it will be acceptable to meet this requirement by providing separate facilities within the same centre, given the short duration of accommodation. Design criteria at Bagratashen and presumably the other land border posts, dictates that space is limited and therefore duplication of communal facilities would not be necessary, provided that centres are properly supervised and controlled. However, if policy makers decide that completely segregated facilities are imperative, the suggested layout lends itself to relatively simple separation by partitioning of the communal area. The same space restrictions and brief detention duration also require a policy decision regarding detention of disabled migrants to determine whether disabled facilities – wheelchair access, toilet, shower, dedicated sleeping accommodation – should be included in the design. If a policy of making alternative arrangements for disabled persons and not confining them in SACs is adopted, no provision is needed. This would be the recommended option, especially as a new hotel is included in the plans for BCP redevelopment, which will presumably have access for the disabled and can be used, under supervision if necessary, for overnight accommodation of disabled migrants.

The Entrance Hall

The entrance hall requires a heavy duty, reinforced access door to the outside. The administration office is located to the left immediately after the outside entrance door. An interview room has been located to the right. The entrance hall internal door will also need to be heavy duty and open to the communal area. The doors create an airlock effect and should never be both unlocked at the same time.

The Administration Office

The administration office is for the use of SAC staff to carry out all administrative functions required at the centre i.e. booking in migrants, logging personal effects, fingerprinting etc. A toilet and wash basin is provided for the use of staff. The size of the office should be adequate to accommodate 2 desks, 2 office chairs, 2 or 3 easy chairs and a low level table. A secure storeroom should be provided to store any migrants' belongings that cannot be left with them and supplies and equipment required in the centre, such as cleaning materials, fingerprinting equipment etc. A reinforced glass window should be installed overlooking the communal area, with a venetian blind

⁹⁸Government of the Republic of Armenia – Decree 127-N of February 7, 2008 titled “On Approving Procedures for Functioning of Special Accommodation Centres on the RA Border Crossing Points and Transit Zones and for Accommodating Foreigners in these Centres”



to provide privacy. Computer and telephone points will be required and consideration should be given to wiring for CCTV of the common areas.

The government decree says that SACs will be controlled by officers of the Border Guard (NSS) designated by a shift supervisor, which is the sensible option given that the centres will not be occupied all of the time.

Bedrooms

The two main bedrooms are designated female/family and male and there are separate toilet and washing facilities adjoining them, though not en suite as this would prevent them from being accessed from the communal area. Segregation of different nationalities is certainly desirable in long term accommodation, but in temporary centres it will not be essential as the maximum length of stay is highly unlikely to exceed 24 hours. A shared bedroom for males is therefore suggested and each bedroom should be furnished to accommodate 4 persons. Bedrooms should be furnished with a cupboard and a set of drawers for personal effects, plus two chairs/stools and a desk. Large items of furniture should be immovable. Doors should be lockable from inside but also capable of being locked or opened by key from the outside. Recommended dimensions are:

- In a family room with single bed units, the minimum floor area requirement is: 3.75 m² of minimum living space per person, and 3.0 m² of unencumbered day area for a total of 6.75m² per accommodated migrant, making a total for 4 of 27m²
- For double-bunked rooms, there is a minimum requirement of 6.5m² of floor space for each double bed. When added to the 3.25m² of dayroom space required per accommodated migrant, the total floor space for each accommodated migrant is 6.5 m² (6.5m² per bunk divided by 2 accommodated migrants = 3.25m² per accommodated migrant + 3.25m² of dayroom = 6.5m² per accommodated migrant), total 26m²

Communal Area

The central communal area should be furnished with comfortable seating for at least 8, a low level table, bookcases for books and magazines and a TV. It will be for the unrestricted use of detained migrants. A chest can be provided for children's toys and games.

Kitchen

A kitchen/eating area should provide basic facilities for food preparation, storage and consumption. Bearing in mind that this is a temporary accommodation centre, it is suggested that only a microwave oven is provided for heating food, a kettle and a refrigerator. A sink/drainage is required for washing up and there should be a dining area with a table and seating for at least 4 persons. Equipment should include cutlery, mugs, microwave dishes (all plastic) and cleaning utensils and products. Food can be brought in by migrants, their family or friends, or if this is not possible, supplied by the authorities.

Secure/Isolation Room

A secure bedroom should be provided for migrants assessed as a risk to themselves or others. It should be furnished with one single bed, a chair, a desk and a wardrobe, all secured to either the floor or walls. Ideally, it should have an en suite WC and wash hand basin, or any occupant will need to be escorted to the communal facilities. The door should be lockable only from the outside. Recommended dimensions are:

- The floor area should be no less than 4m² of living space and 3.5m² of unencumbered day area
- Total floor area should be no less than 7.5m²
- Minimum clear ceiling height of 2.5-3 meters, and a minimum width of the room of 2 meters



Interview Room

It is suggested that an interview room be located opposite the administration office. This will provide a facility for officers to interview migrants, including victims of trafficking and unaccompanied minors, as part of an investigation or asylum screening process and for migrants to talk confidentially to staff, family or legal representatives. The room can be multi-purpose and could also be used for search of persons and medical examinations. If furnished appropriately, it could serve as a rest area for staff when it is not being used for anything else. There should be a computer/telephone and TV point installed.

During construction, the following points should be considered to mitigate the potential for detainees to self-harm or harm others:

- Plumbing should not be exposed
- Light fixtures should be tamper proof
- Fixtures such as mirrors, bathroom fittings etc. should be mounted using tamper proof fittings
- Fire sprinkler heads should be designed to prevent attachment

A dual heating/air conditioning system should be installed to maintain temperatures within the range 18C to 22C and provision is required for a fire sprinkler system, together with a fire escape.

5.7 Zvartnots Airport Special Accommodation Centre

The SAC is located air-side in a separate building, approximately 1 to 2 Kilometres from the main airport terminal building. It is reached by driving alongside the runway and due to the obvious safety implications, it would not be accessed on foot except, presumably, in an emergency. It is housed on the ground floor of a modern building and is clearly relatively new. The accommodation, which is clean and tidy, is comprised of:

- A spacious entrance hall
- A reception office furnished with a desk and sofa
- A communal lounge with a sofa, chairs, a table, cupboards and a TV. This room is also used for interviews when required
- A kitchen with a microwave oven, refrigerator, a table and 4 chairs
- Bedroom 1 – 4 single beds
- Bedroom 2 – 1 double bed and a cot
- Bedroom 3 – 3 single beds and a cot
- Bedroom 4 – 3 single beds
- 2 showers, 2 WCs and 2 wash basins, all off of the entrance hall

All bedrooms have storage space in the form of drawers and/or wardrobes. There is no designated isolation room for at-risk detainees as it is considered unnecessary because the building is in a secure area.

It was reported that detention records are kept in hard copy, but they were not available for examination as, when there were no detainees, they are moved to the main office in the terminal building. Medical examination and treatment is carried out by an organisation called the Aviation Medical Service, which is responsible for medical support to the airport and comes under the Civil Aviation Authority. All detainees have a routine medical examination when they are first detained. Translation services are available at the airport and some NSS officers are proficient in common languages such as English, French and German. Various information leaflets are available for



detainees, mainly relating to claiming asylum, and legal assistance is available on request. There is unrestricted access to a telephone landline in the reception office. The team were told that Standard Operating Procedures for detention were available to officers, but they could not be produced as they are classified.

5.8 Detention at Zvartnots Airport – Evaluation

As the majority of attempts at illegal entry occur at Zvartnots airport, it is logical that the first purpose built SAC should be located there, but despite this, detention is still rare. This is, firstly, due to the use of the visa regime to deter problem nationalities by requiring them to obtain visas from abroad, as demonstrated by the addition of all African countries to the list of nationalities required to do so. Secondly, the light touch control is also a factor as, in common with land borders, general practice is not to question passengers with regard to the credibility of their reasons for travel, provided that their documentation appears genuine and complete. If credibility was tested as a matter of routine against problem profiles, it is reasonable to assume that more frequent detention would be required to aid investigation. Thirdly, those found to be travelling on forged or false documents are permitted to travel onwards to a destination of their choice if they produce their genuine documentation, which is not compatible with international practice and strangely at odds with criminalising clandestine illegal entry with a penalty of up to 3 years in prison. If forgery cases were investigated more robustly, in order to determine motive, method and association relating to the supply and organisation of forged documentation, which may necessitate detention, there would be opportunities to strengthen migration management. The default position is to remove problem passengers as quickly as possible, which is perfectly reasonable provided that investigations have been properly completed and as much information as possible extracted for intelligence purposes. It must be stressed that this is not a suggestion that detention should be used gratuitously or as a penalty, but the availability of detention accommodation provides support for the investigation of irregular migration, both for the benefit of migration management in Armenia and in the global context of worldwide patterns.

The Zvartnots SAC is purpose built and provides a good standard of accommodation with ample capacity for current requirements and it is sufficient to meet needs for the foreseeable future. The current system of allocating two officers for duty in the centre from operational shifts when required is reasonable but, as with all BCPs, if the incidence of detention increases to daily or at least frequent occupation, consideration should be given to employing permanent staff. Also, by using ad hoc deployment of control staff, training is an issue and should be reviewed to ensure that officers are properly detention trained. Whilst it is accepted that the subject is covered as part of basic training, this is unlikely to meet international standards, particularly in terms of regular up dating and refresher training. It is suggested that a group of officers should be given advanced training in sufficient numbers to guarantee that at least one is available on every shift to manage the centre when deployment is required.

Configuration of the SAC is generally reasonable, but would benefit from:

- A security door at the end of the entrance corridor to restrict access to the administration/reception office and provide an airlock effect after the main entrance.
- A separate interview room. The existing interview room doubles as the only recreational area, which is fine when it is not required for interviews, but clearly not when it is in use. It is also not convenient for searches, medical examinations etc.
- A secure/isolation room, which could be provided by adapting one of the existing bedrooms.



The point was made that the centre, being airside, is in a secure area, so it is not necessary. This ignores the possibility of having to isolate a detainee who is a threat to himself or others. Additionally, any detainee who managed to get out of the accommodation, however unlikely this may seem, would be virtually on the runway of the airport.

The review team were unable to get sight of the SAC detention records, but if they do not already do so they should, as a minimum, record:

- Time and date of entry to the SAC
- Name
- Sex
- Date of birth
- Nationality
- Time and date of exit from the SAC
- Next location of migrant.

If detention is likely to be protracted i.e. longer than a few hours, a personal detention file, for the benefit of SAC staff, should be opened to record additional detail covering the person's medical condition, mental condition, risk to self and others, property, any previous immigration/criminal records etc. A photograph should be taken and ideally, fingerprints. A separate case investigation file should contain details of detention, including regular reviews by a senior officer.

Recommendations: 1. Border Operations

1.1 More effective management information systems are required to establish levels and type of immigration offending to enable analysis of motivation for migration and levels of compliance with entry conditions. This should lead to secondary controls based on risk analysis of those likely to offend by nationality, age, sex, appearance, demeanour and routes of travel.

1.2 More robust control on entry by targeted interviews to establish credibility of reasons for travel, informed by profiling, both at the visa application stage and on arrival.

1.3 In-depth investigation of travellers with forged or fraudulent documentation to establish motivation, source of documents and methods of forgery.

1.4 Holders of forged or fraudulent documents should be returned to their last point of embarkation and should not be allowed to proceed to a third country without the express agreement of that country, in the knowledge that entry by false documentation has been attempted.

1.5 Regular, frequent vehicle examinations, particularly freight, at land border crossings to establish whether smuggling/trafficking of migrants is an issue. Interventions should be intelligence led.

1.6 The low incidence of trafficking in persons detection suggests that training in indicators of trafficking may be required.

1.7 Enhanced training in detention of migrants, migrants rights and cultural sensitivity should be provided for at least two officers per shift to act as custody managers when required.

1.8 More information in common languages is required at borders SACs i.e. house rules, legal aid and human rights, assistance available for victims of trafficking and exploitation, asylum, referring to protection-sensitive entry systems for the recommendations that are related to profiling, investigations etc.

1.9 Install a secure door at the entrance to the communal area of the Zvartnots Airport SAC, together with a separate interview room and secure isolation room.



6. INTERNAL DETENTION

6.1 Enforcement and Detention

In considering what is required to provide a central migrant accommodation centre in Armenia, it is necessary to first consider what categories of immigration offenders may be eligible for detention in order to facilitate their identification and return:

- Overstayers and others who have failed to comply with their conditions of entry
- Those refused an extension to their entry conditions and/or refused resident status who give rise to suspicion that they will not comply with directions to leave the country and/or seek to hamper or frustrate arrangements for their removal
- Those subject to deportation who have exhausted all rights of appeal
- Illegal workers, once secondary legislation related to work permits has been enacted
- Failed asylum seekers, when all rights of appeal have been exhausted
- Illegal migrants, whether clandestine or by deception
- Irregular migrants who have previously failed to comply with any non-custodial restrictions placed on them.

These categories principally relate to irregular migrants who have been located whilst in the country, but a central facility would also be expected to provide accommodation for offenders detected at BCPs who cannot be dealt with at borders. Given the current detention practice at BCPs previously described, this would presumably be a rare occurrence, especially when modern SACs have been installed at land BCPs that are suitable for detention for at least 72 hours. It is therefore reasonable to conclude that demand for detention space internally will be largely dictated by the result of enforcement activity, mainly if not exclusively, by the police.

The establishment of a central special accommodation centre for migrants was addressed, in the context of a broad range of measures to modernise the migration management structure, in 2008 in the IOM report “*Review of Migration Management in the Republic of Armenia*”⁹⁹, which examined how internal migration enforcement was conducted. The authors concluded that:

“Practically speaking it is unclear who is the competent authority for detecting illegal migrants inside the country, i.e. which is the law enforcement body dealing with irregular migrants inside the territory. Emphasis on border control creates a free-zone away from the borders, inside the country. The combination of this with the fact that there are no mechanisms revealing an alien’s change of status, e.g. from tourist to entrepreneur, from student to refugee, etc. and alerting of possible irregularities such as overstay, basically lead to a situation where there is no automatic nor even random control of the status of persons within the country. Looking for a foreigner inside the country would be done ad hoc following the foreigner’s potential involvement in crime and NOT in migration irregularities. This creates concrete possibilities of abuse of the system. Furthermore the current technical system and the use of different databases make it very complicated to find out the persons’ exact legal status in the country. The control of a foreigner for the state official (be it a police man, a border guard or a civil servant), must be simplified. The state official needs to know who to contact to find out the legal status of the immigrant, if that person cannot provide proof of his or her legal status in the country. Otherwise it is highly likely that the person without legal status is allowed to continue his stay or that a person with legal status is falsely arrested or detained”.

⁹⁹Pier Rossi-Longhi, Therèse Lindström, Kristina Galstyan - March 2008 – funded by the Swedish Migration Board.



The report, among others, recommended, in brief:

- Setting up a closed accommodation centre for aliens in administrative detention. The centre has to be managed by the agency closest to irregular migrants – which in Armenia’s case would be the Border Guards, the Police or the Ministry of Justice, which currently houses the Penitentiary Department into which this new function could be accommodated.
- Designation of an institution to manage the necessary procedures for allowing aliens to work in Armenia and to have clear records of work contracts concluded by the aliens.

In 2012, the assessment was followed up and a further report “*Progress Review of Migration Management in the Republic of Armenia*”¹⁰⁰ was produced. In terms of movement since the original assessment, the authors noted that some progress towards co-ordination of agencies under one agency had been made with the establishment of the SMS. Progress had also been made with joining up IT in so far as the BMIS now held visa records and both the NSS and police had access, but there had been no progress on creating a centralised database to track overstayers by setting up individual records on migrants to contain details of entry conditions, combined with all subsequent extensions and changes in status.

6.2 Enforcement – the Current Situation

A meeting was held with senior police officers from the 3rd Department of the General Directorate for Combating Organized Crime and the Division for Combating Irregular Migration and for International Cooperation in Yerevan to discuss the role of the national police in the migration structure. It became apparent that the Police Passport and Visas Division (PVD) concentrated almost entirely on its role in the visa process and with its responsibility for levying fines on overstayers leaving the country.

Nationals required to obtain visas from Armenian consulates abroad must provide a letter of invitation with their application. Sponsors providing invitation letters must first take them to the police in Armenia for verification of authenticity before sending them to applicants for submission with visa applications. This applies only to individuals and invitation letters for groups of applicants have to be verified by the Foreign Ministry, also in Armenia. Once visa applicants have received their verified invitation letters, they either apply in person at their nearest consulate or send their application by post, also to the nearest consulate.

The police (PVD) are present at all BCPs and work closely with the NSS and SMS. They have separate offices and visa processing desks and travellers from countries able to obtain visas on arrival are required to report to them before seeing a border guard. The process for visas on arrival is:

- Applicant completes an application form and goes to the police visa and registration desk
- Application form is submitted and personal details are entered manually on the BMIS
- A fee is paid
- A visa vignette is printed and placed in the applicant’s passport

The process is very brief (takes approximately 2 minutes) and applicants are not questioned about reasons for travel, personal circumstances etc. because, it was said, all necessary information is available on visa application forms. Biometrics are not collected for visas or on entry and the BMIS has no capacity to capture or cross-match fingerprints. Considerable reliance is placed on

¹⁰⁰Kristina Galstyan, Pier Rossi-Longhi, Franz Prutsch – 2011 – funded by the EU and IOM Development Fund.



the BMIS system to detect overstayers as entry and exit records are cross-matched and all stolen and lost Armenian passports are entered in the records. The role of police officers is seen primarily as checking that documents are genuine. If officers are suspicious of documentation, they refer to a senior officer and with his or her authority, hand the applicant over to the border guards for further investigation. The incidence of forgeries detected at this stage was described as very low and although official figures were not available, an estimate of approximately 6 cases p.a. was quoted. Police officers do not check the credentials of sponsors as this is considered to be the responsibility of the NSS.

The police have no involvement in the detention of irregular migrants at BCPs. Even if overstayers are held up on departure, they either pay the fine and proceed or, if they cannot do so, are allowed to proceed but banned from returning to Armenia for 12 months. The only reference made to proactive internal enforcement activity was CSTO operations Nelegal held twice a year at BCPs and in-country by the police in conjunction with NSS, to identify routes into the country used by irregular third country migrants and to apprehend traffickers and facilitators of illegal entry. No figures were available for the results of these operations and although statistics were said to exist, offenders detected are not categorised by the nature of the offence committed. Foreigners, or indeed Armenian nationals, found to be crossing with forged documents and facilitating the illegal entry of others are charged only with illegal entry as facilitation/migrant smuggling is not currently a crime. Neither officer interviewed could personally recall any cases of migrant smuggling and had never heard of any instances of clandestine entrants being found concealed in vehicles and other modes of transport. Migrant trafficking was also described as very rare but when it occurred, the offenders were usually Armenia nationals.

6.3 The Need for a Central Special Accommodation Centre

It appears, therefore, that enforcement activity has changed little, if at all, since the review of migration management was carried out in 2008. However, as detailed above, there has been some progress in other areas and it could reasonably be argued that provision of a central SAC is preferable before enforcement and tracking of irregular migrants becomes core activity for the police. Logically, if you have nowhere to detain immigration offenders, there is not a lot of point in trying to find them. Although this argument has some validity, it should not be used as an excuse for not carrying out enforcement work, as by no means all administrative offenders would fall to be detained when first detected and of course, detention should be a last resort.

As has been discussed at various points earlier in this report, the need for the SAC is driven by the restructuring of the Armenia migration sector as a whole and the creation of fully integrated border management system compatible with EU and other international standards. It is clear that the Government of Armenia is committed to the establishment of SACs, as the progress at BCPs and the introduction of a legal framework has shown. Due to the lack of management information relating to enforcement activity and administrative immigration offences, it is difficult at this stage to estimate at what level to set the capacity of a central SAC. On the assumption that detention will inevitably increase, the proposals outlined in the rest of this report are based on a minimum figure of 100 occupants, but with scope for expansion or constriction as circumstances dictates.

Recommendations – 2 Internal Operations

2.1 Proactive, robust in-country controls on foreigners are required, as highlighted in previous border management assessments, supported by accurate MIS to continually monitor existing



problems, detect emerging trends, formulate policy, provide intelligence led operational response and determine staffing and detention requirements.

2.2 Again, as specified in previous assessments, it is essential to establish a central database and create individual records to track migrants from entry to exit. Records should record entry conditions, places of employment or study, extensions to entry conditions, deportation, exclusion and periods of detention.

7. ESTABLISHING A CENTRAL SPECIAL ACCOMMODATION CENTRE

Establishing a central SAC is a significantly different and far more wide-ranging project than SACs existing and proposed at BCPs. Because it will receive irregular migrants from all over the country, including those detained at borders requiring longer term accommodation, it will be considerably larger and need to be configured to provide facilities for any detention beyond 72 hours. As there is no pre-existing SAC, unless there is a secure, self-contained government facility currently available and suitable for conversion, the new centre will need to be purpose built. A decision on conversion or new-build will need to take into account availability of an existing facility or site, feasibility of conversion, location, potential for future expansion and most importantly, cost. This will be a decision for the Armenian Government and will depend on what funding is available from central funds, donors and loans after consideration of professionally prepared design options. The purpose of this section of the assessment is to suggest a broad layout to guide design for a new-build by specifying general requirements – it is not intended to provide technical architectural specifications or a definitive blueprint.

7.1 Design Principles

It is important to remember that the facility is not a prison and must not be used for the accommodation of people awaiting trial for, or convicted of, criminal offences, whether or not they are foreigners and/or have been accused of, or have committed immigration related criminal offences. A closed reception centre for irregular migrants must provide for the secure but humane accommodation of detained persons in a relaxed regime, with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment. Accommodated migrants will be encouraged and assisted to make the most productive use of their time, whilst respecting in particular their dignity and the right to individual expression, through the provision of appropriate facilities within the centre.

Design criteria should provide for:

- Sleeping accommodation that ensures personal safety and privacy through provision, as far as practical, of private bedrooms or low occupancy shared rooms
- Residential units designed to accommodate groupings by gender and cultural background and separation by risk profile
- At least two general association areas to allow separation by gender when necessary, in a comfortable, relaxed environment
- Reasonable access to laundry facilities from each residential unit
- Facilities for passive and active recreational activity, such as a library, gym, internet access and sports areas, internally and externally
- Health services comparable to community standards through an on-site medical centre
- A visit centre to allow all weather social and recreational interaction with visitors in a friendly, pleasant environment
- Interview rooms that provide privacy for occupants to speak to staff and legal representatives
- Suitable facilities to meet religious and spiritual requirements
- Security proportionate to keeping occupants and the community safe, wherever possible in a non-institutional manner to allow ease of movement with appropriate containment
- A design that meets local planning restrictions and fits in with the local environment
- An entrance facility to enable Induction to the centre to be functional but in a non-threatening and welcoming way

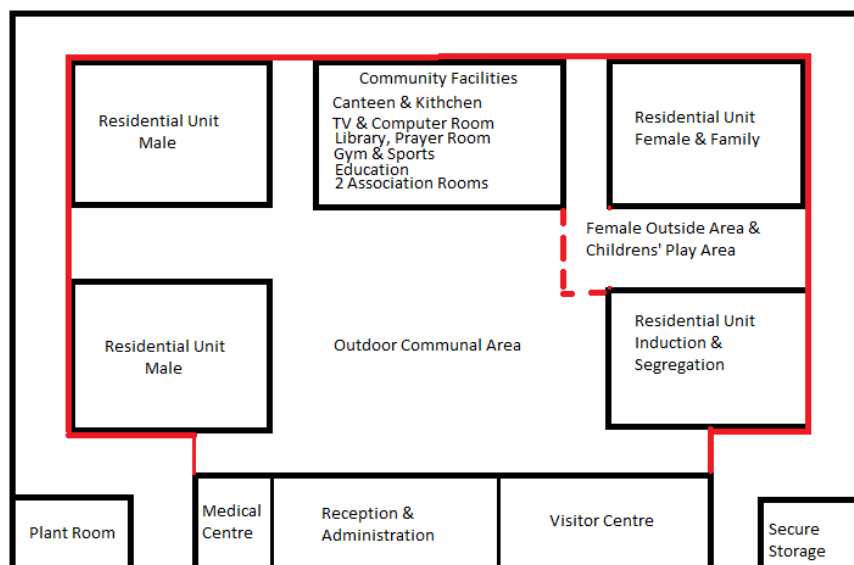
- Canteen facilities that allow for group or individual dining, supplemented with provision of kitchenettes for preparation of snacks and if necessary, food to meet specific cultural requirements
- Mains power supplies supplemented by a backup emergency system of generators
- Mains water supplies and robust drainage systems
- A sprinkler system for fire control in all buildings
- Outside areas that are, as far as possible, landscaped

7.2 Location and Configuration of a Central Special Accommodation Centre

Configuration of special accommodation centres is a specialist area of architectural design that requires relevant professional skills and experience. Facilities worldwide vary widely and many have been converted, often from former military, educational or prison installations, which restricts how far they can meet the criteria above. However, assuming that the Armenian SAC will be newly built, it is possible to draw on recent design in other countries where facilities have been operational for many years and thinking has progressed with operational experience. Once again bearing in mind that facilities should not reflect the high levels of security and control required in penitentiaries, semi self-contained residential units surrounded by open space, within a secure perimeter, have been shown to meet the requirement to create, as far as possible, a non-institutional environment.

Discussion with the authorities involved in the migration structure in Armenia revealed unanimous agreement that if this facility is to be built, it should be located in Yerevan. This is entirely logical given the broadly central position of the City, coupled with developed communications, infrastructure and the principle international airport. The preferred option should be to site it just outside of the city where it will not be surrounded by residential development, but still close to amenities such as medical and dental clinics to deal with health issues beyond the capacity of on-site facilities. It will provide better access for enforcement staff in the migration structure, legal representatives, NGOs and visitors. Inconvenience to local residents can be kept to a minimum and presumably, land can be more easily and cheaply acquired. Finally, it will make future expansion an option.

The site plan below is intended to give an impression of how a SAC might be laid out. It is not to scale and is provided only a tool to guide discussion and generate debate between administrators and technical designers:



The suggested ground plan allows for 4 residential units grouped around an outdoor communal area that should include a small covered area within it. A separate unit houses communal facilities and the reception and administration building includes a visitor centre and a medical centre. The site is surrounded by a secure wall or fence and movement around the perimeter behind the buildings is restricted by an inner fence (marked in red) to deter attempts to abscond. Whilst it is envisaged that all occupants will have free access to the central communal grounds, a smaller outside area is separately fenced for the exclusive use of females and children. A plant room to contain generators, power supply equipment, air-conditioning units etc. has been sited between the perimeter and inner fences, as has a secure store room to accommodate gardening and cleaning equipment etc.

7.3 Configuration and Design Detail

This section will outline what accommodation and facilities are required within the various parts of the Centre to assist planners and designers, although some detail on operating procedures is given to clarify the reasons for how buildings are configured. Fine detail relating to administrative processes in all parts of the facility is dealt with in a separate Standard Operations Procedures document, which is provided for the use of operational staff and managers.

7.4 The Administration and Reception Unit

The administration and reception unit should house a central control room containing communications equipment – radios and intercom – linking staff and buildings and equipped to monitor the whole facility by CCTV. There should be the capacity to remotely lock and unlock security doors to all buildings on the complex and a tannoy system for announcements and for use in locating staff and occupants if other methods of communication fail. There should be office space sufficient to accommodate all personnel involved in the day to day running of the SAC, which will include a clerical and records unit, security unit, maintenance section, welfare and management officers i.e. the facility manager and deputies. Additionally, space should be allocated for visiting enforcement staff, NGO officers and monitoring teams etc. A staff rest room with a kitchen and toilet/washing facilities is required. It is suggested that this building should be two storeys, with the reception area on the ground floor and administrative offices above. The location of offices and staff accommodation at the entrance to the facility allows for immediate evacuation of non-operational staff to the outside if an emergency situation develops within the main compound.

Reception will need to facilitate the flow of new arrivals through the system and will require:

- A reception desk preceded by a security portal and hand held detection devices. Following security checks, the receptionist should scrutinise official documentation accompanying arrivals and take basic details – name, sex, date of birth, nationality – for the initial phase of the booking in process. If there are any discrepancies, admission should be denied until they are resolved
- A waiting room sufficient to accommodate at least 8 new arrivals, furnished with comfortable seating and with access to refreshment i.e. drinks and snacks. Arrivals should have access to a telephone and be given the opportunity to make a 10 minute phone call.
- A secure temporary holding room with seating for two persons with WC and wash basin to accommodate arrivals who may pose a threat to staff and other arrivals during the induction process
- An area for photographing and fingerprinting – preferably a separate room, although interview rooms could be dual purpose
- 2 interview rooms for staff to complete the reception process in private, but rooms must be



open to scrutiny by other staff and should be half-glazed. Further details should be recorded, including date of admission to the centre, description of appearance, special features, previous immigration history and assessment of the risk that the arrival may pose to others. A medical questionnaire should be completed listing current and previous medical conditions, allergies, past and present medication, psychological problems or conditions etc. A written risk assessment must include suitability for room sharing. Arrivals should be given a copy of the SAC rules and they should be informed in writing of their right to legal representation, medical treatment, voluntary return and the right to seek asylum.

- A secure storage facility for new arrivals' documents, money and property that cannot be left with them. The arrival's personal record should include a list of documents, property and the amount of money submitted for safe storage
- 2 showers, two toilets (one suitable for disabled persons) and two wash basins. Arrivals should be given the opportunity to take a shower if they wish or, if their physical appearance warrants it, required to take one before the induction process starts
- A store for clothing, bedding and toiletries. All new arrivals should be given clean bedding and clothing, and basic toiletries if they require them. Clothing should be suitable for the climate at the time of year. As a guide, total storage space should be calculated on the basis of 2.27 cubic metres¹⁰¹ of storage space per occupant
- A store for cleaning equipment and supplies and miscellaneous items required for the maintenance of the building

The building design should ensure that there is provision for access by disabled arrivals.

7.5 The Medical Centre

SAC occupants are entitled to expect medical services at least to the standard of those provided locally, which should include the promotion of wellbeing as well as the prevention and treatment of illness. The specific needs of occupants as displaced persons who may have experienced trauma should be recognised.

The medical centre should be designed in consultation with medical professionals with the objective of providing, at the very least, initial medical screening, consultations, follow-up medical examinations and routine health care services. It should not be required to accommodate long-term medical cases that would normally be hospitalised, other than those needing emergency treatment or isolation prior to transfer to hospital. A mechanism to refer and transfer patients to local health authorities should be developed to provide for dental care, X-rays and laboratory services, as well as secondary care involving surgery and full hospitalisation. Staffing requirements will be a minimum of one nurse/paramedic for 24 hours a day i.e. 3 X 8 hour shifts. A clerical assistant/receptionist should be on duty during normal office hours and a doctor should be available for consultations for a minimum of 3 hours per day and 2 hours per day on weekends. There should be a rota of local doctors for out of hours emergency calls. Procedures for medical examination of new arrivals and existing occupants, storage of records and dispensing of medicine etc. are covered in SOPs.

The medical centre should be located next to the main reception area to facilitate medical examinations on arrival and the transfer of patients to hospital or other clinics. Access can be provided from the main compound for existing occupants and from the main reception area for new arrivals. Facilities should include:

¹⁰¹Guide & Best Practices for Special accommodation centres in Ukraine – IOM Ukraine



- A medical reception desk.
- An administration office for the use of medical and clerical staff equipped with computers and secure storage cabinets for paper records, accessible only to medical centre staff. Medical records should be kept on computer and any paper records accompanying new arrivals and initial screening forms and should be scanned in.
- A store room for medical equipment. Equipment required, both for emergency and routine purposes, should be decided by medical professionals, but must include oxygen, wound dressings and at least two defibrillators.
- A waiting room to seat at least 6, although an appointment system can be used to restrict the number of people waiting at any one time
- 2 Consultation/treatment rooms with desk, 2 or 3 chairs, a wash basin with hot and cold water, an examination bed and a screened changing area. One consultation room should provide for disabled access. Professional medical advice can be taken to identify any other treatment requirements such as instruments, sterilisation equipment etc.
- 2 WCs, one with disabled access.
- Two bedrooms equipped with medical beds to accommodate and/or isolate emergency cases pending transfer to hospital. These can be single or dual occupancy, but one should provide disabled access. Space requirements are at least that of normal bedrooms.
- Consideration should be given to installing an air-conditioning system (negative air pressure) suitable for the control of airborne infection

The medical centre should also include a pharmacy, perhaps on the second floor to maximise space and provide extra security. Minimum requirements will be sufficient space for the secure storage of medicine and drugs, office space for maintenance of records and an area for the pharmacist to prepare and dispense prescriptions.

7.6 The Visitor Centre

As a general rule, visit policy should be as flexible and relaxed as possible within the restrictions necessary for adequate security. The building, which is attached to the main reception block and need only be one storey, should be capable of accommodating 75 - 100 people in reasonable comfort and only in extreme cases should non-contact visiting be imposed. Unless occupants are assessed as a danger to themselves or others, free association should be allowed between occupants and visitors, although overseen unobtrusively by SAC staff to keep order, and monitored by CCTV. Visiting hours should be as flexible as possible and include the afternoon and early evening. If the demand for visits exceeds the capacity of the visit centre, it will be necessary to give allotted times to occupants and restrict the number of visitors to each. The centre layout should include:

- A reception area for booking in visitors, preceded by a search area with security portal and hand-held metal detectors. At least one screened area should be provided for discreet searches. Booking-in procedures are in SOPs, but consideration should be given to the installation of electronic fingerprint readers such as those used at Zvartnots airport to check the identity of passengers at boarding gates against prints taken before clearing immigration control. This would require visitors to give a fingerprint on arrival and departure. An airlock system of access doors is required between the entrance and visiting room.
- Lockers in reception for visitors to leave money, their identity documents and any other restricted property. Handling of food and other items brought in for occupants is covered in SOPs.
- A children's' play area with TV, DVD player and a selection of toys.
- Refreshment facilities – either vending machines selling drinks and snacks or a small café.

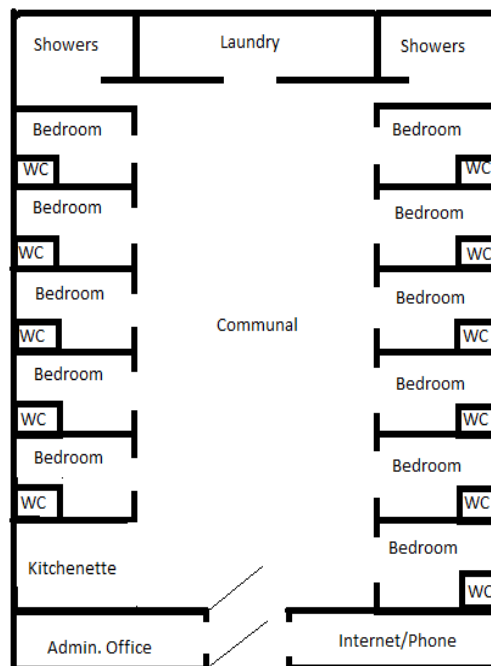


- A reception area on the facility side of the centre to book in occupants.
- 3 or 4 interview rooms for confidential interviews between occupants and legal representatives, NGO officers, law enforcement officers etc. These should be accessible from both reception areas but completely separate to the main visit area and not accessed through it. One room should be configured for non-contact with a glass screen for high risk occupants. Rooms should be monitored by CCTV but not sound recording equipment.

The communal visit area should be bright and welcoming. Pictures on walls and regular painting and decoration in non-institutional shades have a calming effect and help to avoid confrontational behaviour and the feeling of incarceration.

7.7 Residential Units - Male

The site plan example allows for 4 residential blocks. The 2 on the west side of the compound are designated solely for male occupants and depending on the preference for occupancy of bedrooms, could accommodate up to 80 or 90 persons between them in double bedrooms. It is suggested that a mix of single and double bedrooms be included in the design although, if funds allow, it would be prudent to make them all a suitable size for two occupants, but use them for single occupancy unless additional capacity be required. A possible floor plan for a male residential unit is shown below. Again, it is not to scale and is only for demonstration purposes:



The unit is designed to be two storeys with ancillary facilities and bedrooms on the ground floor and bedrooms and showers on the first floor. Requirements are:

- An administration office occupied by at least one officer with a reinforced glass window looking out on the ground floor communal area, with a CCTV monitor for the upstairs. There



should be landline telephones and radio equipment, remote door lock controls for the entrance doors and a receiving station for press-button alarms situated around the unit for occupants to indicate to staff that they require contact. All residential unit offices should be equipped with a comprehensive first aid kit. By having entry doors on either side of the office, it is possible to provide a safe haven for officers in the event of a breakdown of order in the residential unit and/or the rest of the facility by locking one or both

- A total of six showers per floor – at least one on the ground floor should allow for disabled access
- A laundry equipped to allow occupants to wash and dry their clothes. Bedding can be collected weekly and washed in a central laundry containing industrial washing and drying machines.
- Each bedroom should contain one or two bunk beds with a screened WC, wash basin, unbreakable mirror, table, desk and chair. A secure cupboard or, to save space, lockers under beds should also be provided. Bedroom doors should be lockable, but occupants should be given a key. While residential units should be locked at a specified time at night, occupants should not be locked in bedrooms. They can, of course, choose to lock themselves in. Provision of satellite TV would have a positive effect on the morale of occupants.
- One bedroom on the ground floor of each block should be suitable for disabled access.
- The communal areas can be furnished to facilitate association within the unit and provided with recreational equipment such as pool tables.

As far as the review team is aware, there are no internationally specified requirements for room sizes, perhaps to allow facility administrators flexibility during emergencies and indeed, the UK Rules on Immigration Detention Centres state that:

“No room shall be used as sleeping accommodation for a detained person unless the Secretary of State has certified that:—

- (a) Its size, lighting, heating, ventilation and fittings are adequate for health;*
- (b) It has adequate storage facilities (consistent with interests of security and safety); and*
- (c) It allows the detained person to communicate at any time with an officer”¹⁰².*

This clearly puts the onus on UK Home Office officials, through powers delegated from the Home Secretary, to determine what standards to apply. However, the dimensions specified in the IOM report “Guidelines and Best Practices for Special accommodation centres in the Ukraine (August 2007)” have been adopted as the standard for subsequent IOM accommodation needs assessments and are recommended for current SAC design:

“The minimum floor area per person should not be less than 4.00 m² of living space, and 3.5 m² of unencumbered day area. The minimum floor area in a one-person room should not be less than 7.5 m². The total floor area consists of 4.00 m² of minimum living space per person, and 3.5 m² of unencumbered day area. “Unencumbered space” is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space should be no less than 2.2 m. In determining unencumbered space in a room, the total floor area is obtained and the floor area of fixtures and equipment is subtracted. All fixtures and equipment must be in operational position and must provide the following minimums per person: bed, plumbing fixtures (if inside the room), desk, locker, and chair or stool”.

The Guidelines go on to specify that:

“Single-occupancy rooms should:

- *Have a maximum capacity of one accommodated migrant*

¹⁰²Immigration – The Detention Centre Rules – Statutory Instrument 2001 No. 238



- *Total floor area should be no less than 7.5 m²*
- *Have a minimum clear ceiling height of 2.5-3 meters, and a minimum width of the room of 2 meters*
- *Contain a toilet, and a washbasin*
- *Contain a bunk, desk and a seat, all securely fixed to floor/walls”*

and:

“Double-Occupancy Rooms should:

- *Have a maximum capacity of two accommodated migrants*
- *Contain a minimum of 6.5 m² of floor area per person*
- *Have a minimum clear ceiling height of 2.5-3 meters and a minimum width of 2 meters*
- *Contain a washbasin, and a toilet (separated by a modesty partition D=1m, H=1.2 m). In this case additional area of 0.5 m² should be added;*
- *Contain two bunks, and at least one desk and one seat, all securely fixed to floor/walls”*

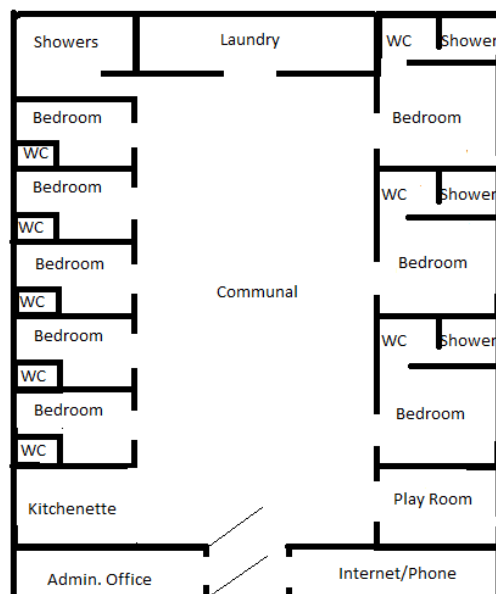
Although no multi-occupancy rooms have been proposed for the SAC model under examination, should multi-occupancy rooms be considered as an option (other than family rooms), the Ukraine Guidelines specify rooms occupied by 5 or more occupants should be designated as dormitories subject to the following specifications:

- *“In a dormitory room with single bed units, the minimum floor area requirement is: 3.75 m² of minimum living space per person, and 3.0 m² of unencumbered day area for a total of 6.75 m² per accommodated migrant*
- *If the dormitory is double bunked, there is a minimum requirement of 6.5 m² of floor space for each double bed. When added to the 3.25 m² of dayroom space required per accommodated migrant, the total floor space for each accommodated migrant for a double bunked dormitory room is 6.5 m² (6.5 m² per bunk divided by 2 accommodated migrants = 3.25 m² per accommodated migrant + 3.25 m² of dayroom = 6.5 m² per accommodated migrant)*
- *In dormitories with triple bunks, there is a minimum requirement of 8.4 m² of floor space for each triple bunk, or 2.75 square meters for each accommodated migrant. When added to the 3.25 m² of dayroom space required per accommodated migrant, the total floor space for each accommodated migrant in a triple bunked dormitory is 6 m² (8.4 m² per bunk divided by 3 accommodated migrants = 2.75 m² per accommodated migrant + 3.25 m² of dayroom = 6 m² per accommodated migrant)”.*

7.8 Residential Unit – Female and Family

Accommodation for females and families should be kept separate and in the model a residential block in the North-East of the compound is suggested. Bedrooms for females should follow the same principles as suggested for male accommodation and as a preference, be single occupancy. Substantially less accommodation is proposed for females as it is generally accepted that they are less likely to be immigration offenders and those that are, less likely to be detained. Even more unlikely is the detention of families because it is usually sufficient to detain the male family head, which tends to ensure that the rest of the family comply with reporting restrictions and removal directions. Provision for family accommodation is necessary although, in most circumstances, it will only be used for a short period prior to departure and only when, after all appeal rights have been exhausted, there is good reason to believe that family will not cooperate with removal arrangements. For illustration, the residential unit ground floor design can be adapted as below:





Once again bearing in mind that SACs are not prisons, allowing free association between males and females in the communal areas, inside and outside should be the default policy position. Restricting association would normally only be justified on the basis of a threat to security, discipline and good order. This will maximise use of communal facilities and avoid the need to duplicate them or devise rotas for separate use. This said, a restricted access outdoor female communal area with a children's playground is proposed, around the female residential unit, which will allow for better protection of children. As a rule, male occupants accommodated with families should be permitted to remain with them in family rooms but if this is not possible, they should be allowed to visit until residential units are secured at night. To allow full family occupancy, family rooms should have en-suite bathroom facilities of WC, wash basin and shower. A playroom for children has been added and one of the shower rooms has been removed. The first floor configuration would remain the same, with double size rooms used for single occupancy unless additional capacity is required. Dimensions for a family room with single bed units is a minimum of 3.75m² of living space per person, and 3.0m² of unencumbered day area for a total of 6.75m² per accommodated migrant¹⁰³, making a total for 4 of 27m². One family room and one normal bedroom on the ground floor should be adapted to facilitate disabled access.

7.9 Residential Unit – Induction and Segregation

SACs are generally open to receive new arrivals for 24 hours 7 days a week. For accommodated migrants who arrive during the night, it is good practice to have induction accommodation where they can stay before being moved to a permanent room. Late arrivals should be offered a hot meal and given the opportunity to take a shower. Full induction should take place the following day, with a medical examination, a guided tour of the facility and an explanation of the rules of the SAC, coupled with the statutory rights of the occupants. New arrivals should be checked regularly during the first 24 hours.

¹⁰³Guide & Best Practices for Special accommodation centres in Ukraine – IOM Ukraine 2007.



In order to maintain order and ensure the safety of all occupants and staff, it is necessary to have secure accommodation where disruptive, threatening and/or violent occupants can be temporarily confined. Segregation accommodation can also be used to quarantine occupants or new arrivals suspected of having contagious diseases and those considered to be at immediate risk of self-harm. The procedures for use of force and segregation will be detailed in SOPs, but in terms of accommodation, the unit should be configured along the same lines as the male residential units. Induction rooms will be set up as normal, but secure rooms will require heavy duty secure doors capable of being remotely locked from the administration office. They will not usually require substantial storage space, as any occupants detained in them should stay only for the shortest time possible and certainly no longer than 3 days; consideration should be given to bringing criminal charges against any occupants who need prolonged segregation because they are habitually violent, with a view to detaining them in prison accommodation. The first floor of the unit can be used as normal male accommodation. One induction room and one segregation room should be adapted for disabled access.

7.10 The Community Facility

The community facility unit should be designed to bring together all accommodation required for recreational, educational and religious purposes in one building. The building will also house the kitchen, canteen and main laundry. Requirements are:

- A canteen downstairs to, ideally, accommodate up to 100 people. Alternatively, a smaller dining area seating up to 50 can be used but, when the SAC is full, 2 meal sittings will be required. Total area can be calculated on 1.4m² per occupant, with sufficient seating and tables and disabled access.
- A fully equipped kitchen capable of producing three meals per day for up to 100 occupants, plus staff. Advice should be taken from culinary professionals on planning and equipping the kitchen to ensure that all health and safety requirements are met in terms of built-in apparatus, individual appliances, ventilation and water, electrical and gas supplies. Regular safety checks will be necessary. Religious and cultural dietary requirements for food preparation, distribution and quality should be observed, but if this proves problematic, arrangements can be made for kitchen facilities in residential units to cater for small numbers.
- 2 association rooms with comfortable seating to accommodate up to 50 persons in each, one upstairs and one downstairs to allow disabled access. Having 2 rooms provides for different cultural, ethnic and religious groups to associate separately and if necessary, allows for different space for males and females. A selection of cards and games should be provided for occupants to borrow.
- A TV room with satellite access and DVD player.
- A library with a selection of books in common languages. The library can also accommodate 3 or 4 table top computers to enable occupants to access the internet on a booking basis and under supervision to vet content.
- A gym and sports/games area. If possible, a space sufficient to accommodate an indoor 6 a-side football pitch should be provided. Provision of gym equipment should be undertaken by an appropriately qualified professional. All equipment should be regularly safety tested and supervised by a qualified physical instructor.
- A classroom for up to 30 persons for educational classes, equipped with training aids such as white boards, lap top computer, PowerPoint projector, DVD player, TV screen etc.
- A multi-faith prayer room. Depending on the usual religious breakdown of occupants, 2 may be required.
- A laundry equipped with commercial grade washing and drying machines to launder bedding



and towels. Professional input is required to decide the number and specification of machines.

- A shop selling basic items such as toiletries and specialist food for ethnic minorities, tea, coffee, soft drinks, fruit etc. Occupants should be encouraged to tell managers what they would like to see in stock. It is suggested that a computer system should be used for payment, which would record how much money occupants had lodged with the administration office and deduct any purchases automatically.
- Male and female toilet facilities on both floors with WCs and wash basins, with disabled access on the ground floor.
- There should be at least two first aid kits in signed, easily accessed locations on each floor, together with fire extinguishers.

7.11 The Plant Room

The plant room is located between the security fences in the South-West corner of the compound, making use of spare space and cannot be accessed by occupants. It will contain the machinery necessary to heat and cool all buildings on the compound, regulate external electrical and gas supplies and accommodate generators to provide emergency power for lights, the security systems, communications, fire systems and the medical centre. Guidance on standards for lighting, heating and ventilation in detention centres can be taken from UK rules, which specify that:

- *Artificial lighting must provide up to 150 lux average at desk height. The light levels may be verified by a handheld light meter. The meter must be set down; the measurer and their shadower must stand aside.*
- *Rooms must be maintained at a minimum temperature of $21^{\circ}\text{C} \pm 1^{\circ}\text{C}$. The maximum temperature must not exceed 28°C . A maximum temperature design risk (failure rate) of 30 days in a ten year period is acceptable. Where comfort conditioning using mechanical cooling is necessary, the summertime design temperature of $21^{\circ}\text{C} \pm 2^{\circ}\text{C}$ must be used.*
- *For rooms with no natural ventilation requiring mechanical supply and extract ventilation, the minimum fresh air rate must be eight litres/second/person where no smoking is permitted. There must not be an accumulation of moisture that could lead to mould growth or pollutants that could cause a health hazard¹⁰⁴.*

7.12 Secure Equipment Store

An equipment store is located in the South-East corner of the compound, between the perimeter and internal fences and is not accessible to occupants. It should be used to store all equipment that may pose a danger to occupants and staff or be used as weapons in the event of a disturbance. This will include gardening machinery and tools, tools for building maintenance and safety equipment such as breathing apparatus, fire extinguishers etc.

7.13 The Outdoor Communal Area

The outdoor communal area should be accessible to all occupants for exercise and recreation. Under normal circumstances, in conjunction with the daytime open door policy and free association, outdoor recreation should not be restricted. The grounds should be, as far as possible, landscaped to create a pleasant environment and a covered seating area installed to provide shelter from the

¹⁰⁴Immigration – The Detention Centre Rules – Statutory Instrument 2001 No. 238. Detention Services Order 4/2003.



elements. Ideally, there should be a designated area for outdoor sports.

The female outdoor communal area should be fenced off around the female residential unit, with an enclosed area within it as a playground for children. The play area should be partially covered to provide sun protection and equipped with playground apparatus such as swings and slides. The provision of an exclusively female communal area should not preclude women from using the main outside space.

7.14 Management and Staff Structure

The way in which the central SAC is managed and staffed will ultimately be dictated by the organisation with responsibility for running it. If it is, for example, the Ministry of Justice, the management structure will reflect how prisons are run. Whilst this would provide a reasonable framework, the needs for administrative detention are, in many respects, different. A relatively basic hierarchical structure would require splitting responsibility for running the facility into two parts; operations and administration.

Operations would have responsibility for monitoring activity on the site and maintaining order and discipline. Residential security teams would man offices in the residential units, with individuals allocated to specific units. They should get to know occupants within their units and monitor health, both physical and mental, and anticipate potential problems. Staffing per unit will depend how cooperative occupants are, but it may be that only one officer is required in each building, which would suggest a team of three covering 24 hours with 8 hour shifts.

Intelligence is vital in running detention facilities and SACs are no exception. A security intelligence team is required to process information being fed back by residential security teams and any other staff interacting with occupants, so that proactive measures can be developed to maintain security. All staff should be aware of their responsibility for information gathering.

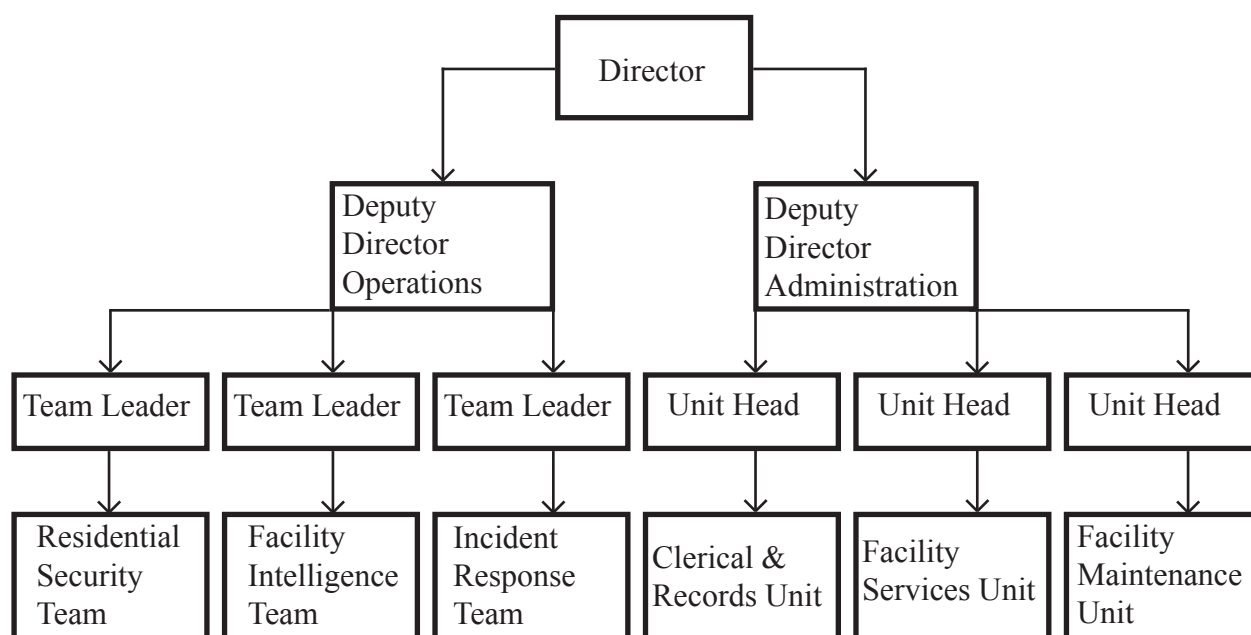
A security incident response team would have responsibility for attending areas where trouble occurs and isolating trouble-makers.

On the administrative side, a clerical and records unit would be responsible for documenting the induction process, maintaining personal records of occupants, keeping property records etc. A SAC services unit would look after the administration and running of the medical centre, plus the various functions within the communal facilities building; the canteen, kitchen, provision of food and supplies, stocking the library, providing gym equipment, cleaning etc. A facility maintenance unit would be responsible for building and equipment maintenance, heating, lighting, water supply, drains etc. Social and welfare officers will be part of the administrative structure, within the facilities service unit and be readily available for occupants to consult during the day.

The teams have not been broken down into constituent parts, but typically there would be 5 or 6 residential security teams to cover 3 shifts, each with a shift leader. There would be only one intelligence team, probably of one or two shifts, with an intelligence officer on call out-of-hours. Incident response teams may be separate or included in residential security teams as additional officers, or may be on-call if they can be deployed rapidly. Administration units will be non-operational and generally work single daily 8 to 10 hour shifts, with workmen on call for emergency maintenance.



How this might be structured is demonstrated below:



8. CARE OF OCCUPANTS

8.1 Training

The care of accommodated migrants requires specialist training for operational SAC staff, over and above what may be offered in the existing penitentiary system, to reflect the administrative offender status of occupants and ensure that their rights are properly safeguarded. Operational officers need to be particularly aware of cultural and religious sensitivities. Listed below are some of the specific subjects that will need to be addressed as part of a comprehensive induction programme:

- Migration – socio-geographic patterns – source and destination countries – migrant motivation
- Legislation – national and international – pertaining to the administrative detention of irregular migrants.
- Information gathering for intelligence
- Human rights - international obligations
- Asylum and refugee law
- Cultural, religious and ethnic diversity – respecting the beliefs of the principle ethnic groups and religions
- Recognising signs of trauma and stress in those who have may have come from life endangering situations and victims of torture.
- Trafficking in persons – recognising victims of trafficking and exploitation
- Communication – how to communicate effectively and diffuse confrontation – using interpreters
- Emergency response – Fire, flood, first aid, health and safety
- Recognising and responding to signs and symptoms of contagious diseases
- Personal protection, use of force and segregation, maintaining order and discipline in SACs
- Incident response – written and verbal reporting
- Integrity – what is expected of officers, recognising threats to integrity, effects and results of corruption

The above subjects should be additional to the normal induction or detention training programme of which ever organisation takes responsibility for the SAC and management courses should include managing SACs for senior officers.

Consideration should be given to giving enhanced, specialist training to designated individual officers in operational teams in:

- Dealing with bullying, suicide and self-harm
- Diversity
- Childcare and protection
- Health and safety
- Welfare

8.2 Staff-Occupant Relationships

Detainees should be treated respectfully by all staff, with proper regard for the uncertainty of their situation and their cultural and ethnic backgrounds. Positive relationships act as the basis for dynamic security and detainees are encouraged to take responsibility for their own actions and decisions. Whilst this statement may seem obvious, the effect that sympathetic and sensitive treatment of occupants has on morale and life in SACs cannot be over-emphasised. Surveys of SAC occupants in the UK have repeatedly shown that simple consideration shown by use of first names, being seen to listen, being helpful and generally showing respect to detainees significantly reduces the number of confrontational and violent incidents reported.



8.3 Immigration Casework

It is good practice to have an on-site immigration team from whichever agency is handling processing of occupants' cases. All occupants should be seen by a member of the team within 24 hours of arrival and given details of progress and the estimated date of completion of their cases. If they have not already been given it, they should be given written reasons for their detention in their own language. Their right to legal representation should be explained and if possible, legal surgeries should be held by qualified lawyers, either provided by the State or through NGOs, at least twice a week at the SAC. A list of lawyers giving free legal aid should be provided, together with contact details. Occupants should be able to contact their legal representative by phone, fax and email. Legal books should be provided in the library and occupants should be allowed to access legal websites on the Internet.

The immigration team should be augmented by welfare officers, especially if a full time presence cannot be maintained.

8.4 Intimidation

SACs have a duty of care to protect occupants from risk of harm and must provide safe accommodation and a safe physical environment. As part of this duty of care, prevention of intimidation by other occupants and staff is required. There needs to be a clear anti-bullying strategy, of which all occupants and staff are aware, through SAC rules and notices posted prominently around the centre in the commonest languages. It is suggested that, for occupant on occupant intimidation, a three stage approach should be taken:

- Level 1 – a verbal warning and monitoring of the perpetrator.
- Level 2 – Increased monitoring and a written warning making clear that if the behaviour continues, it will result in segregation.
- Level 3 – segregation

All complaints of bullying should be taken seriously and ideally, a community safety officer (CSO) should be appointed to monitor all safety issues and oversee investigations into intimidation. All incidents should be recorded by the officer who attended them (or took complaints) on specific report forms identifying perpetrators, victims, witnesses and a full account of circumstances. An incident report register should be maintained recording all incidents and details must be entered on the personal records of perpetrators and victims. At every level, alleged perpetrators should have the right to appeal decisions, at a rank above the officers who took them. There should be regular community safety meetings attended by team and unit leaders and medical officers, chaired by the CSO.

A process for handling complaints against staff members is also required. New arrivals must be informed of the complaints procedure during induction and it must be included in the rules of the centre. Suggested guidelines for handling complaints are included in SOPs but, in brief, the director of the facility or a senior officer designated by the director must hear details of complaints and requests every day. Comprehensive records of complaints against staff must be kept, as must details of investigations and outcomes. Occupants must have access to the director or a designated senior officer, either by personal appointment or in writing through sealed envelopes provided for the purpose. Staff disciplinary procedures can follow established processes for complaints against public servants or departmental guidelines of the agency responsible for the SAC.



8.5 Suicide and Self-Harm

Assessing the risk of suicide or self-harm should form part of the health screening process during induction, which will also seek to identify any immediate mental health problems and signs of alcohol or drug abuse. If such problems are identified during induction, new arrivals should be referred to an appropriate medical professional with a view to being accommodated in a medical facility rather than the SAC. All occupants should be given a full health screening in the medical centre by a doctor within 3 days of arrival.

All SAC staff, particularly those on operational duties, should be trained to detect signs of deteriorating mental health and as a result, identify occupants who might have a propensity for self-harm. Any concerns should be reported immediately to a manager and a welfare officer. Arrangements should be made to refer at-risk occupants to a health care professional as soon as possible, but in the meantime, it may be appropriate to move them to a segregation room and provide 24 hour monitoring, pending removal to a medical facility. Any segregation room used to house at risk occupants should be stripped of furniture or items that may be used to self-harm.

Any issues relating to suicide and self-harm should be covered during community safety meetings. If necessary, such meetings can be convened at short notice, particularly if a decision needs to be taken on moving an occupant to a specialist medical facility. Details of occupants who have been identified as being at risk but not sufficiently to warrant segregation or removal should be notified to operational staff during pre-shift briefings so that they can be constantly monitored. Records should be kept of occupants using the canteen to identify any that are not taking food. All operational staff should carry ligature knives and be aware of the location of first aid kits. Consideration should be given to providing surgeries by trained councillors and/or counselling on request, through an appropriate NGO or volunteer organisation.

8.6 Child Care and Child Protection

As has been previously emphasised, children should only be detained in the most exceptional circumstances and then only for the absolute minimum time. They should be well cared for, properly protected in a safe environment and receive suitable education. If brief accommodation is required to await imminent departure, border SACs should be used. CSOs and welfare officers should be involved from the induction phase and if family and child detention becomes a regular feature, a child care professional should be engaged to run the family unit. All local child care protocols and procedures should be observed. If there are any doubts about the age of occupants claiming to be minors, they must be age assessed by a qualified professional.

8.7 Faith and Diversity

All occupants should have the right to practice their religion in safety and have access to a place of worship, services and instruction. Ministers of religion should be encouraged to visit the centre on a regular basis and if demand from occupants is sufficiently high, consideration should be given to providing a permanent base for a minister of the predominant religion or religions. In conjunction with this, single-faith facilities may be required if demand for a multi-faith prayer room regularly exceeds capacity.

Special care must be taken by staff to understand the diverse backgrounds and different cultural norms of occupants, as this is an area that can easily generate complaints and unrest through misunderstanding and



ignorance. Occupants must not be discriminated against on the basis of race, nationality, gender, religion, disability or sexual orientation.

8.8 Personal Property

Occupants should be permitted to keep items of their own property and clothing with them in the centre, provided that they do not pose a threat to safety and security and can be adequately accommodated in the personal storage facilities allocated to them in their rooms. Any prohibited items or property that exceeds personal storage capacity must be securely retained in a central storage area in the reception unit. Occupants should be granted reasonable access to centrally stored property on request. Important documents and money should be stored in reception in personal lockers. A copy of important documents, especially identity documents, should be placed on individual personal files. Control of money on site is a policy matter for the facility administration, but it is suggested that no money is permitted within the centre and a computer system is used to allow occupants to spend from the amount that they deposit with reception. Thus, any purchases made at the on-site shop or goods ordered through it can be deducted from their balance on production of their identity card. All property, documents and money must be listed on arrival, witnessed by two officers and the occupant, and signed for on arrival and departure. Any withdrawals from storage during the period of occupancy must also be signed out and if appropriate, back in again.

Policy on mobile phones is also a matter for centre administrators, but allowing occupants to have basic phones without photographic or internet capability should not pose a security risk and would enable contact with relatives and friends. Some SACs in the UK issue pay as you go phones to occupants on arrival, which has the advantage of enabling them to be quickly contacted within the centre. Top-up cards are purchased at the occupants own expense, but may be issued at government expense if they have no money.

8.9 Clothing, Bedding and Hygiene

Occupants should be permitted to wear their own clothing and given free access to laundries in residential units. A central clothing store should be maintained to provide for occupants' basic requirements; at least 3 sets of underclothes and top clothes appropriate to the season, if their own clothes are not suitable. There should be flexibility in the issue of clothing to take account of any individual medical or special needs and occupants should be able to receive clothing from outside. It should be a requirement of the centre, posted in the rules, that clothes must be kept clean. Washing powder should be readily available in laundries.

On arrival, occupants should be given bedding and towels, to be changed weekly and laundered in the central laundry. The laundry should be staffed by outside contractors, supplemented by occupants volunteering for employment.

Communal areas should be cleaned by outside contractors, again supplemented by volunteer occupants on employment schemes if appropriate. Occupants should be supplied with cleaning materials and made responsible for the cleanliness of their own rooms and for keeping communal facilities within residential blocks tidy.



Occupants should be issued with a toiletries pack on arrival, tailored separately for males and females. Minimum requirements should be:

- Soap and/or shower gel
- Shampoo
- Toothpaste
- A toothbrush
- A comb or hairbrush
- Deodorant

Males should be supplied with a disposable razor and shaving soap. Any occupants considered to be at risk of self-harm or harm to others should be issued with a razor to shave, supervised when shaving and required to return it after use. Maintaining personal hygiene should be a requirement included in the rules of the centre. Occupants should have 24 hour access to showers and hot water should be available from 0600 hrs. to 2400 hrs. Females must be given easy access to sanitary products. An area for hair cutting should be designated, either on rotation in residential units or based in the communal unit, with a hairdressing service provided by an outside contractor.

8.10 Activities

Recreational and work activities play an important part in preserving and promoting the physical and mental wellbeing of migrant centre occupants and should be actively promoted, particularly for long-term occupants and it is suggested that an activities officer or small team be appointed from the facilities services unit. As part of communal facilities, it has already been suggested that a gym, indoor and outdoor sports areas, library, education and association rooms be provided. The gym should be furnished with exercise equipment such as multi-gym exercisers, treadmills and rowing machines. Weights are not recommended due to the risk of injury while exercising and possible use as weapons. Exercise in the gym should always be supervised by an appropriately trained officer. As a guide, an outside sports area should provide for at least a football pitch (90m x 45m) and the inside area should be sufficient to allow for a basketball court (29m x 15m).

The library should contain a good selection of books in languages determined by nationality profiling of occupants. Records of stock and a system of booking out for lending should be in place, preferably computerised. Up to date legal publications pertinent to immigration law should be available for reference rather than lending which, depending on demand, may require a booking system for use. A selection of newspapers and magazines in languages reflecting the centre population should be made available for reading in the library.

Education classes should be provided on the basis of the average length of tenure of occupants as there is little point in running long term courses if the majority of occupants stay for only a few days, which is likely to be the case. A designated education officer should be appointed, although this may not need to be a full time role. Teachers should be appropriately qualified, but there may also be opportunities for occupants to lecture on their countries, hobbies, professional experiences etc. A maximum of 12-15 places per class is suggested, with classes repeated if demand exceeds this. Association rooms should provide an area for watching TV and DVDs and have recreational equipment such as table tennis and pool tables. Cards and games should be available for lending.

Employment cannot be compulsory, work must be paid unless it is specifically designated as voluntary and vacancies should be advertised to allow all occupants to apply. All of the activities



identified above provide opportunities for employment of occupants – library assistants, physical training assistants, teaching assistants, etc. although, again, the average length of detention will have a bearing on the practicality of creating employment. Further employment opportunities exist in cleaning, laundry and cooking. A work coordination officer should be appointed, although not necessarily as a full time responsibility.

8.11 Use of Force and Segregation

Force must only be used as a last resort. The following internationally recognised rules apply:

- **Proportionate** – any force used must be the minimum required to achieve the objective. Officers using force must understand and take responsibility for the consequences of their actions. Use of force will normally be carried out only by those who have been trained in approved restraint techniques, but where this is lacking, must still be shown to be reasonable.
- **Lawful** – force should only be used where the officer is exercising a legal function either under immigration law, other legislation relating to detention or any applicable criminal law i.e. assault, affray, rioting.
- **Auditable** – any use of force should be recorded in case of legal challenge or complaint.
- **Necessary** – the officer must demonstrate that there was no practicable alternative to using reasonable force.

Use of force falls into 2 categories:

- **Spontaneous incidents** - where confrontational situations quickly degenerate, often unexpectedly, to violence or potential violence and an immediate response is required to prevent harm and maintain order. These types of incidents can rapidly escalate as other protagonists are drawn in and can quickly become full scale riots, which are generally referred to as critical incidents. In the first instance, officers responding to spontaneous incidents should request backup and only intervene immediately if they are confident that they can subdue a protagonist on their own. The SAC must have a set plan to respond to critical incidents, fully detailed in SOPs, which clearly lays out the chain of command, specifies how to mobilise rapid response teams and gives procedures for locking down residential and communal units to isolate incidents. All incidents must be reported by the officer(s) involved and if relevant, witness statements taken. They should be recorded by the nature of the incident, its location and the age and ethnicity of those involved to allow for later analysis. All persons involved in violent incidents should be examined by a doctor as soon as practicable after it. All officers involved should be debriefed as soon as possible.
- **Planned intervention** – which is a proactive response, planned in advance, to segregate an occupant or occupants who are perceived to pose an imminent threat to security, good order and safety. The occupant can be isolated in advance and removed quickly by a response team at a prearranged place and by a pre-planned route, preferably away from other occupants. Handcuffs should only be used when supported by clear risk factors and health care staff should be present. It is good practice to video these incidents in case of complaint. Briefing should take place before interventions and debriefings afterwards.

Segregation has, to some extent, been covered earlier in the report and is included in SOPs, but the important rule to remember is that it should be as short as possible and not extended arbitrarily as a punishment. Certainly in the case of spontaneous incidents, once the facts of occurrences have been established and protagonists are no longer deemed to be a threat, they should be returned to normal association. Planned interventions should have pre-agreed objectives and outcomes, which will generally be removal of the occupant from the country or, if they are persistently aggressive and violent, transfer to the penal system or in the case of segregation for medical reasons, transfer to hospital.



8.12 Catering

The objective is to provide 3 nutritionally balanced meals per day, of which at least 2, lunch and dinner, should be hot. Religious and cultural requirements for preparation, distribution and content must be observed. Menus should rotate on a one month cycle, be varied and provide for a vegetarian and healthy option. Adequate supplies of fresh fruit should be made available and it is suggested that a pictorial representation accompany each menu item, to avoid language difficulties. Special diets must be catered for, especially when food allergies are involved, a list of which should be kept in the kitchen. The kitchen should be supervised by professional chefs and a catering manager appointed. Occupants should be allowed to prepare their own food in residential unit kitchenettes on a limited scale, preferably only snacks, but this rule can be relaxed when there is a cultural or religious need that cannot be accommodated by the main kitchen.

8.13 Welfare

A welfare officer should be appointed either fulltime or part time, depending on occupancy levels and all occupants should be seen by him/her within 24 hours of arrival. The welfare office should be open during normal office hours to give assistance to occupants on practical matters such as retrieving property that they are unable to bring when detained, sorting out bank accounts, contacting relatives, getting help from NGOs and volunteer organisations etc. The welfare officer will also have a role to play in informing and preparing occupants for removal or release, by arranging resettlement grants, organising temporary accommodation on release, arranging reception on return etc.

8.14 Monitoring

Many countries with SACs use the same inspection organisations to monitor centres as are used to inspect prisons. The Armenian Public Monitoring Group, which has the prison inspection remit under an independent charter seems the obvious choice to adopt the same role with SACs. The infrastructure is in place, the group is acknowledged to be independent, having been recruited from NGOs, and it has experience and expertise in the field. In view of the sensitivity of detaining irregular migrants, it is suggested that the prison inspection system be streamlined for SACs to allow for serious problems to be immediately reported to the facility director to allow for rapid resolution pending submission of a full report. As a rule, inspections should be made on a regular basis, but not exceeding 6 months, unless the preceding report found no issues and received no complaints from occupants. In this case, they can be moved to an annual basis.



9. SUMMARY and CONCLUSIONS

The primary focus of this report is to assess the need for central detention accommodation for irregular migrants within the migration sector of the Republic of Armenia. In doing so, the assessment team has examined the policy and legislation governing the existing structure, in conjunction with how an integrated border management system is developing, aided to a large extent by previous assessments carried out by IOM covering a wide range of migration issues. Additionally, the limited management information that is currently available has been sifted in order to project future migrant accommodation needs to meet the requirements of the various government decrees and legislation, as outlined above, relating to the establishment of SACs, both at borders and centrally. Coupled with this, recommendations have been made covering the design, services, staffing and facilities required to meet common international standards and practice.

Migration policy has evolved around the presumption that Armenia is a source country for migrants, rather than transit or destination. Historically, there have been sound reasons for this point of view and understandably, what can best be described as a passive system of immigration control has emerged from laissez faire policies that rely on dealing with immigration offences such as overstaying when offenders eventually leave the country. There is a tendency to concentrate on ensuring that migrants are properly documented on entry and swiftly remove those who are not without fully investigating potential or actual migration transgressions which, together with a lack of internal enforcement activity and ineffectual migrant tracking systems, makes it very difficult to gain a clear picture of the extent of actual offending. There are, however, indications that this is changing. The establishment of the State Migration Service to coordinate activity within the migration sector is a positive step forward, as is legislation on the organisation of illegal entry, and the development of an integrated computer tracking system. The statistics that are available show that the number of residence permits issued is increasing and the education sector is expanding. Official figures indicate that the flow of refugees quickly reflects deterioration in domestic circumstances in countries of origin, and as MIS improves to include more comprehensive statistics on migration management in general, it will allow for more accurate projections of how Armenia needs to deal with future international trends in migration.

In making recommendations for SACs, the assessment team has assumed that government policy will continue to be driven by the current desire to bring migration management in line with EU and international good practices, which will result in enforcement activity based on intelligence gathered at borders and through robust management information systems, thus creating a need for greater migrant accommodation capacity.

The legal framework on irregular migration and detention is limited. It would be far more preferable for migration-related offences to impose administrative penalties when no further criminal intent has been established instead of the current criminal penalty. It would also be of benefit for smuggling of migrants to be criminalized and defined in the sense of the UN Smuggling Protocol. There is also a need to implement secondary legislation regarding conditions for granting work permit, as the access of foreigners to the labour market is currently not controlled or regulated. In regard to detention of foreigners, there is existing legislation in place, which needs to be put in practice and complied with as additional SACs are being created at all BCPs.

Whilst SACs at borders are currently rudimentary, work is underway to establish facilities at the land borders with Georgia. The new centre at Zvartnots airport is of a high standard and provides



more than enough capacity to cope with current demands and demands for the foreseeable future. Minor modifications have been suggested that will improve security and operating procedures are being produced in conjunction with report to ensure that international standards are fully met.

A design for a central SAC has been suggested to, at the very least, generate discussion between technical designers and accommodation administrators. The recommended layout is sufficient to accommodate 100 migrants, with capacity to increase this number by relatively straightforward reconfiguration if necessary. By using a system of separate residential and communal facility units, the site can be developed gradually, if necessary, as demand increases and funds become available. To clarify, not all of the units need to be built at once and with careful planning, they can be developed and occupied one or two at a time. The same applies to the facilities and services listed, which have been proposed in order to bring the centre to full international standards. It is likely that they will not all be required until (and if) the centre reaches full or near to full capacity. For example, if the average length of detention proves to be measured in days, it is unlikely that a gym will be required, provided that there is adequate provision for alternative means of exercising and dining and medical facilities will not need to be so extensive. The main purpose is to meet the anticipated demand, which will only become fully apparent when more robust enforcement activity and migration controls are put in place.



ANNEX A

LIST OF RECOMMENDATIONS

1. Border Operations

1.1 More effective management information systems are required to establish levels and type of immigration offence to enable analysis of motivation for migration and levels of compliance with entry conditions. This should lead to secondary controls based on risk analysis of those likely to offend by nationality, age, sex, appearance, demeanour and routes of travel.

1.2 More robust control on entry by targeted interviews to establish credibility of reasons for travel, informed by profiling, both at the visa application stage and on arrival.

1.3 In-depth investigation of travellers with forged or fraudulent documentation to establish motivation, source of documents and methods of forgery.

1.4 Holders of forged or fraudulent documents should be returned to their last point of embarkation and should not be allowed to proceed to a third country without the express agreement of that country, in the knowledge that entry by false documentation has been attempted.

1.5 Regular, frequent vehicle examinations, particularly freight, at land border crossings to establish whether smuggling/trafficking of migrants is an issue. Interventions should be intelligence led.

1.6 The low incidence of trafficking in persons detection suggests that training in indicators of trafficking may be required.

1.7 Enhanced training in alternatives to detention, migrants rights and cultural sensitivity should be provided for at least two officers per shift to act as custody managers when required.

1.8 More information in the languages of the most typical countries of origin of irregular migrants is required at borders SACs i.e. house rules, legal aid and human rights, assistance available for victims of trafficking and exploitation etc.

1.9 Install a secure door at the entrance to the communal area of the Zvartnots Airport SAC, together with a separate interview room and secure isolation room.

2. Internal Operations

2.1 Proactive, robust in-country controls on foreigners are required, as highlighted in previous border management assessments, supported by accurate MIS to continually monitor existing problems, detect emerging trends, formulate policy, provide intelligence led operational response and determine staffing and detention requirements.

2.2 Again, as specified in previous assessments, it is essential to establish a central database and create individual records to track migrants from entry to exit. Records should record entry conditions, places of employment or study, extensions to entry conditions, deportation, exclusion and periods of detention.



ANNEX B

TERMS OF REFERENCES AND AGENDA FOR MEETINGS AND FIELD ACTIVITY OF THE SPECIAL ACCOMMODATION NEEDS ASSESSMENT TEAM.

IOM Mission in Armenia
Project Development and Implementation Unit

Terms of Reference

Needs assessment and preparation of standard operational procedures for migrant accommodation centres in Armenia

Project: “Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia” Regional Project
funded by the European Commission Thematic programme of cooperation with third countries in the areas of migration and asylum and the IOM Development Fund
Thematic block 2: Establish capacity to manage migrant accommodation centres in Armenia and Azerbaijan;
Activity 2.1 – Training on migrant accommodation centre management
Task Manager: Head of Project Development and Implementation Unit

Introduction

About IOM.

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

About READMIT Project.

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

Background Information.

Although the Armenian Government adopted decisions that approved a procedure for the operation of Special Accommodation Centres (SACs) and the holding of foreigners in these Centres, such



centres still do not exist at the majority of the country's border-crossing points. At present, SACs only exist at Zvartnots International Airport (Yerevan) and the Bagratashen border-crossing checkpoint. Both of these need to be improved and aligned with international standards.

To prevent and prosecute migration offences and crimes, Armenia refers mostly to other branches of law, such as provisions in the administrative or criminal codes. Theoretically, persons that illegally cross the border can be detained; however, in the absence of a central SAC, irregular migrants in Armenia are currently held in the Vardashen Penitentiary Institution.

The legislation on SACs needs to be improved and more specific requirements for conditions and timelines for holding foreigners in the SACs must be set. The gaps that exist in the national legislation regulating the holding of irregular migrants in SACs and the operation of SACs need to be addressed. It is necessary: a) to define the maximum period for which irregular immigrants may be detained; and b) to hold irregular immigrants in a place separate from convicts serving sentences for other criminal offences. Furthermore, state budget financing is necessary in order to bring the SACs into line with international and EU standards and to provide appropriate accommodation, transport and health care services to irregular migrants.

In addition, the rights of migrants held in the SACs need to be protected by certain safeguards and the SACs should be brought into line with the humanitarian standards set forth by international organizations and the EU acquis on migration and asylum, the Council of Europe, European Court of Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The Police of Armenia will be in charge of operation of the SACs.

The modernisation of border crossing control points is piloted at the Armenia – Georgia border through the UNDP implemented “Enhancement of border management capabilities at the Ninotsminda-Bavra Border Crossing Point between Georgia and Armenia (NBIBM) Regional Project, a pilot project under the EU Eastern Partnership Flagship Initiative on Integrated Border Management (<http://scibm.org/project>).

Objectives of the Needs Assessment and SoP-s.

While the construction and furnishing of SAC-s is not the subject of the READMIT Project, the latter will address the issues of production of SoP-s for the SAC-s. For this purpose the IOM will conduct an assessment of gaps and needs of temporary accommodation of migrants present on the country's territory. This analysis will also contain recommendations as to which factors and circumstances the national authorities in both countries should take into account when developing policies on this topic.

As a follow up standard operating procedures will be developed for operation of the Migrant Accommodation Centers (in Armenia they are called SACs), which will be used as the basis for subsequent training activities.

The SOP-s will aim to set basis for secure but humane temporary holding of foreign nationals, namely irregular migrants, who do not have legal grounds to stay in the country.

The Needs Assessment will address the following, at minimum:

I policy and legislation on admission, asylum, extradition; grounds for detention, penalties,

- procedural guarantees, length of detention, readmission, minors, VoT-s, access to detainees, non-custodial measures;
- II infrastructure and environment, short and medium term faculties; detention conditions and services; safety;
 - III. role of administration, capacities, knowledge and training, personnel administration, ethics, data protection; cooperation with other entities
 - IV procedures: finance, sleeping accommodation, sanitation, clothing, diet, nutrition, health, daily activities, gender, age, language, religion, communication.

The SoP-s will address the following, at minimum:

- 1. Space (Admission area, temporary holding rooms, dormitories, multipurpose space, health care unit, kitchen area and dining facilities, visiting space, storage rooms, laundry facilities, attorney interview space, library, religious etc.)
- 2. Security
- 3. Admission (rules, medical check, etc.)
- 4. Housing and Accommodation (placing, VoT-s, Vulnerable cases, sanitation, cleaning, meals, regime and activity, exercising, education, smoking policy, etc.)
- 5. Rights and Responsibilities of Irregular Migrants
- 6. Communication and Visitation (translation, use of telephones, correspondence, access to legal services and legal aid; etc.)
- 7. Healthcare (hygiene, medical record-keeping and confidentiality, provision of medication and therapeutic services, control of communicable diseases, sexual and reproductive health issues, mental health issues, treating victims of crimes, trauma or torture, occupational and environmental health issues, etc.)
- 8. Administration and Human Resources management. Rights and Responsibilities of Administration
- 9. Monitoring

In addition, the Needs assessment and SoP-s will include List of treaties, and other legal instruments and readmission agreements.

The needs assessment and SoP-s will be published in Armenian and English.

Methodology

The Needs Assessment will be conducted and SoP-s will be drafted by two international consultants, who will work under the supervision of Head of PDIU.

The consultancy will entail a desk review; legal textual analysis; preparation of a questionnaire for collecting information from the main stakeholders; preparation of the needs assessment report with recommendations; elaboration of a SoP-s for SAC-s..

The Armenian state bodies to meet will include: the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Issues (including State Employment Service Agency, State Social Security Service), State Migration Service at the Ministry of Territorial Administration; Police (including the Directorate for Passports and Visas; General Directorate for Combating Organize Crime); National Security Service (Border Guards Troops); State Revenues Committee; Ministry of Diaspora; Ministry of Education; Ministry of Health, Ministry of Defence.



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

The selected consultants should:

- a) Develop methodology for the consultancy.
- b) Conduct desk review and legal textual analysis.
- c) Meet the main stake-holders and assess needs, identify the gaps in migrant accommodation in Armenia.
- d) Analyse the information and data and produce needs assessment report with specific recommendations and next steps.
- e) Draft the SoP-s.
- f) Incorporate of inputs by IOM Mission in Armenia and other stakeholders as suggested by IOM Armenia.

During the preparation of the Deliverables the IOM will make use of various materials, including the following:

IOM, *"Guidelines for Border Management and detention procedures involving migrants: a public health perspective"* (2010).

IOM, *"Guidelines and Best Practices for Migrant Accommodation Centres in Ukraine,"* (2007).

IOM, *"Proposal for a system for Handling irregular migrants in line with the EU Acquis and International norms"* IOM (2006).

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

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

Prutsch, Franz for the International Organization for Migration, *"Armenia Technical Border Needs Assessment,"* 2011.

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

UNDP, *"Migration and Human Development: Opportunities and Challenges. 2009 Armenia National Human Development Report"* United Nations Development Programme (2009).

Galstyan, Kristina, *"Migration Management and Human Rights."* International Organization for Migration (2010).

IOM, *"Draft of the Second Working Paper on the Human-Material component. Assessment for the establishment of a Closed Temporary Reception Centre for Irregular Third Country Nationals in Albania."* IOM Albania.

IOM, *"International Human Rights Standards. Assessment for the establishment of a Closed Temporary Reception Centre for Irregular Third Country Nationals in Albania."* IOM.

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

Related policy and legislation.

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

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

The “Concept on Studying and Preventing Irregular Migration Originating from Armenia” (adopted on December 29, 2011)

RA Administrative Violations Code of 6 December 1985

RA Criminal Code of 18 April 2003

“Republic of Armenia National Security Strategy,” approved by the Order of the RA President No. NH-37-N on 26 February 2007

“Border Security and Integrated State Border Management Strategy of the RA,” approved by the National Security Council on 25 September 2010

“Republic of Armenia Law on Foreigners,” adopted on 25 December 2006,

“Republic of Armenia Law on Political Asylum” of 26 September 2001

“Republic of Armenia Law on Refugees and Asylum,” adopted on 27 November 2008

RA Government Decision No. 127-N “On Approving Procedures for Functioning of Special Accommodation Centers on the RA Border Crossing Points and Transit Zones and for Accommodating Foreigners in these Centers,” February 7, 2008

RA Government Decision No. 827-N “On Approving the Procedure of the Operation of a Special Accommodation Center in the Territory of the RA and the Procedure of Holding Arrested Foreigners in this Center,” July 10, 2008

RA Government Decision No. 783-N On the operation of the special facilities located within the crossing points of the state border and transit zones of the Republic of Armenia and accommodation of aliens in such facilities, July 18, 2013

“Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation” of April 19, 2013



IOM Mission in Armenia

Project Development and Implementation Unit

***“Supporting the establishment of effective readmission management in Armenia,
Azerbaijan and Georgia” Regional Project***

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

***Agenda for Mission to Armenia conducting Needs assessment of migrant accommodation
centres in Armenia and preparing their standard operational procedures***

Monday, September 16, 2013 – Friday, September 20, 2013

Day 0. Sunday, September 15, 2013

17:00 – 20:00	IOM Armenia Mission Ms. Kristina Galstyan, Head of Project Development and Implementation Unit
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Day 1. Monday, September 16, 2013

08:00 – 20:00	Actual Border Crossing Review at Bagratashen Head of Bagratashen Border Control Detachment of the Border Guards Troops
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Day 2. Tuesday, September 17, 2013

09:30 – 12:30	Actual Border Crossing Review at Yerevan Zvartnots International Airport Colonel Samvel Aghajanyan, Head of Zvartnots Airport Border Control Division, Border Control Detachment of the Border Guards Troops; Mr. Karen Babayan, Security Manager, Armenia International Airports
14:00 – 15:45	State Migration Service at the Ministry of Territorial Administration Mr. Gagik Yeganyan, Head
16:00 – 18:00	Ministry of Justice Mr. Rafael Hovhannisyan, Deputy Head, Penitentiary Department Mr. Albert Mkrtichyan, Adviser Major Tigran Sahakyan, Head, Administrative-analytical, legal and international relations division

Day 3. Wednesday, September 18, 2013

09:30 – 11:00	United Nations Development Programme Mr. Grigori Malintsyan, Coordinator, EU-funded “Enhancement of border management capabilities at the Ninotsminda-Bavra Border Crossing Point between Georgia and Armenia” (NBIBM) Regional Project; and EBRD-funded “Armenia Northern Corridor Modernisation” Project
11:15 – 12:45	Police of the Republic of Armenia Colonel Norair Muradkhanyan, Head, Passport and Visa Directorate Major Armen Petrosyan, Head of Division for Combating Irregular Migration and for International Cooperation Lieutenant Colonel Armen Sedrakyan, Head, International Relations Division
14:30 – 16:00	Ministry of Foreign Affairs Mr. Mher Badalyan, Head of Migration Unit, Consular Directorate Mr. David Manukyan, Attaché, Visa Desk, Consular Department
16:15 – 18:00	European Commission Delegation to Armenia Mr. Davit Avakian, Project Manager

Day 4. Thursday, September 19, 2013

9:30 – 11:00	Chamber of Advocates Mr. Ruben Sahakyan, Chairman of Council Mr. Masis Ghazanchian, Head of Office, Public Defender’s Office
11:15 – 12:45	Office of Prosecutor General Mr. Koryun Piloyan, Head, Corruption and Organized Crime Department Mr. Artur Goyunyan, Head of Department of Oversight over the cases by the National Security Bodies and cases of cybercrimes Ms. Nelli Harutyunyan, Head, International Legal Relations Division Mr. Yeghiazar Avagyan, Prosecutor, International Legal Relations Division
12:45 – 14:30	EU Advisory Group to Armenia Ms. Eleonora Vergeer, Adviser on Justice, Freedom and Security
14:30 – 16:30	National Security Service Colonel Oleg Markosyan, Deputy Head of International Relations Directorate Lieutenant Colonel Manvel Mayilyan, Deputy Head, Border Control Detachment, Border Guards Troops
16:45 – 18:00	United Nations High Commissioner for Refugees Mr. Christoph Bierwirth, Representative Ms. Kate Pooler, Protection Officer Ms. Susanna Grigoryan, Assistant Protection Officer



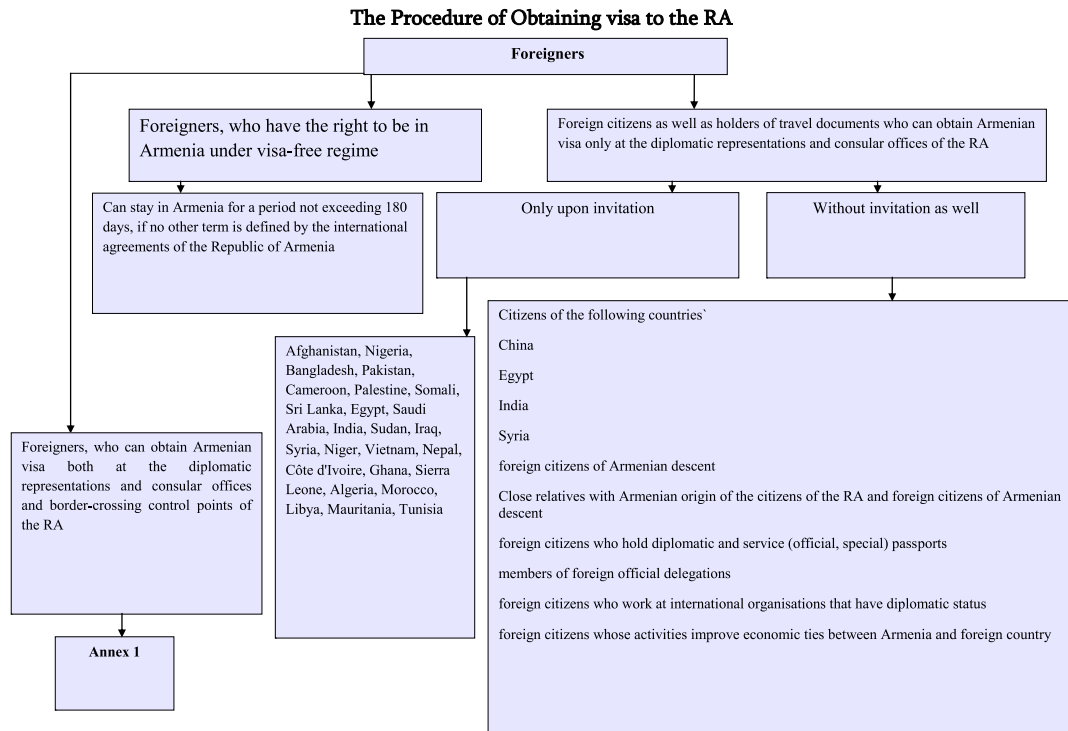
Day 5. Friday, September 20, 2013

09:30 – 10:30	Ministry of Health Ms. Ruzanna Yuzbashyan, Head, Health Programmes Division Ms. Lusine Kocharyan, Head, Public Health Division; Ms. Hasmik Safaryan, Leading Specialist, International Relations Department
10:45/11:00 – 12:00	Visit to Abovian penitentiary institution (for females and minors) Colonel Aram Sargsyan
12:30 – 13:30	Helsinki Committee of Armenia Mr. Avetik Ishkhanyan, Chair
14:30 – 15:45	OSCE Office in Yerevan
16:00 – 17:15	IOM Mission in Armenia Ms. Kristina Galstyan, Head of Project Development and Implementation Unit
17:15 -- 20:00	Experts work together



ANNEX C

PROCEDURES FOR OBTAINING A VISA FOR THE REPUBLIC OF ARMENIA



Organigram of Ministry of Foreign Affairs available at www.mfa.am/u_files/file/consulate/Visa/Visa%20Eng.pdf.



Annex D
Standard Operating Procedures for the Special Accommodation Centres

**STANDARD OPERATING PROCEDURES FOR SPECIAL
ACCOMMODATION CENTRES FOR FOREIGNERS**

2014

Disclaimer: While recognizing the right of states to detain irregular migrants in certain limited circumstances, the International Organization for Migration (IOM) opposes indefinite or prolonged detention. The detention of (irregular) migrants should only be done as a measure of last resort when non-custodial measures are deemed ineffective by the responsible authorities and should only be used as an administrative measure and not a criminal one. In all cases, the provision of less restrictive options should be promoted and sought for, including community housing, open reception centres, and centres for special support to vulnerable migrants, as well as measures such as assisted voluntary return where possible.

These procedures were compiled in the framework of the “Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia” Regional Project funded by the European Commission and the IOM Development Fund and the “Building capacity of government structures in Armenia, Azerbaijan and Georgia for the effective management of readmission and return” Regional Project funded by the IOM Development Fund”

ABBREVIATIONS

BCP	Border Crossing Point
BMIS	Border Management Information System
CCTV	Closed Circuit Television
CIS	Commonwealth of Independent States
CSO	Community Safety Officer
EU	European Union
IOM	International Organization for Migration
IT	Information Technology
MIS	Management Information Systems
MRA	Manager of Religious Affairs
NGO	Non-Government Organisation
PRDC	Prevention of Racial Discrimination Committee
PRDLO	Prevention of Racial Discrimination Liaison Officer (PRDLO)
SAC	Special Accommodation Centre
SIR	Security Information Report
SMS	State Migration Service
SOP	Standard Operating Procedures
UNHCR	United Nations High Commissioner for Refugees

INTRODUCTION

These Standard Operating Procedures (SOP) of the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia are produced for the Special Accommodation Centre (SAC) for foreigners.

The implementation of the SOPs is not derived from the competencies/authorities defined by the RA legislation to the State Migration Service.

The SOPs were produced in conjunction with the IOM report “A Needs Assessment of Special Accommodation Centres for Foreigners” conducted by IOM, which outlines proposals for the design and provision of SACs, both internally and at border crossing points (BCP). Both the SOPs and the needs assessment are deliverables of an IOM administered project, funded by the European Union (EU), to support effective readmission management in Armenia, Azerbaijan and Georgia.

In the absence of an existing internal SAC, these instructions are, by necessity, confined to outlining the minimum standards required in the management of SACs, with an enhanced level of detail on safeguards and procedures that can be adapted to national legal requirements when an internal SAC is established. While the SOPs have been primarily developed for an internal SAC for the accommodation of irregular migrants beyond 72 hours, they can be adapted, in less detail, for the BCP SACs where migrants generally do not stay beyond 24 hours which, only in exceptional circumstances, may be extended to 72 hours.

These SOPs may need to be updated in the future to ensure they remain relevant to newly approved procedures and policies.

It is important to recall that the Special Accommodation Centre (SAC) for foreigner’s facility is not a prison and must not be used for the accommodation of people awaiting trial for, or convicted of, criminal offences, except the illegal border crossing, which is a criminal offence in Armenia¹⁰⁵. As stipulated in Article 37.1 of the Law on Foreigners, “foreigners who have arrived at a crossing point of the state border of the Republic of Armenia without a passport, with an invalid passport, or who have been refused an entry visa at a crossing point of the state border of the Republic Armenia, or who have not obtained an entry authorisation from the body carrying out border control, may be detained in a transit area or in another place in a special facility provided for that purpose”. Furthermore, according to Article 38.1 of the Law on Foreigners a foreigner can be detained if there are sufficient grounds to suspect that he/she will abscond until the case on expulsion is examined in the court or until the execution of the expulsion decision has taken effect.

This closed reception centre for irregular migrants must provide for the secure but humane accommodation of detained persons in a relaxed regime, with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment. Accommodated migrants will be encouraged and assisted to make the most productive use of their time, whilst respecting in particular their dignity and the right to individual expression, through the provision of appropriate facilities within the centre.

¹⁰⁵Article 329 of the Criminal Code of Armenia.

1. ACCOMMODATION

STANDARD: Accommodation must be fit for the purpose of the secure accommodation of foreigners. It must provide decent living conditions and meet space requirements specified by the Head of the State Migration Service and be certified as such. The centre aimed at accommodating migrants should not bear any similarities to prison-like facilities.

DESIGN CRITERIA:

- Sleeping accommodation that ensures personal safety and privacy through provision, as far as practical, of private bedrooms or low occupancy shared rooms
- Residential units designed to accommodate groupings by gender and cultural background and separation by risk profile
- At least two general association areas to allow separation by gender when necessary, in a comfortable, relaxed environment
- Reasonable access to laundry facilities from each residential unit
- Facilities for passive and active recreational activity, such as a library, gym, internet access and sports areas, internally and externally
- Health services comparable to community standards through an on-site medical centre
- A visit centre to allow all weather social and recreational interaction with visitors in a friendly, pleasant environment
- Interview rooms that provide privacy for occupants to speak to staff and legal representatives
- Suitable facilities to meet religious and spiritual requirements

Security proportionate to keeping occupants and the community safe, wherever possible in a non-institutional manner to allow ease of movement with appropriate containment.

REQUIREMENTS

1. Rooms should be open and migrants should have free access at specified times to common spaces.
2. No room can be used as sleeping accommodation unless the Director of the State Migration Service or his/her nominated deputy has certified that:
 - Its size, lighting, heating, ventilation and fittings are adequate with the maintenance of health and safety;
 - It has a bed, wardrobe and lockable storage space
 - It allows occupants to contact an officer at any time by pressing an alert button or through an intercom system.
3. Living accommodation should never exceed the certified occupational level specified by the Director of the SMS, except under exceptional circumstances authorised by him/her or designated deputy.
4. The following furniture and fittings must be provided and occupants rooms and dormitories must be large enough to contain them:
 - A bed (there should be space for a single bed even if bunk beds are used). Preference should be given to dual occupancy configuration, used as far as possible for single occupancy. Family rooms should accommodate up to 6 persons. Single rooms should be available.

- Each bedroom should contain a screened WC, wash basin, unbreakable mirror, table, desk and chair.
- Plumbing should not be exposed
- Light fixtures should be tamper proof
- Fixtures such as mirrors, bathroom fittings etc. should be mounted using tamper proof fittings
- Fire sprinkler heads should be designed to prevent attachment
- A secure cupboard or lockers under beds.
- A waste bin
- Curtains
- Bedroom doors should be lockable, but occupants should be given a key. A master key should be held by security staff

5. The centre must carry out a pre-occupation and change of occupation check to ensure cleanliness and availability of facilities/equipment. Room preparation should include:

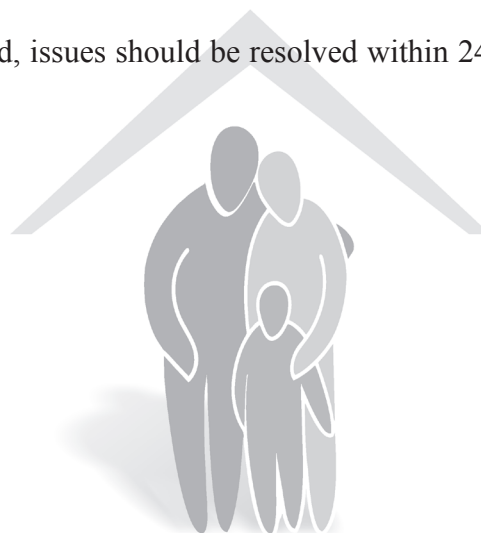
- All horizontal surfaces, including waterproof mattress covers, should be dusted and wiped with an approved germicidal solution used according to the manufacturer's directions.
- Windows, window frames and windowsills cleaned and thereafter, weekly.
- Furniture and fixtures shall be cleaned and thereafter, daily.
- Floors should be mopped and thereafter daily and when soiled, using a disinfectant-detergent solution mixed according to the manufacturer's directions.
- Waste containers should be non-porous and lined with plastic bags; the liner shall be changed daily.
- Waste containers shall be washed and thereafter, weekly at a minimum, or as needed when they become soiled.
- Licensed pest-control professionals should perform monthly inspections to identify and eradicate rodents, insects and other vermin.

6. Lighting, heating and ventilation must be to standards specified by the Director of the SMS.

7. A daily check record should be held in each unit of accommodation and include all routine checks by designated officers specified by the centre manager, to include:

- Room call systems.
- Cleanliness of rooms, communal areas, showers, kitchens, laundry facilities.
- Security systems – locking systems, windows, doors
- Integrity and availability of fire extinguishers and first aid kits

8. Where accommodation fails to be the standards specified, issues should be resolved within 24 hours.



2. ADMISSIONS AND DISCHARGE

STANDARD: The admission and discharge process must be well managed, ensure that legal processes in terms of authorisation of detention are adhered to, record essential details, have due regard to the wellbeing of occupants and treat them with respect.

REQUIREMENTS

ADMISSIONS

1. The centre should be open for the receipt and discharge of occupants 24 hours a day, 7 days a week. Prior notification of arrivals should be given by the detaining authority by telephone or email.
2. The Centre must not accept occupants without having proper written authority for detention. The identity of the occupant must be verified immediately on arrival, before the escort departs and if there are any discrepancies, he/she should not be accepted. Once identity has been confirmed, occupants should be issued with a facility photo identity card carrying a unique number which will remain with them for the duration of their stay.
3. On initial detention, occupants should be accompanied by a risk assessment recording all information in relation to previous non-compliance with immigration regulations, anti-social behaviour, medical and or psychiatric issues and any indicators that they may self-harm or harm others.
4. Officers employed in the admissions process must be trained to recognise behaviour and signs that indicate anxiety, distress or risk of self-harm, as well as any other vulnerability of the person requiring the adoption of appropriate measures of assistance and support.
5. Interpreting services should be available, if not on site, by telephone. Interpreting by other occupants should only be allowed with the express consent of the occupant concerned.
6. The Centre must have in place, in conjunction with the risk assessment, a screening system for ensuring that information about those showing signs of vulnerability is recorded and relayed to the health care team and others responsible for the care of the occupant. A screening form should be completed as soon as practicable after arrival.
7. Core information should be gathered and stored electronically and in a hard copy personal file, to include:
 - Information on the person's identity;
 - A photograph
 - Full name
 - Date of birth
 - Gender
 - Nationality
 - Fingerprints (if not already fingerprinted)
 - Time and date of admission;
 - Reasons and authority for detention;

- Date of release;
- An inventory of personal property;
- A criminal records check.

The detention authorisation should be stored electronically and in hard copy in the occupant's personal file. Access to, storage, rules of disclosure and update of electronic records and hard copy must comply with data protection legislation.

8. All occupants should be medically examined (this must include an assessment for risk of self-harm/suicidal behaviour) within two hours of admission. Screening must be conducted by appropriately qualified medical personnel, in private, in the medical centre. Women should be provided with female health professionals or when not possible, a female health worker or community/social worker should be present during medical examinations for female occupants. A medical file should be opened by medical staff, both electronically and in hard copy. Files should be securely stored in the medical centre, separate to the occupant's personal file, with access restricted to staff in the medical centre. Access to and storage of medical electronic records must comply with data protection legislation. If not seen on arrival by a doctor, occupants should have a physical and mental examination by the centre medical practitioner within 24 hours of their admission. In the event of transfer, release or whenever deemed necessary, the occupant should have access to his/her medical records. Ideally, a summary in a language understood by the migrant should be enclosed to the original file. Copying or distribution of his/her clinical file should only be undertaken with his/her prior consent, and according to the national law of data protection in the country of residence at that particular moment.

9. The duty manager should make daily visits (times of which should be staggered), to the reception area to supervise activity and ensure that everything is in good order. These visits must be logged by date and time, together with details of any observations the officer may have.

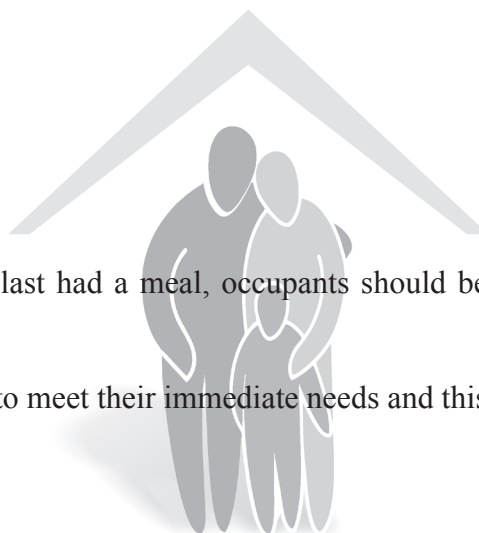
10. Occupants should be provided with an information pack giving details about life in the centre and this must include a site map which denotes areas such as the healthcare unit, place of worship, gym, library, laundry area etc. They should also be given a copy of the house rules of the facility and written details of their entitlement to legal assistance and information on their immigration cases in a language that they understand. The following subjects must be covered:

- The complaints procedure system;
- Services and programs;
- Medical care;
- Access to legal advice;
- Law libraries and legal material;
- Correspondence and other material;
- Staff-occupant communication.

11. Depending on the time of arrival and when they had last had a meal, occupants should be offered hot food and drink or cold light refreshments.

12. Occupants should be provided with a pack of toiletries to meet their immediate needs and this must include:

- A comb or hairbrush;
- Toothbrush and paste;



- Soap;
- Deodorant;
- Shampoo;
- Razor (for males);
- Sanitary ware (for females);

13. Occupants should be given the opportunity to wash or take a shower in the reception unit. Where their physical appearance suggests that hygiene may be an issue, they should be required to take a shower and change clothes.

14. If an occupant arrives with no suitable clothing, they must be provided with it in accordance with clothing standards set by the centre. At least three changes of underwear and top clothes appropriate to the season should be provided.

15. Occupants should be issued with bed linen and towels.

16. Searching on admission must be carried out in accordance with the standard procedures of the SMS, but will generally include:

- Screening with a metal detector;
- A thorough pat search;
- A Search of occupant's clothing;
- A search of any luggage or belonging permitted within the centre.

A strip search must only be conducted when there is reasonable suspicion that prohibited articles incl. weapons, drugs or other illicit items are being concealed and must require the authority of a senior officer before being carried out. The search must be carried out in an area that affords privacy from other occupants and staff not involved in it. It must be conducted by a staff member of the same sex as the occupant. A written record must be kept, to include the:

- Name and date of birth of the occupant;
- Name of the search officer;
- Name of the authorising officer;
- Time and date of the search;
- Reason for search.

17. Occupants must be allowed access to a telephone within 12 hours of their arrival at the centre.

18. Separate arrangements must be in place for the admission of families with children and there must be an area with toys, books and suitable pastimes provided for children during the admissions process.

19. The admissions area must be welcoming and have facilities suitable to the needs of occupants. This should include two showers, male and female and two toilets, one with disabled access.

20. The Centre must have a statement of admissions policy that details the way occupants will be treated and how staff will behave in executing the admissions process. Failure to adhere to the spirit or the letter of the policy will be a disciplinary offence.

21. Occupants should be permitted to keep items of their own property and clothing with them in the centre, provided that they do not pose a threat to safety and security and can be adequately

accommodated in the personal storage facilities allocated to them in their rooms. Any prohibited items or property that exceeds personal storage capacity must be securely retained in a central storage area in the reception unit. All property should be listed and sealed in the presence of the occupants and signed for by the occupant and the listing officer. Occupants should be granted reasonable access to centrally stored property on request. Important documents, valuables and money should be stored in reception in personal lockers. A copy of important documents, especially identity documents, should be placed on individual personal files.

DISCHARGE

22. The Centre must have procedures in place to ensure that occupants being discharged to another place of detention or out of detention are made ready for discharge at the correct time.

23. Staff must confirm the identity of occupants for discharge. These arrangements must include checks against occupants' personal files, including photographs, dates of birth, physical measurements and features. The officer supervising the discharge must minute the occupant's personal file to the effect that these checks have been carried out.

24. Property, cash, valuables and any prescribed medicines belonging to occupants must be placed in the care of the occupant or of the personnel of the centre.

25. The Centre must ask occupants to sign a receipt for their property and where it is placed in the care of the centre, the responsible officer must note the record to this effect, including reasons why the occupants refused to sign the receipt. The issuing officer must ensure that a second member of staff confirms the action and signs the record to this effect.

26. If occupants have no suitable clothing or shoes of their own at the time of release or removal, the Centre must provide clothing and footwear, taking into account the occupants' destination.

27. The Centre director or a duty manager must make daily visits (times of which should be staggered) to the discharge area to supervise the activity and satisfy himself that everything is in good order. These visits must be logged together with details of any observations the officer may have.

28. Detention records of individuals should be transferred with them between centres and retained when they are released from detention. If they are being transferred or removed, a written release order should be given to the escort. If they are being released, the release order should be retained on the occupant's personal file.

29. Staff serving removal directions must satisfy themselves that the occupant has understood the implications of documentation (for example, the date of their removal and flight details, including the destination). The services of an interpreter should be used if there is any doubt as to whether the occupant has understood. Occupants should, where possible, be given access to telephone facilities to enable instruction of and on-going contact with legal representatives. Occupants being transferred should be given the name, address and telephone number of the facility that they are being transferred to.

30. The central SMS detention authority should be informed when discharges have been carried out.

3. ARRANGEMENTS FOR PURCHASING GOODS

STANDARDS: Arrangements should be put in place to allow occupants to buy goods, either stocked in the Centre shop or ordered from outside. Goods available should reflect the age, gender and cultural needs of occupants.

REQUIREMENTS

1. Occupants' cash must be checked and recorded on arrival. They should agree the records and sign to confirm that they have done so.
2. Up-to-date and accurate records of cash held for occupants, withdrawals and deposits, must be maintained. Occupants must agree and sign to confirm every transaction.
3. Receipts must be issued for all cash deposited or withdrawn. If an occupant declines to sign a receipt for money deposited or withdrawn, it must be recorded together with the reasons why. The officer concerned must ensure that a second member of staff confirms the action taken and signs the record.
4. Arrangements should be provided for occupants to either use a shop within the centre or take delivery of purchased goods by other means, such as mail order, on line or through relatives/friends. Any goods purchased from outside sources will be subject to examination by security staff on delivery. It is a policy decision for SMS on how payment for goods should be administered. Suggested options are:
 - Occupants are permitted to keep their own money, up to a prescribed limit. Any cash above the limit should be deposited in the reception unit and dispensed to the prescribed limit as required;
 - All cash should be deposited at reception and dispensed only for specific purchases;
 - If there is an on-site shop, all cash should be retained at reception and the cost of purchases deducted from it either electronically or by written invoice on production of the occupant's identity card.
5. The stock must include toiletries, tobacco products, phone cards, snacks, drinks, writing materials and postage stamps.
6. If the shop is operated by a contractor, the Centre Director must approve prices charged.
7. Clear details of the prices of goods must be displayed for the information of occupants.
8. Occupants should be advised that they are able to suggest items for purchase.
9. Any profits generated through shop sales, less contractual fees, must be made used for the benefit of occupants. Auditable accounts must be kept and examined at least quarterly by two officers designated by the Director. Spot checks should be carried out every month.
10. For the purpose of expenditure within the Centre, a service must be provided to exchange foreign currency for Armenian Dram at market rates and at no charge to occupants.
11. Occupants must be able to purchase international phone cards for use in the centre.

4. CASE MONITORING and PROGRESS

STANDARDS: To ensure that cases are regularly reviewed and progressed. To keep occupants informed progress on their cases and the results of detention reviews. All reviews, actions and interviews to be recorded.

REQUIREMENTS

1. On initial detention at the centre, all occupants must be provided with written reasons for their detention in a language that they understand and thereafter, following a detention review, weekly. In the case of long-term detention, this may be extended to monthly reviews.
2. Regular surgeries should be arranged by SMS caseworkers to provide occupants with an update on the progress of any relevant matter relating to them. Outside of surgery hours, occupants may ask to see a member of staff or caseworker who is conversant with their case or can obtain details of it and must be seen within 24 hours.
3. Occupants who should be in receipt of weekly or monthly detention reviews must be recorded by SMS staff and the record consulted at least daily to ensure that reviews are not missed, particularly when authorisation for extension of detention is required from the courts.
4. Under the applicable legislation, SMS staff at the centre must record receipt of monthly reviews if they are not conducted by caseworkers on site and ensure that they are passed to occupants on the day of receipt. Records to this effect must be kept and copied to occupants' personal files. The overall authority responsible for providing reasons of detention and regular reviews under the legislation is the Ministry of Justice, which is responsible for detention beyond 48 hours and detention up to 90 days (maximum detention period).
5. Where detention reviews conducted off-site are not received on time, the SMS staff at the centre must take immediate steps to obtain them and advise occupants that this has been done. Records must be kept to this effect and copied to personal files.
6. When asked to do so by occupants, SMS staff at the centre must make enquiries about their cases and advise them of the outcome. Occupants' files will record details of such requests, the action taken by SMS and when the required information was relayed to the occupant. Copy transcripts of interviews must be placed on occupants' personal files.
7. The SMS must respond to requests for information within 24 hours of the request being made by an occupant. Where there are delays in discovering information, occupants must be advised of such delays within 24 hours of the request being made. Records must be kept to this effect and noted on personal files.
8. Where information is passed to members of staff at the centre relating to the mental or physical condition of occupants or to the circumstances of their cases that may have been previously unknown, it must be passed to the relevant caseworker with a view to detention being reviewed in the light of that information. Records must be kept to this effect and copied to personal files.

9. After occupants have been at the centre for 48 hours, SMS officers must hold induction interviews to ensure that they have settled in and have no unwarranted concerns about their situation. Officers must ensure that they understand their statutory rights, including access to legal aid, case information and detention reviews. Records of interviews must be kept and copied to personal files.

5. CATERING

STANDARDS: Provision of varied menus to provide a healthy, balanced diet meeting religious, cultural and medical requirements, compliant with food safety and hygiene legislation. Catering facilities must meet safety legislation relating to commercial catering facilities.

1. Food hygiene training must be delivered to all those who are involved in the preparation, cooking and serving of food. A professionally qualified catering manager should be employed.

2. The kitchen should be fitted with commercial grade equipment such as refrigerators, cookers, hot and cold serving containers, microwaves, food slicers, work surfaces etc. Equipment should be inspected regularly in accordance with a maintenance schedule devised by the catering manager in conjunction with technical experts. Inspections should be recorded. All safety legislation relating to electric, gas and solid fuel appliances must be complied with. This should cover, for example, the following:

- Steam lines within seven feet of the floor or working surface should be insulated or covered with a heat- resistant material. This need not cover inaccessible steam lines;
- Fans within seven feet of the floor or work surface should have blade-guard openings;
- Meat saws, slicers, and grinders should be equipped with anti-restart devices;
- A fixed fire-suppression system with an audible alarm should be installed in ventilation hoods over all grills, deep fryers and open flame devices;
- All deep-fryers and grills should be equipped with automatic fuel or energy shut-off controls.

3. Food supply (including monitoring of deliveries) and storage arrangements must comply with relevant food safety legislation. As a brief guide, on delivery:

- Reconcile the delivery with the order in the presence of the delivery contractor;
- Inspect the shipment for damage, contamination and pest infestation. Promptly remove damaged pallets and broken containers of food;
- Separate damaged food containers from other food and store separately for disposal. Take special care in handling flour, cereal, nuts, sugar, chocolate and other such products highly susceptible to contamination;
- If an incoming food shipment has been contaminated, the whole consignment should be rejected;
- Store all food item products at least six inches from the floor and sufficiently far from walls to facilitate pest-control measures;
- Store perishables at 2-4 degrees Celsius to prevent spoilage and other bacterial action, and maintain frozen foods at or below zero degrees;
- Prevent cross-contamination by storing foods requiring washing or cooking separately from those that do not.

4. Ensure that all food facilities, processes and practices comply with relevant Food Safety and Health and Safety legislation – for example, the following guide specifies cooking temperatures for:

- Raw eggs, fish, meat and foods containing these items—63 C degrees or higher;
- Game animals, ground fish and meats, injected meats and eggs not intended for immediate consumption—68 C degrees or higher;
- Stuffing containing fish, meat, or poultry—75 C degrees or higher;
- Roast beef and corned beef—63 C degrees or higher;
- foods that have been cooked and then refrigerated shall be quickly and thoroughly reheated at a minimum of 75 C degrees before being served.

5. Discuss catering provision by means of regular meetings (at least quarterly) with occupant representatives and by inviting written comments and suggestions.

6. The catering manager must liaise closely with the officer responsible for religious affairs to ensure the daily dietary needs of occupants, especially during special occasions of religious observance, are met. Additionally, any religious or cultural requirements relating to the preparation of food must be taken into account and as far as possible, complied with. Where it is not possible to comply, occupants concerned should be informed and alternative arrangements agreed, such as preparation of food by themselves or by obtaining it from outside.

7. Special dietary needs on grounds of health must be met. This may include:

- Insulin-dependent diabetes;
- A need to increase protein or calories for pregnancy, cancer, AIDS, etc.
- A need to take prescribed medication with food;
- Allergies to certain foods.

Occupants needing a special diet should complete a form specifying their requirements, which should be approved by the medical centre. A record of special requirements should be kept in the catering facility for reference and the occupants should show their form to catering staff before each meal.

8. Each occupant must be provided with three nutritious, varied and good quality meals each day, and at least one of which must be hot.

9. A multi-choice menu with a choice of at least two main courses as part of the main meal should be provided each day. Menus should be designed in consultation with a qualified nutritionist. Menu options can include a photograph of the meal to avoid translation difficulties. Menus should be rotated on a monthly basis.

10. Where the Centre accommodates children a children's menu must be provided.

11. Vegetarian options must be available each day.

12. Meals must be provided with a maximum of 5.5 hours and a minimum of 4.5 hours between meals on any given day. There must not be more than 14 hours between the evening meal and breakfast the following day.

13. Arrangements must be made for the provision of meals outside normal meal times to meet the needs of new arrivals at the centre.

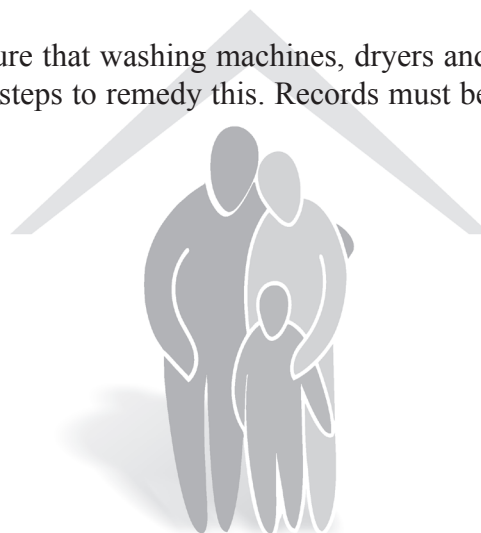
14. Where a meal will not be provided when occupants are transferred or removed from the centre, they should be provided with a packed meal where they would otherwise have been provided with a meal.

6. CLOTHES

STANDARDS: A stock of clothing and shoes should be maintained to meet the requirements of occupants without sufficient clothing or footwear of their own. Apparel must be practical, clean, suitable for the climate and in a range of sizes.

REQUIREMENTS

1. Occupants must be permitted to wear their own clothing providing it is suitable, clean, tidy and does not carry logos or markings that could cause offence to others.
2. Occupants should be informed that, if they prefer, they are able to request clothes from family or friends, but that such clothing must meet the requirements above. Occupants should be able to order new clothing from outside suppliers – this may be arranged through the shop – or have it provided by support organisations such as NGOs. All clothing brought to the centre must be handed to a member of staff and searched before being given to occupants.
3. Clothing should be stocked to provide for the needs of occupants whose own clothes or footwear are not fit for wear and who are unable to obtain other clothing and shoes. In the case of underwear, the clothing must be new. At least three changes of underwear and top clothes should be provided.
4. The choice of clothing provided must be suitable for the time of year and where the occupant is being removed from Armenia, suitable for the place of destination.
5. Clothing and footwear should be available to allow occupants to take part in specific activities such as sports.
6. The range of clothing should take account of religious and cultural needs.
7. The Centre must ensure that facilities are available for the laundering of occupants' clothing and that information about the facilities is displayed. Occupants should be responsible for washing their own clothes and have free access to washing machines, dryers and/or drying facilities and equipment for ironing. Soap powder should be provided. Pictorial instructions for the use of machines should be prominently displayed.
8. The Centre should make checks, at least weekly, to ensure that washing machines, dryers and irons are working and where they are not, take immediate steps to remedy this. Records must be kept to this effect.



7. COMMUNICATIONS

STANDARDS: Occupants should be able to keep in contact with family, friends and others without restrictions other than those necessary to maintain security, order and safety.

REQUIREMENTS

Correspondence

1. Occupants who are not able to meet the cost of writing materials or postage arrangements must be provided with the means to write to family/friends within reasonable limits, which may be defined as up to 3 pieces of general correspondence per week. This should be confined to letters only and will not apply to parcels or packages unless authorised on exceptional grounds by the facility director. Exceptional grounds may be when it is in the interests of the centre to, for example, reduce the amount of personal belongings requiring storage. Postage stamps for occupants who can afford them should be available for purchase in the centre.

2. Occupants must be provided with access to writing materials (including the cost of postage) fax and photocopying facilities for the purposes of pursuing their case, the cost of which should be met by the SMS if they do not have the necessary funds. Examples of permitted recipients are:

- Legal advisors;
- Judges and courts;
- Embassies and consulates;
- Members of parliament;
- NGOs involved in the immigration and migrant welfare field;
- Government departments;
- Outside health care professionals;
- Administrators of complaints systems.

This type of correspondence should not be limited.

3. Occupants should be given fax numbers and Incoming faxes should be delivered to recipients within 24 hours and preferably the same day. When the message is urgent it should be delivered immediately.

4. A post box should be provided within the facility for occupants to deposit outgoing mail, which must be posted at least once daily from Monday to Saturday. The name of the sender must be clearly written on the rear of the envelope.

5. Outgoing or incoming mail must not be opened, read or stopped unless in exceptional cases when there is reasonable cause to believe that:

- The contents may endanger the security of the centre;
- The contents may threaten the safety of others;
- It is of a criminal/terrorist nature;
- The identity of the sender is in doubt or cannot be determined;
- It contains prohibited items such as identity documents.

Any measures that interfere with the privacy of the correspondence can be adopted only in exceptional cases and should be authorized by a judge, only when there is a risk of commission of a crime.

6. When it is considered necessary to open outgoing or incoming mail (for the reasons referred to in 5 above) the relevant occupant must be informed of the reason for doing so and given the opportunity to be present when it is being opened.

7. A central record (i.e. not in individual case files) must be kept of every occasion where mail is opened the reasons for doing so, whether the occupant was present and what was found.

8. Parcels received for occupants must be opened by them in the presence of centre staff. When they are found to contain items that they cannot keep in their personal possession, they should be advised of the reason for this and informed that they will be placed with their property and held in the Centre. Occupants must be given a receipt for the property. A central record must be kept, copied to personal files.

Phone calls

Pay Phones

9. Sufficient pay telephones (at least one incoming and one outgoing line for each 20 occupants) should be installed. Phone cards should be available for purchase by occupants who have the means to pay for them. Those who do not should be provided with them to a predetermined weekly limit.

10. Occupants should have access to pay phones for at least fourteen hours a day, including during normal active periods.

11. Occupants should be informed promptly when they receive an incoming call.

12. The Centre must ensure that charges for incoming calls do not fall for payment to the SMS or occupants.

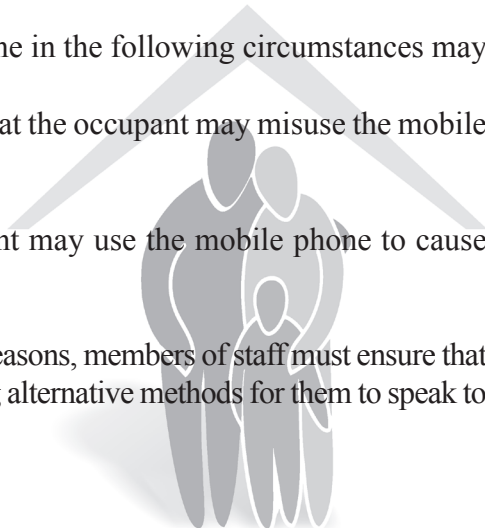
Mobile Phones

13. Subject to SMS policy, occupants may be allowed to have a mobile phone in their possession if it is without recording facilities, such as the ability to take photographs, video, live-streaming or audio recording facilities to connect to the internet.

14. Following a risk assessment, provision of a mobile phone in the following circumstances may be denied:

- Disruptive or threatening behaviour provides evidence that the occupant may misuse the mobile phone;
- There are specific risks to the public;
- There are reasonable grounds to believe that an occupant may use the mobile phone to cause harm to him or herself or another person.

15. If occupants are not allowed a mobile phone for the above reasons, members of staff must ensure that this does not prevent them getting access to justice by providing alternative methods for them to speak to



legal representatives or to contact a court, or to keep their family or relatives informed of their situation¹⁰⁶. Their mobile phones must be stored securely for the time they are not permitted to retain them.

16. If an occupant's personal mobile phone does not comply with the restrictions, or if the occupant does not own a mobile phone, the centre may decide to provide the occupant with a mobile phone handset which is compatible with the restrictions. There are advantages to this policy as it allows occupants to be easily contacted within the centre.

17. The Centre should not be required to provide a SIM to occupants.

18. Occupants should be able to retain their own SIM card if it is compatible with their new centre-issued mobile phone. If they do not have a SIM card, or their SIM card is not compatible, they must be able to choose their mobile phone provider. To enable this, a variety of SIM cards and pre-pay and top-up cards should be sold in the centre shop.

19. Centre Managers should keep a record of all mobile phones in the possession of occupants, including:

- The name of the occupant;
- SIM number;
- IMEI number;
- The phone number of the handset.

This record must be kept for all mobile phones and SIM cards in the possession of occupants whether received at reception, through the post, following a visit or purchased from the shop.

20. If an occupant is deaf or has hearing difficulties which mean that he or she cannot use a phone, members of staff must ensure that this does not prevent their access to justice by providing suitable alternative methods to communicate with their legal representatives or to contact a court.

Email and the Internet

21. Access to computers can be provided but there should be sufficient safeguards to ensure sites that fall within prohibited categories are screened out by blocking software. Prohibited categories of websites include those such as:

- Betting;
- Social media;
- Pornographic;
- Those promoting extremism or terrorism;
- Those promoting criminal activity;
- Any that may be construed as posing a threat to security, both at the centre and to the State.

22. Supervised internet access should be provided for the purpose of enabling occupants to maintain contact with family and friends and their legal representatives. Unsupervised access to the internet should not be permitted, but supervision must be as unobtrusive as possible. Email traffic should not be examined unless authorized via judicial approval and when there is reasonable suspicion that it may compromise the security of detention estate and if it is being used for criminal purposes such as: – the viewing and distribution of pornography, for the viewing and distribution

¹⁰⁶In order to avoid the risk of acts that may amount or been assimilated to enforced disappearances, it is of the primary importance that detained migrants can keep regular contact with their family and relatives.

of material associated with terrorism or glorifying acts of terrorism and for time served foreign national offenders, inappropriate contact with victims.

23. A central record of email examinations should be maintained to record the name, date of birth, gender, time, date and the reason for intervention. Occupants should be informed that their emails are being examined and the reason why, unless it deemed inappropriate to do so by the Director of the Centre for security reasons or for the maintenance of good order. In these circumstances, the Director should place a confidential minute on the occupants file to justify his/her actions.

Visits (social, legal and official)

24. The Centre must provide the opportunity for occupants to receive daily visits throughout the year, but may exclude major religious holidays. Visiting hours must be at least five hours per day and may take place during the mornings, afternoons or evenings. For weekday evenings, there must be at least 1½ hours visiting time available.

25. Unless occupants are assessed as a danger to themselves or others, free association should be allowed between occupants and visitors, although overseen unobtrusively by SAC staff to keep order, and monitored by CCTV.

26. Staff will verify each adult visitor's identity before admitting him/her to the facility. No adult visitor may be admitted without official photo identification document. All visitors should be searched by passing through a security portal, if necessary by a pat-down search. At least one screened area should be provided for discreet searches.

27. Visitors' identity cards should be retained at reception and exchanged for a numbered visitors pass and left in a pigeon hole corresponding to the visitor pass number. The cards will be exchanged at the end of the visit after a careful visual identity check.

28. Lockers should be provided for visitors' personal effects such as handbags, wallets, money etc. Visitors may be permitted to leave cash or a money order with a designated staff member for deposit in an occupants account; staff members must provide visitors with a receipt for all money or property left at the centre. Under no circumstances may visitors give property or money directly to an occupant.

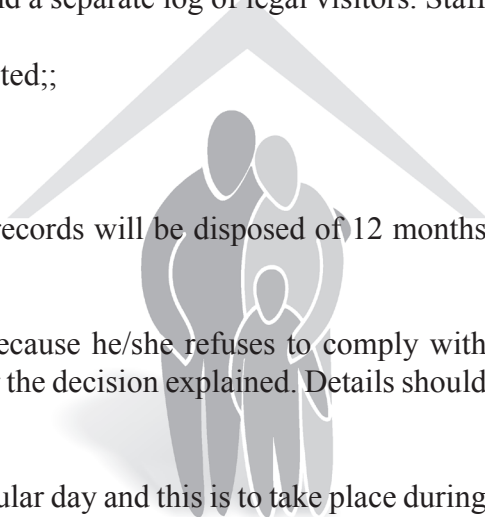
29. The centre must maintain a log of all general visitors, and a separate log of legal visitors. Staff must record in the general visitors' log:

- The name and identification number of the occupant visited;;
- The visitor's name and address;
- The visitor's relationship to the occupant;
- The date, arrival time and departure time.

With the exception of those referred to in 32 below, such records will be disposed of 12 months after the last visit.

30. Where a visitor is refused access to the centre (e.g. because he/she refuses to comply with search procedures) this must be recorded and the reasons for the decision explained. Details should be retained.

31. In cases where an occupant is being removed on a particular day and this is to take place during



a visiting period, the Centre must accommodate requests for social visits outside of agreed hours.

32. Where requests for visits out of hours by legal representatives or officials (i.e. SMS officers or the police) are made, the Centre must endeavour to accommodate them.

33. Refreshment facilities for the family and friends of occupants should be provided within the communal visiting area. Vending machines are often the most practical alternative for provision of drinks and light snacks. Change for vending machines should be available.

34. Visitors who arrive early (and who have no other means of taking shelter), should be provided with shelter of at least a roofed area to shield them from rain and sun, with seating.

35. Play facilities for children in the visits area should be provided of at least a reasonably sized enclosed area in sight of parents, equipped with some toys and games.

36. The Centre must maintain an accurate and up-to-date record of all visitors admitted including their home address.

37. The Centre must maintain up-to-date lists of local befriending groups and contact details of NGOs involved in the immigration field and ensure that occupants are aware of their services.

8. COMPLAINTS

STANDARDS: The procedure for the submission of complaints should be straightforward and investigations into them should be transparent, timely, fair and just.

REQUIREMENTS

1. Occupants must be made aware of the procedures for making complaints on arrival at the centre during the induction process and by reference to it in Centre Rules (to be produced by the Centre), a copy of which occupants should receive on arrival. If this is not possible, no later than 24 hours after their arrival, in a language they understand.

2. Information about the complaint process must be posted around the centre in languages reflecting the makeup of the population.

3. The Centre must establish arrangements whereby the Centre Director (or an officer designated by the Director), hears details of complaints each day.

4. The Centre must have procedures for recording comprehensive details of complaints and requests, including;

- When they were made;
- Comprehensive details of investigations or enquiries;
- Comprehensive details concerning outcomes;
- Details of when occupants and those involved in any enquiries were informed of outcomes.

In the first instance, staff should attempt to resolve complaints informally before resorting to the more time-consuming written formal procedure. Staff should make every effort to resolve occupants' complaints or grievances at the lowest level possible, in an orderly and timely manner. Staff members who receive an occupant's informal complaint or grievance should:

- Attempt to resolve the issue informally, if the issue is within his/her scope of responsibility or
- Notify the appropriate supervisor of the grievance as soon as practical.

The supervisor may try to resolve the matter or advise the occupant to initiate a written grievance. If the grievance is resolved at the informal level, the circumstances and resolution should be recorded in the occupant's personal file. Where a complaint is resolved informally, the occupant need not be given written notice of the outcome.

5. Where complaints are concerned with alleged racial discrimination, it should be investigated by a staff member who has been specially trained in race relations.

6. Procedures should allow occupants to have confidential access to the Centre Director and members of the Independent Monitoring Authority; sealable envelopes should be provided marked 'Occupants' Confidential Access' for this purpose. They may wish to hand these over personally, but discrete boxes, marked for this purpose, should also be provided. If required, assistance should be provided for occupants with impairments or disabilities, interpretation/translation services for occupants who do not speak adequate English and assistance for occupants with limited literacy. Staff must be encouraged to provide assistance if an occupant cannot properly communicate their concern.

7. If an occupant is not satisfied with the outcome of the informal resolution of his or her complaint, he or she can submit a written complaint, to an investigating officer designed by the Independent

Monitoring Authority. A response to written complaints should be provided within 3 days of the complaint being made and occupants must receive an acknowledgement relating to their complaint within 24 hours. Where an investigation is expected to take longer than 3 days, they must be provided with a holding reply within 3 days of a complaint being made.

8. Upon receipt, complaints by occupants containing allegations of staff misconduct must be notified to a supervisor or higher-level officer. While such complaints should be processed through the Independent Monitoring Authority, copies should also be forwarded to the Director of SMS or his designated deputy. All complaints against staff should be logged and recorded in a central record, with details, investigation results and outcomes. Occupants must be given a full written reply to their complaints.

9. If an occupant is not satisfied with the handling or outcome of a complaint, he or she should have a right of appeal to a competent court and should be fully informed by the Director of the centre of the applicable procedure.

10. Staff must not harass, discipline, punish or otherwise retaliate against an occupant who files a complaint or grievance or who contacts the Independent Monitoring Authority. Disciplinary measures to address cases of retaliation by members of the staff must be in place and duly applied.

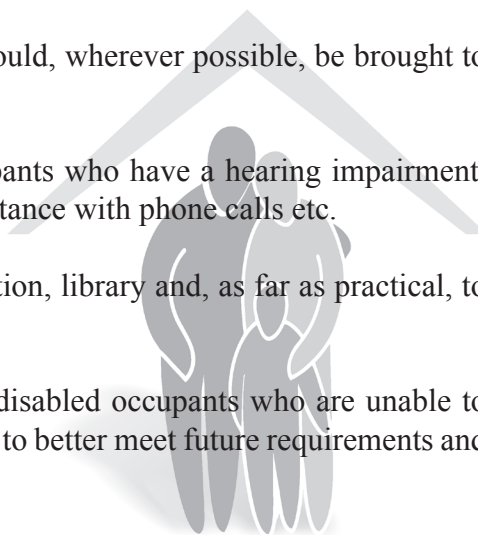
9. DISABLED OCCUPANTS

STANDARD: Occupants with physical or mental disabilities should be, as far as practical, able to use available facilities and participate in activities in the centre.

REQUIREMENTS

Note: Disabled persons should only be detained in the most exceptional circumstances and every effort should be made to arrange alternative accommodation with relatives, friends, specialist NGOs or appropriate medical facilities before considering detention. While this is the default position, detention centres should nevertheless provide at least a small section of accommodation suitable for disabled persons and be able to quickly adapt facilities and services for use by them.

1. Procedures must be in place to prevent discrimination against occupants on the grounds of disability. These should be published and posted in the centre in languages reflecting the population.
2. A full assessment of occupants' needs should be made as an integral part of the reception and induction process. A record detailing specific communication and mobility needs of disabled occupants must be kept. They should be advised to bring any disability that they may have to the attention of staff and specify any special provisions that they may require. Any disability declared or detected by staff should be brought to the attention of medical staff to provide a professional assessment of requirements.
3. Allocation of accommodation must be suitable to the needs of disabled occupants. At least one room should be available on the ground floor of residential units that can be accessed in a wheelchair or by occupants with otherwise restricted movement. Wide showers and toilet facilities should be provided with hand rails. Beds should be of a suitable height to facilitate transfer from a wheel chair with hand rails and grab handles provided.
4. Auxiliary aids or services as available in the community should be provided so that disabled occupants are able to make use of the centre's facilities. If possible, facilities should be kept on the ground floor and ramps should be temporarily installed when required, if they are not a permanent fixture.
5. Services that cannot be accessed by disabled persons should, wherever possible, be brought to occupants e.g. books, internet access, TV.
6. The Centre must provide appropriate services for occupants who have a hearing impairment, such as hearing aids, subtitles on video entertainment, assistance with phone calls etc.
7. Occupants with disabilities should have access to education, library and, as far as practical, to physical education.
8. There must be a system for monitoring the number of disabled occupants who are unable to participate in activities by reason of their disability, in order to better meet future requirements and develop better design and procedures.



10. FAMILIES WITH CHILDREN

STANDARDS: Families with children, as far as possible, should not be detained. Alternatives to detention should first be explored. In case detention of a family is strictly necessary, the family unity should be respected, except if another solution is to be preferred in the best interest of the child. Members of the family must not be separated and must be accommodated in way that allows them, as far as reasonably practicable, to maintain family life.

REQUIREMENTS

1. Adequate measures should be adopted to respect the family unity. Families with children should be directly admitted into the family community area to avoid their children being passed through the reception area, if other new arrivals are being at the same time. Booking-in formalities can be, as far as possible, carried out on the family wing with parents returning to reception later to give fingerprints. The same procedure must also apply during the discharge process.
2. Within the family community area family members should be allocated adjoining rooms.
3. Ideally, families should have separate eating, washing and laundry facilities in the designated family community area. If this is not currently available and cannot be implemented by reconfiguration of the existing family wing, families should have a designated time in which to use the laundry facilities.
4. To preserve family life as much as possible by spending meal times in a family group, families should be able to be served their meals from heated service points or kitchenettes within the designated family community area. Where this is not practical, they should be offered a designated meal time in the dining room. Children must have access to food outside normal mealtimes.
5. School age children resident in the centre for more than 14 days should be provided with education of 23 hours per week for 50 weeks per year, excluding public holidays, as far as possible following the curriculum taught in local schools. If there are permanent educational facilities, children must have access to them from their arrival.
6. Lessons should, as far as possible, be conducted in a room made available in the family wing.
7. The children's' play room should be stocked with a range of toys and games to cater for children aged from 4 to 13 years. TV and DVD playback facilities should be available to all children with a range of DVDs to cover all ages. A designated, enclosed outside play area should be provided, partially covered to provide shelter from the weather.
8. Families with young babies must be supplied with prams or pushchairs, nappies, nappy bags, facilities for the safe disposal of soiled nappies, toiletries for babies (creams, shampoos etc.) and bottle warming and sterilising equipment on request.
9. Where parents with children are required to be interviewed within the centre, arrangements for the supervision of the children must be provided. There must be at least two members of staff who have been specially trained – preferably professionally qualified - in caring for children and young people on duty at all times.
10. Staff, visitors and anybody else who has access to children should be cleared through an enhanced criminal records check.

11. FEMALE OCCUPANTS

STANDARDS: To create a safe and secure environment for women.

REQUIREMENTS

1. Female occupants must be informed by means of house rules and verbal briefing on arrival that they are entitled to ask to be examined by a female nurse and/or doctor.
2. Privacy for certain activities, such as changing clothes and sanitary activities should always be respected. Women must not be required to undress within sight of another occupant or within sight of a male member of staff, except where the occupant has consented to be treated by a male member of the healthcare team.
3. Provision should be made for women to be served their meals within a dedicated female dining area, either on the female wing or by means of a separate meal sitting in the communal dining room. However, they wish to do so, women should be allowed to eat their meals in association with men in a communal dining room.
4. Female occupants should be accompanied by at least one female custody/escorting officer when being escorted to or from the centre.
5. Female occupants must have equal opportunity of access to all activities within the Centre, with due consideration given to cultural sensitivities and the need, in some cases, to maintain gender segregation. If necessary, schedules should be introduced for the use of recreational facilities such as the gym and separate TV lounges and association areas provided for the use of females. Separate association areas should also be made available for the exclusive use of female occupants, preferably adjoining the children's play area.
6. Take up of single-sex activity should be monitored by staff to ensure that those provided are appropriate and female occupants should be involved in the process of identifying appropriate activities.
7. Pregnant and nursing women should not be detained. In case their detention is strictly necessary, the detention conditions should be adapted to their situation and specific needs, including with regard to access to regular medical monitoring of the well-being of the mother and of the baby and to food even outside normal to mealtimes. In addition, a mechanism of complaint for sexual abuses should be put in place and systems of prevention and protection should be developed.



12. HANDLING A DEATH IN DETENTION

STANDARDS: Death in detention will be handled sensitively and transparently by staff in all dealings with bereaved relatives and full assistance and cooperation is to be given to other agencies or authorities involved in the investigative process.

REQUIREMENTS

1. A clear contingency plan for handling deaths in detention must be devised to ensure that immediate steps are taken to try and revive the occupant and, if this is unsuccessful, all legal requirements in terms of post mortem examination, investigation and inquest/enquiry are adhered to. Action by the first staff member on the scene will include:

- Applying resuscitation techniques if death is thought to have been very recent;
- Summoning help from the medical centre, calling an ambulance, police and alerting key personnel;
- Clearing the area of other occupants as soon as possible after the discovery of an apparent death;
- Preserving evidence for the police investigation;
- Reporting the death immediately to the appropriate senior SMS officer;
- Inviting the relevant faith chaplain or religious leader to administer official rites, prayers or other ritual observation;
- Communicating the death to other occupants within the facility in an appropriate manner;
- Providing occupant support where required.

2. Once the police have arrived on the scene, primacy should be handed to the senior police investigating officer for further action, including removal of the deceased.

3. The Director of the Centre or his deputy should be appointed immediately as SMS point of contact for the family of the deceased. However, this may be only an interim measure and consideration should be given to appointing a senior officer from outside of the centre to take over as soon as possible.

4. The Director should ensure that the next of kin, and any other person the deceased has provided as a point of contact, (for example their legal representative) are informed. In most cases, it is assumed that the police would inform the next of kin/point of contact, but the Director should satisfy himself that this has been done.

5. If they request it, the deceased's family should be allowed to visit the centre as soon as possible after the death.

6. Unless there is an ongoing criminal investigation into the death, any request for full copies SMS records relating to the occupant, from either the family or legal representative, should be met.

7. Where an occupant dies in custody and his/her property is unclaimed, it should be retained by the Centre for at least two years so that any next of kin has ample opportunity to claim it. If unclaimed after this period, records must be kept as to what action and in cases where it is sold, details of proceeds must also be recorded.

8. With regard to 7 above, proceeds must be used for the benefit of occupants. Records relating to purchases (including costs) must be kept.

9. Recommendations from the investigation, inquest or fatal accident inquiry must be implemented and monitored.

13. HEALTHCARE

STANDARDS: All occupants must have at least the same access to healthcare that is available to the general public. Health care must be monitored and managed by the Ministry/ Department of Health and not by an immigration services. The head of the health care team should not report to head of immigration services or SAC, but should be independent.

REQUIREMENTS

Communication with Occupants

1. During medical examinations, the provisions with regard to compliance with the primary care, informed consent of the applicant, personal data and privacy of personal medical information envisaged by the legislation of the Republic of Armenia should be ensured.

Medical Staff – Qualifications and Training

1. The medical staff of the accommodation should have relevant qualification and be entitled to carry out professional activities, as prescribed by the legislation of the Republic of Armenia. The Centre must require relevant documents and proof of the qualification and the right to work.

2. Women should be provided with female health professionals or, when not possible, a female health worker or community/social worker should be present during medical examinations for female migrants.

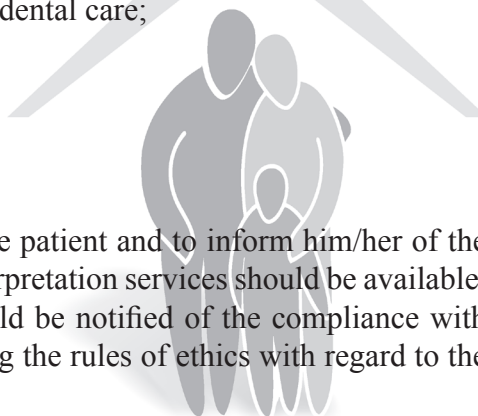
3. Members of the healthcare team must have access to ongoing professional development, as well as to trainings once in five years, as prescribed by the legislation. The Centre will submit recommendations to the authorized body, with regard to necessity of organizing training courses more often.

4. A psychiatrist or a medical psychologist should be included in the health care team, being qualified to diagnose mental disorders and provide psychological assistance: In case of absence of such a specialist, the members of the staff should undergo relevant training.

5. The occupant should be informed of all the medical services that will be provided, mandatorily indicating the person responsible for providing such services. Clear referral mechanisms for accessing such medical services should be established and include, but not limited to, the following:

- Primary medical screening, including mental issues and dental care;
- necessary medical service and provision of medicines;
- preventive medical service;
- emergency health care;
- hospitalization, as needed, within the local community.

6. For the purposes of ensuring the informed consent of the patient and to inform him/her of the symptoms and treatment in the language he/she speaks, interpretation services should be available, when needed. The person ensuring the interpretation should be notified of the compliance with the medical confidentiality and of the necessity of observing the rules of ethics with regard to the sensitive issues.



7. Decisions on the use of interpreters or translated materials should be made on a case by case basis. The level of communication must be adequate to ensure correct clinical outcomes. Particular consideration should be given in cases where there may be sensitive health issues, issues of confidentiality or the need to obtain fully informed consent.

8. Confidentiality must be maintained in accordance with all data protection legislation and medical professional codes of conduct. Occupants must be made aware that matters relating to their health are treated in confidence. This should be communicated to them during their initial health assessment and notices to this effect must be placed around the healthcare area in languages reflecting the diverse nature of the population.

9. Where any medical procedure or intervention is considered necessary, the occupant must be made aware of the reason for the procedure and informed consent should be obtained.

Access to Healthcare within the Centre

10. Conditions requiring immediate medical care or causing risk to others, including infectious diseases should be deemed as emergency and be promptly communicated to the health team.

Primary medical screening should include, but not limited to the following:

- History of diseases and prophylactic conditions, including mental health issues;
- Previous infectious diseases;
- Pain symptom, its severity;
- Current and past medication;
- Information on allergies;
- Past surgical procedures;
- Symptoms corresponding to the definition of suspicious case of tuberculosis;
- Dental care,
- Use of alcohol, tobacco and other drugs, including an assessment for risk of potential withdrawal;
- Possibility of pregnancy;
- Behavioural disorders, assessment of mental health;
- Appearance, tremor, increased sweating;
- History of suicide attempts or current suicidal/homicidal ideation;
- Physical abnormalities — disability;
- Past hospitalizations;
- Chronic illness including, but not limited to, hypertension and diabetes;
- Dietary needs;
- Any history of physical or sexual abuse and when the incident occurred

11. The Centre must ensure that this first medical examination of occupants is done by a doctor of the same sex who is properly trained on providing psycho-social care and counselling.

12. Preparation of individual medical care plans for the occupant should follow initial health screening, to manage his/her healthcare.

13. Occupants requiring a routine health consultation during Monday to Friday must be seen within 48 hours. Those requiring a routine appointment with a nurse must be seen within 24 hours. For those making such appointments during a Saturday or Sunday they must be seen no later than the following Monday.

14. Occupants must have 24 hour access to health care. This may be through on-site staff or an out-of-hours service, depending on the requirements of the centre.

Health Care

15. The centre must have a written emergency services plan for delivery of 24hour emergency health care. This plan must include the following:

- An on-call physician, dentist and mental health professional who is available 24 hours per day;
- A list of telephone numbers for local ambulances and hospital services available to all staff;
- An automatic external defibrillator (AED) shall be maintained for use at each facility and accessible to staff;
- All detention and medical staff shall receive cardio pulmonary resuscitation (CPR), and emergency first aid training every year;
- Detention and health care personnel shall be trained every year to respond to health-related situations within four minutes;
- Security procedures that ensure the immediate transfer of occupants for emergency medical care.

16. Staff outside the healthcare team must be made aware of the rights of occupants to access healthcare and their own role in facilitating access to healthcare services as part of their duty of care.

17. Training for immigration officials in the centre, provided by a qualified medical professional, should include:

- Recognizing of signs of potential health emergencies and the required responses;
- Administering first aid including AED and cardiopulmonary resuscitation (CPR);
- Obtaining emergency medical assistance through the facility plan and its required procedures;
- Recognising signs and symptoms of mental illness and suicide risk;
- The facility's established plan and procedures for providing emergency medical care including, when required, the safe and secure transfer of occupants for appropriate hospital or other medical services, including by ambulance. The plan must provide for expedited entrance to and exit from the facility.

Access to Specialized Healthcare Services and Secondary Care

18. When migrants present serious physical and mental health needs, the healthcare team must make arrangement for them to access to secondary care services. Occupants must be treated by appropriately trained healthcare professionals in line with national standards and guidance.

19. The Centre must establish clear referral mechanisms and the provision of accessibility of all the services and any other secondary care services in order to meet occupants' needs. These must be provided either within the centre if available or by outside services.

20. Clear mechanisms should be established for the management of infectious diseases, including provision of the possibility for isolating the occupants with infectious diseases and availability of individual protective measures, as well as ensuring access to special diagnostic equipments; for example, access to X-ray in cases of tuberculosis and training of the staff on diagnosing infectious diseases and on standard definition of the case.

21. All staff should be made aware of the symptoms of TB to allow possible cases to be identified promptly.

22. The Centre will provide health promotion services as needed. The requirement for these services should be based on the Health Needs Assessment of the specific population.

Suicide, Self-Harm and Torture

23. The healthcare team must report any cases where an occupants' health is likely to deteriorate as a result of the detention to the Director of the Centre, especially if it is suspected that they may have suicidal tendencies. If this is the case, arrangements must be made for the person concerned to be observed. In doing so, the health team must be mindful of the need to maintain medical confidentiality unless the patient has given consent to disclosure of information.

24. Although as a general rule medical confidentiality should be adhered to, there are exceptional circumstances which can override an individual's wishes when the information is:

- Required by statute or court order;
- Disclosure is essential to protect the patient or someone else from risk or serious harm;
- Required for the prevention, detection or prosecution of serious crime.

The decision to release information in these circumstances should be made by the senior health professional and it may be necessary to take legal or other specialist advice.

25. On receipt of information from the senior health professional, as set out under 25 above, the Centre Director must ensure that it is passed to those responsible for reviewing detention and caseworkers dealing with the occupant's case. Records must be kept to this effect.

Clinical Records

26. A medical file must be opened for every new occupant and efforts must be made to integrate any pre-existing medical records. Confidentiality of medical information must be managed in accordance with the data protection legislation. Records should be kept in electronic and hard copy form.

27. Where occupants are being transferred to another removal centre or to prison, the centre must ensure that clinical records are transferred to the receiving centre at the time of transfer.

Pharmacy

28. The centre will have, and comply with, written policy and procedures for the management of pharmaceuticals, to include:

- A stock list of all prescription and non-prescription medicines stocked or routinely procured;
- A method for promptly approving and obtaining medicines not on the stock list;
- Clearly defined prescription practices, including requirements that medications are prescribed only when clinically indicated, and that prescriptions are reviewed before being renewed;
- Clearly defined processes for procurement, receipt, distribution, storage, dispensing, administration and disposal of medications;
- Clearly defined procedures for secure storage and disposal and a continually updated inventory of all controlled substances, syringes, and needles;
- Medicine administration error reports to be kept for all administration errors;
- All staff responsible for administering or having access to pharmaceuticals to be trained on medication management.

29. All pharmaceuticals must be stored in a secure area with the following features:

- A secure perimeter;
- Access limited to authorized medical staff;
- Solid walls from floor to ceiling and a solid ceiling;
- A solid core entrance door with a high security lock (with no other access);
- A secure medication storage area;
- Administration and management in accordance with relevant legislation;
- Supervision by properly licensed personnel;
- Administration of medications by properly licensed, credentialed, trained personnel;
- Documentation of accountability for administering or distributing medications in a timely manner, and according to provider instructions.



14. HYGIENE

STANDARDS: All residential and facility units must maintain hygiene standards at least equivalent to those expected in the community. Occupants must be provided with the means of maintaining reasonable standards of personal hygiene.

REQUIREMENTS

1. Occupants should be provided with basic toiletry requirements on admission (see Admission standards – chapter 2) and thereafter as and when required.
2. Occupants must have access to toilets and hand washing facilities 24 hours per day.
3. Occupants must have access to a bath or shower daily.
4. Toilet and washing facilities must also be provided for staff and visitors to the centre. Such facilities must include child changing facilities.
5. The Centre should be cleaned daily by a professional cleaner. Occupants should not be required to clean communal areas, although they can be required to clean their own rooms and should be supplied with cleaning products to do so. There should be a clear schedule in operation for regular cleaning.
6. Specific officers on each shift should be designated to monitor the cleaning service to ensure that a good standard of cleanliness is maintained.
7. Occupants must have access to a hairdressing facility.
8. Occupants should be required to clean their clothes regularly. Bed linen should be changed every week and laundered.
9. Occupants should be motivated to collaborate in maintaining their personal hygiene as well as the hygiene and good state of the personal and public spaces at the accommodation facility.

15. INTERPRETERS and TRANSLATION

STANDARDS: Use of interpreters and translation services should meet the needs of occupants for information about the centre and the processing of their cases, particularly in respect of legal assistance and their human rights.

REQUIREMENTS

- 1 The Centre must make available copies of the Detention Centre Rules (house rules) and list of entitlements/information pack translated into languages prevalent at the centre.
2. If no translations are available in a language understood by occupants, their rights should be verbally explained, if necessary through telephone interpreting and written translations obtained within 48 hours. Another occupant or a member of staff can be asked to provide this service or consideration can be given to using online translation services.
3. The Centre must retain details of official interpreters who can be called upon if needed to ensure that clear communication can take place.
4. It is acceptable to use other occupants, visitors or staff to interpret for other occupants, provided that both parties agree. Telephone interpreting services may also be used.
5. Where occupants and staff are used for the purposes of translating, the Centre must bear in mind possible sensitivities and ensure that an occupant or staff member of the same sex as the occupant requiring assistance is asked to perform the task.
6. With regard to medical matters it must be for the doctor or other healthcare team member to take a view on whether an interpreter is necessary. Other occupants or members of staff may also assist if the occupant is content with such an arrangement.



16. PERSONNEL TRAINING

STANDARDS: Given that the centre is not a prison, the staff of the centre should not be from security forces and should receive training and development opportunities to enable them to meet the aims and objectives of the accommodation centre in creating a safe, secure, and a human rights and culturally sensitive environment for all occupants.

REQUIREMENTS

1. Training officers with responsibility for planning and the management of training must be employed. They must be required to:
 - Ensure that training specific to the operation of SAC facilities is provided to all centre staff before they commence duties (see paragraph 5 below);
 - Conduct a training needs assessment on first appointment to identify supplementary training requirements;
 - Seek input from staff on training needs;
 - Produce an overall training strategy for the Centre to meet the needs identified in the assessment;
 - Ensure that individual officers have personal training plans;
 - Ensure that training and development is conducted in a timely manner.
2. Staff training must take account that individuals held in the center are not criminals and should not be treated as such. It should also be able to understand the diverse nature of the SAC population, which will include background information about the many different cultures staff are likely to come into contact with. All training must incorporate the need to understand and better communicate with occupants and to deal and address the needs of vulnerable individuals, including the ability to refer them to the appropriate authorities and procedures or to other institutions or associations where they can find assistance and support.
3. Records must be maintained of all individual training undertaken and when. Wherever possible, computer record systems should be used that have the capacity to raise alerts when individuals are required to take refresher training or have not completed mandatory training requirements.
4. Training and refresher training programmes which include, but are not limited to, the following elements:
 - Migration – socio-geographic patterns – source and destination countries – migrant motivation;
 - Legislation – national and international – pertaining to the administrative detention of irregular migrants;
 - Information gathering for intelligence, in relation to the commission of a crime;
 - Human rights – domestic legislation and international obligations;
 - Cultural, religious and ethnic diversity – respecting the beliefs of the principle ethnic groups and religions;
 - Recognising signs of trauma and stress particularly but not only in those who have may have come from life endangering situations and victims of torture;
 - Trafficking in persons – identify victims of trafficking and exploitation and refer them to the appropriate procedures;
 - Communication – how to communicate effectively and respectfully, and diffuse confrontation – using interpreters;
 - Emergency response – Fire, flood, first aid, health and safety;

- Recognising and responding to signs and symptoms of infectious diseases;
- Personal protection, understanding the limits of the use of force by law enforcement officers, limited use of segregation in the cases defined in the relevant section, maintaining order in SACs;
- Incident response – written and verbal reporting;
- Integrity – what is expected of officers, recognising threats to integrity, effects and results of corruption;
- Escort procedures;
- Report writing.



17. PREVENTION OF RACIAL DISCRIMINATION

STANDARDS: To ensure that policy and practices are in place to counter and eliminate discrimination by staff, occupants and visitors and promote equality for all.

REQUIREMENTS

1. The Centre should establish a Prevention of Racial Discrimination Committee (PRDC), chaired by the Centre Director or a senior manager, to monitor and evaluate procedures and practices. Where the chairman is not the Centre Director he/she will be required to report directly to the Centre Director.
2. The PRDC must include amongst its members (but not be limited to), the religious affairs manager (see Chapter 20 – Religion), representatives from the occupants, the catering manager and the Prevention of Racial Discrimination Liaison Officer (PRDLO).
3. The PRD, amongst other matters, must address incidents or complaints of a racial nature. The PRD will agree clear action points to address issues of concern. It will be for the chairman to ensure that these are progressed and that outcomes are recorded.
4. A Prevention of Racial Discrimination Liaison Officer (PRDLO) who is trained to the appropriate standards should be appointed from amongst the staff to assist in the process of monitoring complaints, their outcomes and to ensure that any necessary action is taken.
5. The Centre must keep records of the training the PRDLO received and when.
6. The PRDLO, in conjunction with the training manager, must develop a programme for the training of all staff in race awareness and maintain a record of staff who have received such training. All staff must have refresher training every year.
7. Information on legislation, policy and practice relating to prevention of racial discrimination must be readily available to staff, occupants and visitors.
8. A Prevention of Racial Discrimination Policy Statement should be displayed around the centre, in relevant languages, and in prominent places so that it is readily accessible to staff, occupants and all others who visit the centre.

18. RECREATIONAL AND EDUCATIONAL ACTIVITIES

STANDARDS: Activities will be designed to provide for the recreational and intellectual needs of occupants. They should reflect the gender, cultural and ethnic needs of a diverse population.

REQUIREMENTS

Education - Adults

1. It must be verified that teachers selected to provide education are qualified to do so and qualification certificates must be produced. Details of qualifications must be retained by the Centre.
2. The Centre must nominally provide a programme of educational activities amounting to at least 25 hours per week, of which at least seven hours must be in the evening. Education must be provided at least 50 weeks of the year. The extent and level to which this is maintained will be governed by the occupancy level of the centre and the average period of detention of occupants.
3. Educational facilities should be promoted by displaying notices around the centre in languages reflecting the nature of the population and include such information in the Centre Rules.
4. Educational classes should include the following: Armenian language, IT and Arts and Crafts.

Library - Adults

5. Any person selected for the post of librarian must be professionally qualified and provide proof of this. The Centre must retain such information.
6. The library must be open to occupants 52 weeks of the year for at least 7 hours per day, of which 2 hours must be in the evening.
7. A library stocked with a minimum of 10 books per occupant place should be established. Books, including dictionaries must be provided in a range of languages reflecting the diverse and changing Centre population.
8. The Centre must ensure that nationalities represented in the centre have access to daily newspapers and magazines in relevant languages where they can be reasonably obtained.
9. Books must be kept in good condition and replaced as and when necessary. The Centre must provide suitable numbers of religious books to cater for the religious and spiritual needs of occupants. The librarian must liaise with the manager of religious affairs to ensure that the literature is appropriate for the needs of occupants.
10. The Centre must place in the library a copy of the Immigration code and legislation and decrees relating to immigration detention, books on immigration law and any other relevant publications that may assist occupants to prepare their cases.
11. The library must display details about religious services, facilities and events available to occupants, NGOs and befriending groups.

Physical Education - Adults

12. The Centre must provide at least 30 hours of physical education per week of which at least seven hours must be in the evening (weekday or weekend) and seven hours at the weekend (daytime or evening). Exercise areas shall offer a variety of equipment. Weight training, if offered, must be limited to fixed equipment. Free weights should be prohibited. Cardiovascular exercise should be available for when outside activity is not possible.

13. Recreational activities may include limited-contact sports, such as soccer, basketball, volleyball and table games – pool and table tennis.

14. Access to physical education should be available 52 weeks of the year, excluding public holidays.

15. Occupants should be asked to confirm whether there are any medical reasons which would prevent participating in physical education and keep records to this effect. When they are restricted in their access to physical education the reasons must be recorded.

16. The Centre must provide appropriate footwear and clothing for physical education (see also the standard on clothing).

17. The Centre must provide female occupants with the option of single sex gym sessions and other physical activities appropriate to their needs and interests and monitor take up to ensure that those provided are appropriate (see also the standard relating to females).

18. Physical education programmes must include a structured induction for occupants covering:

- Health and safety information;
- Rules and regulations;
- Instruction on machinery and equipment.

19. The main focus of physical education is to:

- Promote healthy lifestyles;
- Encourage involvement in physical activity;
- Promote specific sports and leisure activities for male and female occupants, taking into account the needs of a diverse population.

Recreation - Adults

20. Recreational activities must be available every day of the year, including every weekend day and every evening.

21. Programs and activities should be subject to the facility's security and operational guidelines and may be restricted by a director's decision, when justified to protect the security of the persons accommodated in the center.

22. Recreational facilities must as a minimum include access to satellite television, music CDs, foreign videos and games including electronic games. Centre personnel should supervise dayroom activities, distributing games and other recreation materials daily. Occupants may engage in independent recreation activities, such as board games and small-group activities, consistent with the safety, security and orderly operation of the facility.

23. The Centre Director must establish facility policy on television viewing in dayrooms and approve viewing schedules. Programmes that should be avoided are those that are:

- Gratuitously violent;
- Espouse extremist views or propaganda;
- Pornographic;
- Possibly offensive to other occupants.

24. As a general principle, occupants should be given unrestricted access to outside recreation areas between dawn and dusk. If it is deemed necessary to impose restrictions, either individually or collectively, full details of the reasons why must be recorded. If restrictions are considered necessary, all occupants must be guaranteed at least one hour outside exercise every day. All occupants participating in outdoor recreation shall have access to drinking water and toilet facilities.

25. The Centre must display information about recreational activities available in languages reflecting the diversity of the centre population.

26. Occupants should be invited to offer suggestions about what additional recreational activities might be made available.

27. Use of recreational facilities should be monitored and reviewed, with input from occupants, every three months to ensure that they are meeting their needs.

Education, physical education and play facilities – Families and Children

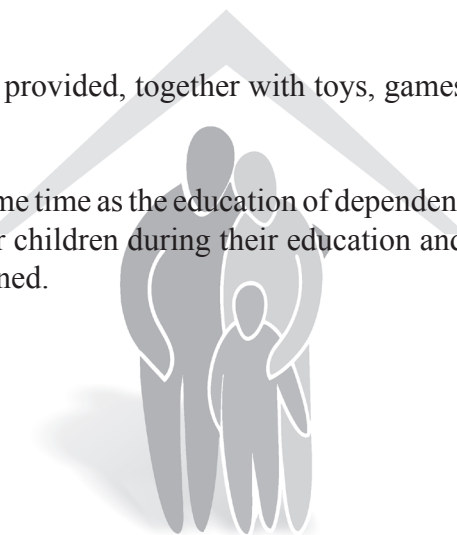
For educational requirements including hours of education etc. see Chapter 11 – Families and Children

29. The Centre must provide a range of facilities (reflecting the needs of those up to and including 17 year olds), 52 weeks per year, excluding public holidays, which will include but not be limited to: books,

- Arts and crafts;
- Electronic games;
- Music;
- IT equipment;
- Physical education.

30. Specialist nursery facilities for the very young should be provided, together with toys, games and video facilities suitable for that age group.

31. Where participation in other activities takes place at the same time as the education of dependent children, parents should have the opportunity to be with their children during their education and to discuss their children's education with the teachers concerned.



19. RELIGION

STANDARD: The religious and spiritual needs of occupants should, as far as possible, be met by the provision of facilities for prayer, services and pastoral care.

1. The Centre should appoint a manager of religious affairs (MRA) to take responsibility for all issues relating to the provision of religious facilities in the centre, including but not confined to:

- Provision of suitable accommodation for worship;
- Advice to staff on diverse religious and related issues;
- Arranging and monitoring visits by ministers of religion;
- Ensuring respectful observance of religious festivals.

Depending on occupancy levels and how diverse religious interests are amongst occupants, the role of MRA need not be full time. It can be held by a suitably trained or experienced officer as part of his/her daily duties at the centre.

2. The religion to which occupants wish to belong should be recorded, provided that they agree and the relevant religious minister informed.

3. If occupants so wish, they may be visited by a minister of their religion as soon as practicable after reception and thereafter as often as reasonably possible.

4. When occupants make a request to see their minister of religion, the relevant ministers must be notified within 24 hours of the request and notification details recorded.

6. A calendar of religious festivals/observances should be published for the information of occupants.

7. When occupants are segregated, the MRA must be advised without delay with a view to making arrangements to visit the occupant and if possible, arrange a visit by their ministers if they so wish.

9. The MRA and the centre director must agree arrangements to be made for ministers to conduct services for occupants of their religion at specified times.

10. Religious books relating to their religion must be available for the use of Occupants.

20. SAFETY IN THE CENTRE

STANDARD: To maintain a safe environment for occupants through strategies to deal with intimidation, anti-social behaviour, drugs and health screening.

REQUIREMENTS

1. There must be published policies based on an analysis of the prevalence, type and location of intimidation, self-harm and drug abuse by occupants of different ages and gender within the establishment. Officers from the staff compliment should be trained and given responsibility for coordinating community safety issues and conducting investigations, formally designated as Community Safety Officers (CSO). CSOs should analyse information and provide audit trails showing what action has occurred in the following areas:

- Detect, measure/monitor the problem and supervise;
- Change the climate/culture;
- Provide support for victims, self-harmers and drug abusers;
- Challenge intimidating behaviour;
- Identify reasons for self-abuse/harm;
- All injuries to occupants must be investigated and action taken recorded.

Intimidation

2. Information about procedures for dealing with those who intimidate others and their victims must be displayed in a variety of languages where staff, occupants and visitors can see it. Encouragement must be given to occupants to report such behaviour, in confidence if necessary, whether it is happening to them or to others.

3. All complaints of intimidation should be taken seriously. Incidents should be recorded by the officer who attended them (or took complaints) on specific report forms identifying perpetrators, victims, witnesses and a full account of circumstances. An incident report register should be maintained recording all incidents and details must be entered on the personal records of perpetrators and victims.

4. Intimidation should be dealt with on three levels:

- Level 1 – a verbal warning and monitoring of the perpetrator.
- Level 2 – Increased monitoring and a written warning making clear that if the behaviour continues, it will result in segregation.
- Level 3 – segregation

5. At every level, alleged perpetrators should have the right to appeal decisions, at a rank above the officers who took them. There should be regular community safety meetings attended by team and unit leaders and medical officers, chaired by a CSO.

6. Allocation of occupants to the Centre must take into account the history of the occupant's behaviour and the risk that he or she poses to the safety and security of other occupants, staff and visitors.

7. Local indicators of safety and control must be developed and intelligence-gathering objectives must be identified based on threats to safety. All staff should be aware of the need to constantly gather information for intelligence purposes and to identify those who:

- Perpetrate intimidation;
- Are potentially or actually victims of intimidation;
- Deal in and/or take drugs;
- Liable to self-harm;
- Threaten discipline and good order by fomenting unrest amongst occupants.

Acknowledgement should be given to staff who supply positive intelligence.

8. Incidents of intimidation/self-harm must be discussed at Senior Management Meetings.

Suicide and Self-Harm

9. Assessing the risk of suicide or self-harm should form part of the health screening process during induction, which will also seek to identify any immediate mental health problems and signs of alcohol or drug abuse. Any such problems detected should be referred to the doctor who will decide if the occupant should be transferred to a medical facility.

10. All staff must be trained to detect signs of deteriorating mental health and identify occupants who might have a propensity for self-harm. Concerns should be reported immediately to a manager and the CSO, who will decide if medical intervention is appropriate.

11. If the situation is potentially life threatening, medical assistance should be sought and consideration given to segregating the occupant for his/her own safety. Any segregation room used to house at risk occupants should be stripped of furniture or items that may be used to self-harm.

12. Issues relating to suicide and self-harm should be covered during community safety meetings of managers and CSOs. If necessary, such meetings can be convened at short notice, particularly if a decision needs to be taken on moving an occupant to a specialist medical facility.

13. Details of occupants who have been identified as being at risk but not sufficiently to warrant segregation or removal should be notified to operational staff during pre-shift briefings so that they can be constantly monitored.

14. Records should be kept of occupants using the canteen to identify any that are not taking food.

15. All operational staff should carry ligature knives and be aware of the location of first aid kits.

16. Consideration should be given to providing surgeries by trained councillors and/or counselling on request, through an appropriate NGO or volunteer organisation.

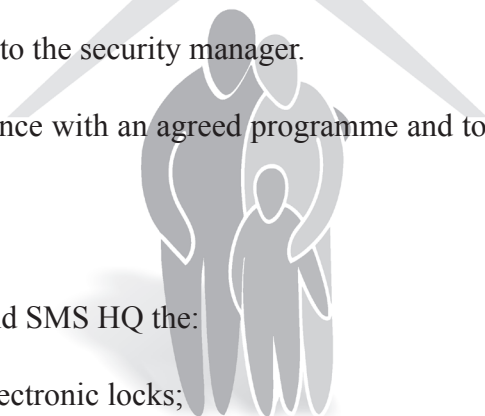
21. SECURITY

STANDARDS: Security must be maintained with restrictions sufficient only to safeguard occupants, the community at large, staff and visitors. The preservation of good order with dignity and respect for the Centre community is paramount.

REQUIREMENTS

Management, Intelligence and Procedures

1. The Centre must have a local Security Document, agreed by the facility director and SMS detention managers at headquarters.
2. The local Security Document must include arrangements for:
 - Gathering of intelligence and the setting of intelligence objectives, in relation to the commission of crimes, such as trafficking and smuggling;
 - Keeping and maintaining of records in accordance with legislation governing investigation, data protection and human rights;
 - Liaison with the SMS Intelligence Community, Regional Intelligence Units and other law enforcement agencies;
 - Arrangements for minimum levels of training;
 - IT security;
 - Receipt and management of risk assessments of individual occupants, who are suspected of having committed a crime;
 - The appropriate security clearance of staff operating Intelligence Systems;
 - Forwarding security information/files to HQ and other detention facilities;
 - Instructions for the reporting of incidents;
 - The provision of on call arrangements -a Centre Duty Manager must be available 24/7. Local instructions should provide a 24-hour Duty Manager Roster and details of the Duty Manager who must be contactable and able to respond immediately by telephone or in person.
3. There should be a trained Security Manager, who is responsible for the day-to-day running of Security at the facility.
4. A training and security briefing must be provided for all new staff. Training must take into account any local factors and include all relevant aspects of the local Security Policy. Training must be recorded on the individual training records of all staff.
5. Staff must report any malfunction of security equipment to the security manager.
6. All security-related equipment must be tested in accordance with an agreed programme and to appropriate time scales:
 - Tests must be recorded;
 - Remedial action must be completed.
7. Staff must report immediately to the security manager and SMS HQ the:
 - Loss or suspected loss of any key,
 - Actual or possible compromise of any lock, including electronic locks;



- Malfunctioning of electronic locks;
- Damage to any lock or key;
- Any major or minor incident;

8. There must be investigations into all reports of loss of plans, keys, tools, materials, vehicles and compromises of keys.

9. Intelligence Assessments must:

- Be produced monthly or more frequently if required;
- Include conclusions drawn from information;
- Be presented to the Centre Director, intelligence officer, SMS HQ and operational heads of unit.

10. All security information relating to occupants suspected of having committed a crime must be recorded on a specially designed Security Information Report (SIR).

11. The Intelligence Unit must raise an intelligence file if there is security information on an occupant with regard to the commission of a crime. These files must be kept in a secure cabinet but must also be available to authorised staff when the Security Department is closed.

12. An intelligence officer with enhanced security clearance evaluates SIR information and records findings in the Security File.

13. Each SIR form:

- Has a unique identification number;
- Is copied for the occupants security file;
- Is clearly marked on the front page for immediate action if the occupant or incident is assessed as posing an imminent threat.

14. Only trained intelligence officers should handle covert human information sources (informants) within or outside of the facility.

15. A purpose built information technology (IT) system should be installed to handle intelligence material, in conjunction with hard copy files, allowing different levels of access in accordance with the security clearance of users.

Procedural security checks must be carried out by a competent person to ensure that:

- The computer is not equipped with a modem and software for internet connection;
- Only licensed software is used;
- Files containing pornography, drug-related material, racist and other illegal or undesirable material is not present or accessible.

Accounting and Control

16. All areas must be patrolled at regular and unpredictable intervals ensuring supervision of all occupants throughout a 24-hour period.

17. There must be written instructions setting out arrangements for opening occupants' mail in order to find illicit items – see Chapter 7 - Communications.

18. There must be local procedures and instructions in place for managing and supervising visits – see Chapter 7 - Communications.

19. The Centre must provide a system of checking the identification of all visitors to occupants and prevent occupants leaving with, or posing as, visitors – see Chapter 7 - Communications.

20. Staff must have access to all living areas - homemade screening must not be allowed.

21. There must be a system in place, which enables an accurate roll of the Centre to be obtained at any time it is needed. A master roll must be maintained in electronic and hard copy and updated whenever there is a movement in or out of the centre. Rolls should also be maintained for each residential unit and reconciled at least every night when units are secured and in the morning when they are opened.

22. A nominated manager should complete relevant documentation confirming that a roll check has been completed at least twice in every 24 hours. The record must be retained for a minimum of one month.

23. Stand Fast Roll Check exercises, where occupants are required to stay where they are, must be held bi-monthly or at periods determined by the Centre Director.

24. A member of the Senior Management Team must visit all populated areas of the Centre during the night shift on a monthly basis and record details of the visit.

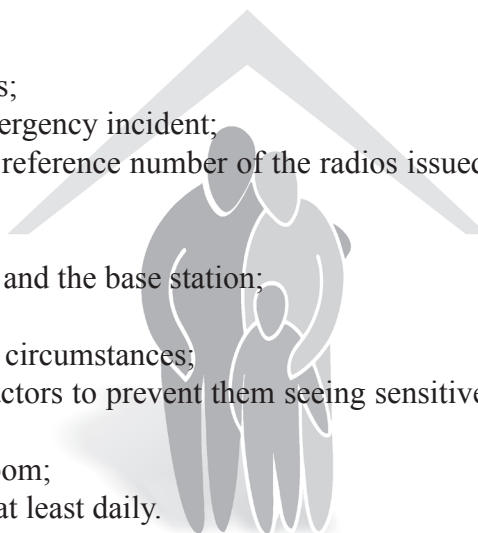
25. Night staff must have easy access to night operating procedures including what to do in the case of an emergency.

26. All staff on the commencement of their shift must be provided with a briefing about:

- Intelligence information;
- Any serious incidents which have occurred during the past 24 hours;
- Any special instructions relating to individual occupants.

27. Control Room staff must be trained and have written instructions covering:

- Immediate response to alarms, monitoring equipment and the radio net;
- Accurate recording of information received;
- Reporting of information;
- Action in line with local contingency plans;
- Instructions in response to specific incidents or situations;
- Organisation and control of the initial response to an emergency incident;
- Records of the identities of all radio outstations and the reference number of the radios issued to them;
- Regular test calls;
- The use of nationally approved call signs for outstations and the base station;
- The investigation of the failure to respond to a test call;
- Who is allowed access to the Control Room and in what circumstances;
- Supervision of Control cleaning staff and outside contractors to prevent them seeing sensitive material;
- Recording everybody entering or leaving the Control Room;
- The Centre Duty Manager must visit the Control Room at least daily.



28. Reception staff must confirm the identity of all occupants entering or leaving the Centre and keep a running total of the roll, agreed by the gate staff.

29. Arrangements must be in place to aid the identification of occupants (see Chapter 2 – Admissions) including:

- A personal file
- Detailed description
- Photographs
- Biometrics – fingerprints

Escorts

30. The procedures involved in the planning of escorts outside the Centre must be clearly set out and must include:

- A risk assessment of the occupants to be escorted with reference to any security intelligence or any other relevant information such as institutional behaviour and any background information;
- Checking that the vehicle is safe and secure;
- Instructions about the taking of breaks;
- A risk assessment of the destination;
- Instructions on what to do in the event of an incident;
- Reporting arrangements and emergency contact numbers;
- Checking of restraints, if used, throughout the journey;
- Risk assessments on the circumstances in which the use of restraints can be considered and identification of the types of restraints that can be used.

31. Procedures must clearly define the duties of the officer in charge of the escort .

32. As a rule, restraints will not be necessary and should not be used unless the occupant is a danger to himself, others or property or there is a serious risk that he may abscond, that has been assessed in the individual case. The types of restraints that can be used must be defined in advance. Only measures that are reasonable and proportionate can be used and they should only be applied for the shortest time possible. Care must be taken to ensure that they do not restrict circulation or compromise the ability to breathe normally. Handcuffs should never be used as a punishment.

33. At least one member of the escort team must be of the same sex as the occupant and a female officer must always be present when escorting an occupant under the age of 18.

34. All occupants must be searched (generally a rubdown and with a hand held metal detector) prior to the escort in accordance with general instructions on search of persons.

35. There must be arrangements to prevent contact between occupants who have been searched and those who have not been searched prior to escort.

36. A designated manager must ensure that:

- The identities of occupants are confirmed;
- Escort staff have been briefed in writing on any security or health care issue, including medication;
- Escort staff are provided with specific details about the escort and destination;
- Sufficient refreshment has been supplied for the journey for all occupants and staff.

37. Escort staff must ensure that property and records are placed in a safe and secure area within the vehicle.
38. Babies must be provided with a baby seat in accordance with national regulations and be next to the mother, or other adult family member, unless another arrangement is necessary to respect the best interest of the baby.
39. Risk factors identified must be recorded on the detention order and the occupant's transferable record.
40. During an escort any concerns about security and health issues or any other concerns must be recorded and passed to the receiving establishment by SIR.
41. A Protocol of Agreement must exist between the Centre and the local hospitals in order to facilitate external healthcare for occupants.
42. A Bed Watch Log must be kept when an occupant is located in an external hospital under supervision.
43. An occupant under escort or on a bed watch must be supervised at all times.
44. Management must ensure that escort staff are able to maintain contact with the Centre and be contactable at all times. Reporting arrangements will be specified to escort staff prior to departure from the Centre.
45. The escort vehicle will be equipped with a First Aid Box and a Fire Extinguisher.

Keys and Locks

46. The local Security Strategy must set out procedures for the secure storage, allocation, issue, return and safe keeping of keys.
47. All security keys except handcuff keys for use by staff must be given a number and stored in a key safe.
48. Spare security keys, including handcuff keys, must be kept in a separate key safe.
49. Master keys must be kept in a secure master key safe accessible only by as few as practicable designated officers, preferably only the director and his deputies.
50. All key safes must be locked when not in use and only authorised staff may have access to them.
51. Local security procedures must set out the frequency and type of key checks to be made and which member of staff should do the check, but the minimum check is twice in 24 hours at staff shift changeover.
52. Authorised key holders should be issued with a uniquely numbered tally tag which will be exchanged for their keys when they come on duty and back again at the end of their shift. The tag will be kept on the key hook against which it was issued.

53. Officers who have not returned their keys within 30 minutes of the end of their shift should be contacted by the control room. Notices should be posted prominently on staff exit routes to remind officers to check in keys before leaving.

54. The key must show the following information:

- The total number of each key type held by the Centre,
- The running total of keys in stock,
- The number of each type of key in use,
- To whom the keys were issued.

55. The testing of locks and hinges on a quarterly basis must be part of a planned preventative maintenance programme.

56. No one may add or remove any keys to/from any bunch allocated to them.

57. The Centre Director, immediately on taking up post must undertake a complete key reconciliation and sign the key ledger as a record of reconciliation.

58. Only the senior officer on duty may authorise the issue of keys to other than the tally holder and a record of the issue and return must be kept.

59. Keys must be attached to the key holder by use of a key chain, belt and pouch.

60. Keys must be kept out of sight from the public and occupants.

61. A quarterly audit of keys must be made against the register.

Maintenance Tools and Equipment

62. An inventory of all tools/items identified should be raised along with written instructions to cover:

- The maintenance of inventories of all tools and equipment;
- Audits of inventories;
- Recording additions to or from inventories as they occur.

63. Tools must be marked with:

- An establishment code;
- A location code;
- An individual tool number;
- Markings must be non-erasable.

64. All tools must be stored in a secure storeroom and locked away except when a member of staff is issuing/receiving tools.

65. Tools and equipment must be accounted and signed for at the end of the period by the member of staff in charge of the area and audited every year.

66. The discovery of any tool loss must immediately be reported to the Duty Manager and Security.

67. Kitchen, Works and maintenance staff must keep careful account of their tools and equipment and check it daily. A quarterly audit of all tools must be conducted.

68. Staff must not bring their own tools into the centre; this includes pen-knives and scissors.

69. Procedures must be in place for the disposal of damaged or unwanted tools securely and records kept of the disposal point.

70. Potentially dangerous substances and general waste must be disposed of in line with health and safety guidelines

71. All rubbish skips located in areas accessible to occupants must be locked when not in use and when in use supervised by staff at all times.

72. All skips must be searched prior to entering and leaving the Centre.

73. Local instructions must be in place for the oversight of high-risk vehicles, such as forklift trucks, bulldozers etc.

74. Regular checks should be made to ensure that security measures are being observed.

75. Instructions must be devised and issued to all staff in respect of storing and controlling the following items:

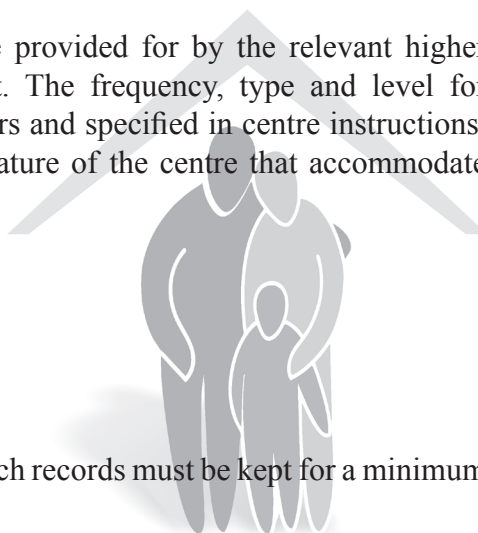
- Ladders and scaffolding;
- Dustbins and swill bins;
- Vehicles, hand carts, forklift trucks and mechanical diggers;
- Skips;
- Bed frames and bedding;
- Sports equipment;
- Textiles, binding and heavy string/rope,
- Fire hoses and cabling.

Searching

76. Standard instructions in respect of searching shall be provided for by the relevant higher administrative authority, ministry or relevant department. The frequency, type and level for intelligence led searches must be decided upon by managers and specified in centre instructions, to meet local needs and taking into account the special nature of the centre that accommodate migrants and not criminals, for the following:

- Occupants;
- Visitor areas;
- Centre and Immigration staff;
- Activity areas, grounds, accommodation areas;
- Incoming and outgoing goods and mail.

77. Records of searching and finds must be introduced -Search records must be kept for a minimum of 2 years.



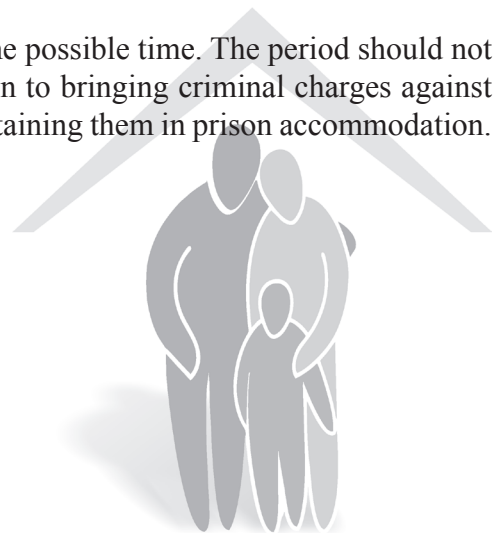
78. Details of who has the authority to search and to what level must be stated in the local Security instructions. SAC staff should be split into operational and administrative sections. Operational staff shall include security staff in charge of maintenance of security and safety on site. The security staff should be properly trained to carry out searches of possessions, persons and accommodation.
79. A clear written policy on searching procedures, including consent to search conditions, must be made available and displayed to staff, visitors and occupants.
80. A list of prohibitive items which visitors may not bring in to the centre must be displayed in appropriate locations where visitors can view them clearly.
81. In case of commission or risk of commission of a crime and as a measure of last resort, law enforcement officers may use force, at a level which is reasonable and proportionate, to ensure that occupants comply with searches on the authority of the senior officer on duty and such authority must be recorded.
82. Visitor areas must be searched before and after visits.
83. Searching procedures must be in place.
84. All searches must be carried out in as consistent and sensitive manner as possible taking into account gender, religious and cultural beliefs, age, disability and other relevant factors.
85. Strip searching of an occupant will only be conducted if there are reasonable grounds for suspecting the commission of a crime by law enforcement officers.
86. Strip-searching must only be conducted by members of the same sex and out of sight of other occupants. Only female staff may search other females.
87. A full-length physical perimeter check must be conducted daily as agreed in the Security Strategy (internal and external).
88. Occupants should not be allowed to keep property that is incompatible with the reasonable storage available in their rooms. The volume of property kept in possession must be consistent with maintaining safety and security.
89. Individuals subject to searching must be informed, in a language that they understand, of the reasons for the search, and the legal powers of the law enforcement officer who carries out the search.
90. Use of pictures to illustrate procedures for searching visitors and occupants should be visible to them.

22. SEGREGATION

STANDARD: Segregation of occupants who are violent, disruptive or deemed to be a danger to themselves or others must achieve the right balance between maintaining order and protecting the rights and the safety of the individual and other occupants.

REQUIREMENTS

1. Staff employed in segregation accommodation must be selected on the basis of their competency for such a role. Officers should be fully trained in accordance with the centre training programme, with additional specialist training in personal protection and the use of restraints, be mature and have strong inter-personal skills, be culturally and human rights sensitive.
2. The Centre must ensure that no room is used for temporary confinement unless the director of SMS or his/her designated deputy has certified that it meets the same standards of size, lighting, heating, ventilation and fittings as the rest of the centre accommodation with the extra provision that all furnishings and fittings are secured to the walls or floor and that there is nothing in the room that may be used as a weapon or for self-harm by the occupant. Occupants must have the means to communicate with an officer at any time.
3. A record must be kept of all cases of segregation and thereafter all actions relating to visits to occupants, when the occupant was removed from the accommodation and any other relevant information.
4. The centre must have a published routine for temporary confinement which is made known to occupants and observed by staff and which takes account of security and control requirements and the statutory entitlements and needs of occupants.
5. Segregation should only normally be used for:
 - Disruptive, threatening and/or violent occupants
 - Quarantine occupants or new arrivals suspected of having infectious diseases when facilities are not immediately available in the medical centre
 - Those considered to be at immediate risk of self-harm, prior to removal to the medical centre or an outside facility
6. Occupants should only be segregated for the shortest time possible time. The period should not exceed 72 hours, after which consideration should be given to bringing criminal charges against any occupants who are habitually violent, with a view to detaining them in prison accommodation.



23. USE OF FORCE

STANDARDS: As a general rule, the use of force should be avoided except in exceptional circumstances and if it represents a measure of last resort. Any force used must be implemented with due respect to the individual's rights and be the minimum required to achieve the objective. Measures implying the use of force should only be implemented by law enforcement officers and not by SAC's staff.

REQUIREMENTS

1. Force will only be used when necessary to keep an occupant who is trying to escape in custody, to prevent violence, to prevent destruction of the property of the centre or of others and to react to occupants resisting their own removal physically or physically interfering with the lawful removal of another occupant.
2. Force will only be used as a measure of last resort and must be:
 - *Proportionate* – the minimum required to achieve the objective. Officers using force must understand and take responsibility for the consequences of their actions. Use of force will be carried out only by those who have been trained in approved restraint techniques that do not endanger the individual's dignity or physical integrity.
 - *Lawful* – force should only be used where the officer is exercising a legal function either under immigration law, other legislation relating to detention or any applicable criminal law i.e. assault, affray, rioting.
 - *Auditable* – any use of force should be recorded in case of legal challenge or complaint.
 - *Necessary* – the officer must demonstrate that there was no practicable alternative to using reasonable force.
3. If handcuffs are used as part of use of force they should only be applied for the shortest time possible and care must be taken to ensure that they do not restrict circulation. Handcuffs should never be used as a punishment.
4. Use of force must only be applied by law enforcement officers and not by SAC's staff.
5. In the event of force being used, the centre must ensure that occupants are seen by a member of the healthcare team as soon as practicable.
6. There must be a system for recording all incidents where use of force is applied and to monitor that use. Where use of handcuffs is planned in advance and the occupant does not resist, this should not be recorded under use of force.
7. All individuals should have access to an independent complaint mechanism to report any abuse they have suffered during an operation in which the force has been used.





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A Needs Assessment of Special Accommodation Centres for Foreigners in the Republic of Armenia

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