R.E.A.D.M.I.T
Training Manual on Readmission

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R – RETURN AND READMISSION

E – ENGLISH LANGUAGE AS USEFUL TOOL FOR MIGRATION MANAGEMENT

A – AGREEMENTS ON READMISSION OF PERSONS RESIDING WITHOUT AUTHORIZATION

D – DETENTION OF MIGRANTS

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T - TRAINING

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

Author: Sergey Brestovitsky

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INTRODUCTION

Implementation of readmission agreements as management procedure is quite simple for understanding and further application. Basically, there is no need for any additional guidance regarding how to implement readmission apart from the agreement itself, which normally consists of a full complex of instructions as to what, when and how to deal with this issue.

At the same time, readmission as a process is a multidisciplinary issue touching on various policy, legislative and administrative areas of migration management and beyond, including international relations, identity management, human rights and so on.

Therefore, there are two ways of developing human capacities for implementation of State's obligations within readmission of migrants. The first is just ensuring that the personnel of concerned institutions and ministries are familiarized with the articles of the agreement particularly relevant for the fulfilment of their tasks. The second way is harder and it supposes a deeper and broader study of the issue. It takes more time and requires more effort but, in the end, it will allow for an understanding of the mechanism of readmission process as well as its roots, consequences and challenges.

This manual has therefore been designed with the second option in mind in order to provide a toolkit for practitioners who face the challenge of improving the capacity of their country to manage migration. On the one hand it explores theoretical issues of readmission with the focus on their implementation in the Republic a Armenia, and on the other, it examines related areas of migration management forming the framework where the readmission process functions. Therefore, the purpose of the Manual is to present the theory of readmission as a kind of return process and at the same time consists of supplementary knowledge useful for any practitioner who works in the public management sphere.

The Manual provides a knowledge base in a non-technical format. It has seven Sections. Each is dedicated to one of the most challenging aspects of the readmission process. Sections can be studied independently or in assisted sessions. They can be studied in the order given by the Table of Contents or selected in combinations that serve particular interests. Therefore, the electronic version of the Manual for example provides a hierarchical structure as follows:

I. Introductory section

Return and readmission

The Section provides introduction in the theory of migrants return, basic drivers, terms and typology. Functioning within the framework of return migration, the readmission as specific case of involuntary return is at the same time both subject to international relations and part of the national migration management system.

II. Most important

Agreements on readmission

The cornerstone of the readmission process is an international agreement. This "contract on international level" clearly constitutes obligations of the parties and at the same time describes in

detail the readmission algorithm. Readmission agreement therefore is both a manifestation of States' signatures to undertake efforts towards return of migrants and particular instruction regarding how to readmit targeted categories of migrants.

Management of return and readmission

Being subject to international relations, the readmission procedure is arranged by a State throughout the incorporation of this mechanism into the national migration management system. It entails the elaboration of the procedure within the political, legislative and administrative framework of the State.

III. Specific areas

Detention of migrants

Establishment of the readmission procedures implies certain specific measures, including development of the corresponding infrastructure. Third-country nationals accepted by a requested State need to be provided accommodation while awaiting their return to their country of origin. Considering the specific status of readmitted persons, special facilities are to be developed.

Identity management

Readmission procedures are cross-cutting issues and therefore entail other spheres of migration management. Particularly, they are closely connected with identity management, border control and document authentication.

IV. Supporting capacity-building issues

English

Language skills can be considered a capacity-building tool useful for those who work in various migration related spheres. Given the international character of this process, language skills are even more important. Brief thematic language exercise can provide users with basic knowledge of terminology and a language environment specific for readmission process.

Training

Inter-agency training activities contribute to a better understanding of the tasks and responsibilities and needs of other agencies. Joint training activities should involve staff from all agencies involved in migration management. Such learning allows the delivery of targeted topics to a broad audience, providing more efficient use of resources and, at the same time, has a confidence-building and information exchange function.

Each Section begins with general foundations, ideas and approaches needed for more effective application of a particular practice. For example, the list of the documents which serves as proof of nationality will be better understood if the user first learns why these particular documents are the best tool for identification of the personality and what the identification is. Also, the structure and content of readmission agreements will be clearer if the user studies them after receiving a background in how international treaties work in general. The connections between Sections are reinforced by references within a Section to related Sections.

Participants in this course are encouraged to develop their own approach to studying each Section. At the same time, the best way of learning the presented material is interministerial facilitated training with the participation of experts in the noted areas of knowledge. Each Section will require approximately two or three hours of classroom instruction with some variation based on the needs of participants and desired results. The final Section provides detailed methodology for organization of such training.

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RETURN AND READMISSION

Introduction and objective

The purpose of this Module is to review the framework where the procedure of readmission is functioning. The common readmission policy is a component of the wider common return policy (Coleman, 2009) and cannot be implemented in a vacuum. A clear understanding of the essentials as to how and why States manage the return of migrants from or to their territories will help implementing a specific case of return, which readmission is.

Return of migrants

Return of migrants is the integral and one of the major components of people's mobility. The article 13(2) of the Universal Declaration of Human Rights, states: "everyone has the right to leave any country, including his own, and to return to his country". Moreover, it is a principle of customary international law that each country should take back its own nationals to their country (EC, 2011).

There are many positive commonly recognized consequences of emigration, such as a decrease in the rate of unemployment, alleviation of social and economic tensions, and remittances which stimulate development. On the other hand, migrants leaving their countries are usually young, educated and enterprising persons, and often high qualified specialists. Therefore, mass emigration of such human resources may also negatively affect development of the country of origin in a long-term perspective. To avoid such consequences and to maximize the benefits of emigration, generally, countries of origin implement policies that stimulate such crucial processes as remittances and investments, while also paying great attention to returns. Properly managed, return migration can mitigate the negative aspects of citizen outflow and multiply positive effects of emigration. Therefore, return migration has become a critical element in the migration policy of many governments and, correspondingly, it is a significant challenge for national and international migration management (IOM, 2004c).

This challenge is also important for States of destination because return migration often means an allocation of funds and requires that infrastructure be built by the State. This is why voluntary return is considered much more cost effective than forced removal of migrants. Even travel expenses or reintegration support provided for voluntary returnees is much cheaper than the establishment of special detention facilities, allocation of responsible offices and the installation of overall involuntary return mechanisms.

To formulate an appropriate political response to return migration, some fundamental questions should be considered. Of primary importance: are returns desirable from the point of view of the State's interests? Should return migration be actively supported and facilitated, and if yes – what are the main challenges regarding the return and what should be the scope of the State's policy addressed to returnees (Lesińska, 2013)? Answers to these questions as well as clear general understanding of what return migration is, as well as proper study of the potential return flows, will facilitate making a fundamental decision as to the State's position towards return migration and, consequently, whether to initiate further actions or not, and to allocate appropriate resources – human, managerial, financial and so on.

Finally, the effective return of migrants is important for maintaining productive bilateral relations between countries of origin and destination, and creates migration systems. They are both responsible for the return and are both interested in effective return operations. Finally, effective return is possible only in case of their close cooperation.

> Return - in a general sense, the act or process of going back to the point of departure. This could be within the territorial boundaries of a country, as in the case of returning internally displaced persons (IDPs) and demobilized combatants; or between a host country (either transit or destination) and a country of origin, as in the case of migrant workers, refugees, asylum-seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, e.g. repatriation (for refugees).
>
> Return Migration - the movement of a person returning to his/her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary.
>
> (IOM, 2011)

Return of migrants is considered a relatively new phenomenon in the history of population movement. Until the end of the 80s, migration policies concentrated on the integration of migrants rather than their return. But during the 1980s a debate among academics emerged "on the return phenomenon and its impact on countries of origin." (Kratzmann, Petzl and Temesvári, 2010) This flow has been distinguished into separate types of migration when globalization and increase of labour mobility followed corresponding concerns of both sending and receiving countries. The importance of paying attention to the return of migrants was also recognized internationally. In case of destination countries, the return of migrants who are unable or unwilling to remain in their territories (such as rejected asylum-seekers, stranded migrants or persons in irregular situations) directly affects the security situation. Return also supports the States' sovereign right to determine who should enter and remain on their territory, and under what conditions. Return is of course critical for sending States too. Large flows of returning migrants may pose specific challenges to the reintegration capacities and socio-economic stabilization of some countries. Other States see the return prospective as beneficial for their development. In both cases, it is clear that the return needs careful planning and greater cooperation.

Return migration has been thoroughly studied, and attention paid to it has resulted in an elaboration of principles providing for effective practices with regard to return policy. On the international level, as already mentioned, strengthening cooperation of the authorities of the country of origin, transit and destination to manage return effectively is deemed a necessary condition for effective return. It includes, among other measures, the conclusion of bilateral agreements to facilitate the voluntary or forced return of irregular migrants including measures needed for humane and orderly return (IOM, 2004d).

Another important approach providing effectiveness in return is the promotion of its voluntary forms. This type of return can provide great benefits for both migrants and States. However, it is not so easy to develop and promote such mechanisms. The difficulties refer to many factors like funding issues and even more to migrants themselves. Voluntary return has a voluntarily nature but rarely a planned one. Often, it is offered to migrants as an alternative to forced removal and therefore does not meet with understanding from their side. In this case, the providing of reintegration assistance can be an additional

factor motivating migrants to return and guaranteeing sustainability of return; which is deemed as third essential approach to return management. The measures which provide assistance to returnees should be applied before, during and after return; carried out by government authorities, international organizations, non-governmental organizations and other relevant stakeholders. Furthermore, sustainable return in a greater context implies a corresponding policy and legal framework, transferability of pensions and other work benefits facilitating and enhancing the sustainability of return and – most important – the participation of migrants in the planning and management of their return and reintegration.

Although return is often seen simply as a matter of removing the migrant in question from a given territory, problems may arise if the return is not sustainable and if little is done to facilitate the reintegration of the returning migrant. The end result may be that the migrant simply tries to re-enter the destination country illegally. A comprehensive return policy will include several key factors to promote success:

- Promotion of voluntary return as the first option;
- Respecting human rights of migrants regardless of the nature of return (voluntary or forced return);
- Promoting sustainability of return, which means alleviating pressures leading to renewed attempts of re-emigration;
- Facilitating economic, social, and cultural reintegration of the returnee;
- Partnerships and cooperation in implementing return.

Sustainable return and Reintegration Support

Reintegration assistance can range from pocket money upon return or limited, one-time reinstallation grants at the micro-level, to a variety of social and economic assistance measures, or a transfer of some of the benefits accumulated in the host country. Assistance may be provided directly to the migrants or in the form of institutional assistance at the macro-level to the communities of return in the country of origin. Targeting communities of return, rather than just the individual returnees, may involve longer term, structural and development aid (Fletcher, 2012). Effective reintegration of migrants back into their home communities is an essential element in their ability to lead productive lives upon return and to facilitate the sustainability of return.

Efficient reintegration consists of many elements, including social, political and economic, and requires the active engagement of the migrant. Productive reintegration into local economic and social activity enables the migrant to attain self-sufficiency, while enabling the country of origin to more effectively use the skills, expertise and resources gained in the host countries. Programmes which facilitate reintegration, including vocational training, micro-enterprise development and other forms of targeted assistance, not only assist returning migrants but can assist their communities to create a climate of receptivity to returning migrants and opportunities for the community as a whole.

Sustainable returns are a key element to any removal policy, although it is not the main focus of forced return. This involves working with non-governmental organizations and agencies, particularly those with expertise in development, and those which can facilitate post-return and reintegration programmes as well as working with other governments to build good relations with countries of transit or of origin. The sustainable return of people, both voluntarily and forced, should be facilitated through policy initiatives

that encourage third-country cooperation on post-return incentives. Such initiatives will have a positive long term impact on the prevention of irregular migration to the destination country and improved social well-being for communities in countries of origin (IOM, 2004b).

Return migration within the Armenian migration framework

Migration policy is based on the general political drivers of the country and usually derives from, and relates to, other elements of public policy; for example, labour market policy, foreign policy, demographic policy and so on. There are linkages between economic, social, trade, labour, health, cultural, and security policy areas (IOM, 2004a). The objectives of migration management in Armenia are defined in the Concept for the policy of State regulation of migration in the Republic of Armenia. This strategic document outlines main directions in compliance with the overall political course of the State. For example, it reflects such strategic goal as averting emigration and encouraging immigration, which was determined as one of the key government activities in Armenia. In particular, the Concept recognized "assistance to the return of Armenian nationals from foreign countries and to their reintegration in their home country" as one of policy priority (RA Government, 2010).

In order to ensure the implementation of the Concept Paper, the "Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia in 2012–2016" was adopted by the Government of the Republic of Armenia in 2011. The purpose of the Action Plan was to transform the main approaches and mechanisms of the Concept Paper into concrete action. This paper identifies the details of support for the return of Armenian citizens to Armenia:

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

Typology of return migrations

Broadly speaking, the return of migrants can be voluntary or involuntary (forced). These two types include many subdivisions (for example, forced return as an administrative procedure may have different forms even within the migration management framework of one country) and require different approaches in policy and management. At the same time, experience has shown that involuntary and voluntary returns are interlinked and have a mutually reinforcing effect. For policies on return migration, it is important to distinguish between voluntary return, which is most relevant for development, and involuntary return associated with, for example, the rejection of an asylum application or the deportation of migrants in irregular status.

Voluntary return

The assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.

(IOM, 2011)

Following from the definition, the main criterion of voluntary return is the free will of the returnee. Within the context of migration management, the most relevant case of voluntary return is its assisted form. In this case, any number of State and non-State organizations may be involved into organization of assistance in return of migrants. Therefore, this term is not primarily based on the voluntary nature of the return, but rather on the organizational particularities; namely the assistance with and provision of advisory, logistical, financial and/or other support for the person concerned.

Voluntary Return procedures are mainly assisted by organizations like the International Organization for Migration (IOM), international or local NGOs, and can be supported or even funded by governments. Compared with forced return, the implementation of assisted voluntary return (AVR) lowers the risk for human rights violations, preserves the dignity of the returnee, and is usually less costly financially and politically for the Government than forced return. For these reasons, the inclusion of AVR is an important element in any coherent, effective migration management policy — not only regarding irregular migrants and unsuccessful asylum-seekers, but for all migrants needing support to return home (IOM, 2004b).

In 2000 a Memorandum of Understanding (MoU) was signed between the Austrian Federal Ministry of the Interior and IOM which represents the basis for cooperation with regard to assisted return measures.

The Memorandum of Understanding between the Federal Ministry of the Interior and IOM establishes the framework for the practical implementation of assisted return measures in Austria and forms the basis for the "General Humanitarian Return Programme". According to the Memorandum of Understanding, the main tasks of IOM are: provision of information on assisted return, support of the returnees in attaining travel documents, organization of the logistics for the return from Austria, as well as transit to the country of return and the payment of financial support. The target groups defined under the Memorandum of Understanding are asylum applicants, former asylum applicants whose application has been rejected, and irregularly resident migrants (Kratzmann, Petzl and Temesvári, 2010).

AVR is particularly relevant as an alternative to forced return. In situations when the choice is to be returned within the deportation procedure or to return voluntarily, voluntary return balances the need for the migrant to avoid the stigma of deportation and re-entry ban. At the same time, some migrants in regular situations may wish to return to their countries of origin but are unable to do so because of financial and other constraints. Vulnerable and/or stranded persons requiring special attention can also be allowed to avail themselves of assistance to return to their countries of origin, particularly if accompanied by some support for reintegration. These include: the aged, mentally handicapped, abandoned partners, minors, ethnic minorities, women, and, especially, persons who have been trafficked.

In addition to the framework measures discussed above, some technical conditions should be created to establish effective mechanisms of voluntary return. Most important is the provision of objective and

reliable information, including conditions in the country of origin, and counselling to enable the migrant to make a free and informed decision on return.

Involuntary or forced return

Voluntary return is the preferred option, but there is an inevitable need for forced return mechanisms in some cases. A policy of involuntary, or forced, returns should be included as a part of any comprehensive and balanced approach to migration.

> Forced return - The compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act.
>
> (IOM, 2011)

As mentioned above, very often the distinction between voluntary return and forced return is somewhat tenuous, in the sense that the individuals involved really do not have the option of staying in the country. Involuntary return by government authorities under national law enforcement procedures takes place when migrants having no legal ground to remain in the destination country do not leave the country voluntarily if required to do so. Forced return is seen by many countries as an important component of an effective return policy in a properly functioning migration management system and as a necessary element for the credibility of the system. The existence of such return procedures often creates an incentive for individuals to choose to return voluntarily. But in any case, it is important that forced return be conducted with safety and humanity, consistent with applicable human rights and humanitarian law, and that returnees are not stigmatized for having returned involuntarily.

The removal needs some infrastructure, including facilities to accommodate returnees awaiting their removal. There are three different types of facilities:

- closed detention centres
- transit centres
- open centres

In general, a Migrant Accommodation Centre (MAC) or Special Accommodation Centre (SAC) is a facility which provides secure but humane temporary holding of foreign nationals, namely irregular migrants, who do not have legal grounds to stay in the country. Placing a person into this type of holding facility should be done as a last resort when non-custodial measures are deemed by responsible authorities to be ineffective. It should be used as an administrative measure and not a criminal one.[1] Finally, this measure can be avoided when the AVR approach is applied.

Taking into account the fact that forced return is an oppressive method going against the will of the returnee, great attention should be paid to observing and respecting the human rights of migrants under return procedure. The involuntary return should be carried out in transparent, humane and fair conditions. It means providing persons residing irregularly a minimum set of basic rights pending their removal, including access to basic health care and education for children, a limit on the use of coercive measures in connection with the removal, and ensuring that such measures are not excessive or

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[1] More about detention practices and corresponding facilities in "D" Module of the R.E.A.D.M.I.T Manual.

disproportionate, limiting the use of detention, binding it to the principle of proportionality, and establishing minimum safeguards for detainees. Forced return should be also implemented with the full knowledge and agreement of the country of origin, including such measures as conclusion of bilateral and multilateral agreements.

Readmission

In this context, the readmission process is a specific type of forced return fully compliant with the principles listed above. The core difference is in its bilateral or, in certain cases, multilateral nature. Unilateral removal procedures often are characterized by a lack of cooperation or full absence of cooperation from the country of origin of the person to be removed. When there is a readmission agreement, the country of return works under the obligations accepted in the international agreement and cannot neglect admission of irregular migrants residing or transiting through their territories. At the same time, while in case of deportation, the destination State just sends the migrant back with no care as to what will happen to him. In response to both mentioned concerns, readmission agreements guarantee an agreed decision of the States of destination and State of origin.

> Readmission - act by a State accepting the re-entry of an individual (own national, third-country national or stateless person), who has been found illegally entering or being present in another State.

Readmission agreements, as international treaties, are the basis of the overall readmission process.[2] They support removals by establishing the formal procedure between country of destination and the country of origin within defined conditions of return, time limits, responsible authorities and other technical aspects. The purpose of a readmission agreement is to set out the reciprocal obligations, as well as detailed administrative and operational procedures, to facilitate the return and transit of persons who do not, or no longer fulfil, the conditions for entry to, presence in, or residence in the host country, by addressing the procedures of return, and to formalize the effective return process and to prevent the occurrence of difficulties in this field.[3]

Readmission is now considered as one of the most advanced forms in the organization and implementation of removal of migrants who have no legal grounds to stay on the territory of the destination country. Considerable international efforts in recent years have led to a significant increase in the number of readmission agreements. They contribute to a quicker, easier and more humane removal.

Standards and best practices of readmission

In general, readmission is a specific case of return migration management. At the same time, there are certain features which distinguish it from other forms of migrant expulsion.

First of all, as mentioned above, readmission is the procedure prescribed by international treaties which includes at least two sides, and therefore this action cannot be implemented unilaterally. The second principal feature of readmission is that it is not a kind of administrative penalty that requires special

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[2]   More about readmission agreements as a part of international law and their content in "A" Module of the R.E.A.D.M.I.T Manual.

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

treatment of readmitted persons including special conditi ns in case of their detention, relief or cancellation of re-entry ban. These, regardless of the international character of readmission process, require corresponding grounds to be provided by domestic legislation. Finally, within the readmission process, irregular migrants can be returned not only to their State of origin, but also to a State from which territory they directly came.

Today, the European Union is commonly recognized as the trendsetter in both the area of concluding readmission treaties as well as implementing practical mechanism of migrant return. The long period of empirical practices[4] resulted in the elaboration of principles and best practices which deserve to be used as a basis for building other countries' specific models (such an approach, for example, has been used by the Russian Federation for developing its readmission policy). In policy terms, readmission agreements in the European Union are considered a necessary tool for efficient management of migration flows as they should facilitate the swift return of irregular migrants. Such agreements are supposed to be a major element in tackling irregular immigration (EC, 2011). The assessment of European principles and practices of readmission is even more important when taking into account the fact that the most appropriate agreement of this type for Armenia is the one concluded with the European Union.

The core idea that should be taken into account while reviewing European experience and best practices in the area of readmission is that the return, in general, and readmission as its specific method are integral parts of common EU migration policy. Therefore, they need to be considered as a whole.

In 1999, the Amsterdam treaty[5] entered into force and it laid down new principles and responsibilities in the field of common foreign and security policy, including common strategies and procedures in the area of migration. As a result, since 2000 the EU was continuously elaborating corresponding policy tools to effectively combat illegal entry and residence of third-country nationals in the European Union. One of the most important components of such policy became the removal of irregular immigrants and return to their countries of origin. Consequently, the conclusion of readmission agreements transformed from just a particular instrument of European migration policy into a basis for expulsion and a return system as a whole.

> The EU acquis defines the terms readmission and readmission agreements as follows:
>
> - Readmission: act by a State accepting the re-entry of an individual (own nationals, third-country nationals or stateless persons), who has been found illegally entering to, being present in, or residing in another State;
>
> - Readmission agreement: agreement setting out reciprocal obligations on the contracting parties, as well as detailed administrative and operational procedures, to facilitate the return and transit of persons who do not, or no longer fulfil the conditions of entry to, presence in, or residence in the requesting State.

The European Union, first of all, considers readmission agreements as technical instruments bringing procedural improvements to cooperation between the administrations (EC, 2011) of two States involved in the readmission process. This technical tool should be standardized to the extent possible – standard attributes should be worked out, such as official standard forms of readmission request and reply, agreed upon travel documents, and so on. The same also refers to the issue of time limits which are

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

[5]   Treaty of Amsterdam amending the Treaty of the European Union, the Treaties establishing the European Communities and certain related acts.

recommended to be fitted, realistic and doable (EC, 2011).

The European Union considers voluntary return as the most humane, and at the same time, most effective mechanism of return management. Even in case of forced actions such as readmission, the principle of voluntary departure should be promoted by establishing a general rule that a "period for voluntary departure" should normally be granted. By the way, this principle is also realized in the Agreement with Armenia.

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

Readmission procedure may be called a cross-cutting issue because this process, being a typical migration case, involves other spheres of knowledge and activities. For example, taking into account its bilateral nature, international cooperation is very important for concluding and implementing readmission acts. The same refers to border management, which is closely related to the main aspects of readmission. Finally, successful and effective readmission procedures can be guaranteed by an appropriate level of identity management. Readmission of applicants is subject to proof of nationality or a presumption of transiting certain country, depending on the available identity documents or other possible evidence.

It was already mentioned that one of the most critical characteristics of readmission, distinguishing this process from other forms of return management, is that irregular migrants can be returned not only to their State of origin, but also to a State from whose territory they directly came. Almost each readmission agreement of the European Union includes provisions to return third country nationals, and the Armenian case is no exception. At the same time, by 2011 such clauses in the agreements with countries not bordering the EU were only used 28 times (EC, 2011).

The Agreement between Armenia and the European Union

On 19 April 2013 in Brussels, Armenia signed an agreement with European Union on the readmission of persons residing without authorization.[6] The agreement was ratified in October 2013, and entered into force as of 1 January 2014. It means that the readmission mechanism is now fully functioning. In turn, this means that Armenia expresses its readiness to properly fulfil the obligations set by this treaty.

Activity – Case study

The Article on the Polish experience in the establishment and implementation of the return mechanisms is offered as case study for discussion.

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

Case study
State policy towards return migration. The case of
Poland.

Building of a system where sustainable return is guaranteed is the most important challenge for all States. Destination countries encourage the return of migrants by using the schemes of voluntary return and signing bilateral agreements and mobility partnerships with main source countries, enforced through media campaigns and, as a last resort, through compulsory deportations to countries of origin. Return migration is thus an integral part of the constant mobility of people managed by national and international institutions (Lesińska, 2013). The European Union, being a typical case of such context, implements political and legal instruments to stimulate circular migration to supply the labour market with needed human resources and, at the same time, to protect itself against irregular migration. Therefore, migrants are expected to return home when their legal stay in the destination country is expired.

The European Union, as a stable migration system, has its advanced ideology of return migration. Its political aspirations are formalized in the Global Approach to Migration and the Pact on Migration and Asylum, which constitute a comprehensive approach to the return of migrants staying irregularly on the territory of the Union.

The EU, in particular, places the focus on:

- encouraging of voluntary return, including the development of incentive systems, training, reintegration and subsidies, and by using the possibilities offered by existing financial instruments;
- the conclusion of effective and operational readmission agreements, on a case-by-case basis at EU or bilateral level;
- ensuring that the objective of the EU's efforts on readmission should add value and increase the efficienc of return policies, including existing bilateral agreements and practices
- increased practical cooperation between Member States, for instance by regular chartering of joint return flights, financed by Frontex and the verification of the nationality of third-country nationals eligible for return, and the procurement from third countries of travel documents;
- increased targeted training and equipment support.

As a result of joining the EU and opening labour markets by some of the Member States, a massive outflow of Poles took place after 2004. The number of Poles staying abroad reached a peak in 2007 and was estimated at 2.3 million (6.6 % of the total population). The size of that wave was surprising for all, including policymakers, society, and even experts. The subsequent outbreak of the worldwide economic crisis and the continuing decline in the global economy made some of the Polish migrants decide to return to their home country. The return flows have been noticeable since 2008. However, it is difficult to estimate the exact scale due to scan data, and lack of information whether such returns are temporary or permanent. Some studies based on the LFS (Labour Force Survey) report the number of 580,000 returnees in the second quarter of 2008.

Poland has a rich history as an emigration country. Mass outflows of nationals were characteristic of the contemporary history of Poland, especially of the interwar period (1918–1939). The State's policy at the time encouraged Poles to emigrate rather than to return home. At the same time, there is a long-lasting tradition of repatriation schemes for Polish nationals and individuals of Polish origin which are sponsored by and operate strictly to the rules implemented by the State authorities. There were several waves of repatriation from the early years after the Second World War, through the 1990s till today. It means that the Polish State has experience in stimulating and facilitating return flows, however, the ones just mentioned are very specific and, therefore, difficult to compare with the returns of post-accession migrants taking place in the recent years.

The first reaction of the Polish government to the post-accession migration appeared in 2006. It was the *Closer to work, closer to Poland* program announced by the Ministry of Foreign Affairs and directly addressed to Polish labour migrants abroad and those who just planned to emigrate. This document marked a significant change in the State's policy towards Poles abroad as adopted to date; previously the focus had been on the Polish diaspora as such. The aim of the program was *to increase the assistance to the growing labour migration of Poles* by providing easier access to the Polish consulates, the number of which was significantly increased in the new destination countries. Moreover, a wide information campaign was arranged to build understanding of the work condition and employment procedures applicable in destination countries. The overall purpose was *to protect Polish citizens against dangers and threats related to the often unprepared labour emigration*. To sum up, the program focused on providing institutional support to "inexperienced" Poles emigrating for work. Return migration was not yet an issue of interest for the policymakers.

The situation changed just a year after, when post-accession emigration became a large-scale phenomenon and the first negative effects of the massive outflow of workers was noticeable in the Polish economy. As a response, in 2007 returns started to appear in the governmental documents as an important issue which requires the State's reaction. The Ministry of Labour and Social Policy proclaimed *The Return Program*, its conceptual framework and planned activities being very ambitious and assuming close cooperation between the major administrative bodies. In the introduction to the conceptual note presenting *The Return Program*, attention was paid to the fact that labour shortages in some sectors of the economy were already evident and that employers were forced to search for foreigners as a substitute labour force. Prospective demographic problems as a result of mass emigration were also raised. All these negative phenomena were presented as a rationale for the State's involvement. Moreover, the argument continued, *considering that emigrants are in large part young people, one can assume that passive observation of the on-going processes could lead, in the nearest years, to a serious demographic crisis and labour market collapse*. The main objective of the Program was portrayed as to create the best conditions for return for those who left Poland for economic reasons.

Among the actions mentioned in the Program, the most challenging ones were assigned to the Ministry of Finance: to introduce an income tax relief for people running a sole proprietorship business (so-called tax holidays), and to reduce the social insurance and pension contribution rate (only individuals who stayed abroad for at least a year would be entitled to all those privileges over a period of two years after return). Other important activities were allocated to the Ministry of Foreign Affairs: to improve the image of Poland among Polish emigrants, and to promote entrepreneurship and sole proprietorship; and to the Ministry of Labour and Social Policy: to establish an information service on the economic situation and available job opportunities in Poland, to start a special website dedicated to emigrants, to organize job fairs in London and Dublin as the most popular destinations of the post-accession emigration of Poles, and to prepare (together with the Central Statistical Office) an analysis of the Polish labour market, with special attention to the most valuable professional groups, and depending on the analysis final conclusion, to set up an incentive program to encourage the most wanted specialists to return. The Ministry of Education and the Ministry of Science and Higher Education were also mentioned in the Program as the institution responsible for actions related to the development of e-learning systems in schools and universities across Poland, as well as expansion of the network of Polish schools abroad. In practice, parliamentary elections resulting in the change of parties in the government prevented this impressive list of activities from finally being implemented.

Despite the political turbulence, return migration remained a priority for the new government and, at the beginning of 2008, a new independent body was appointed: the Inter-ministry Working Group on Return Migration. Its aim was to formulate conceptual foundation and practical guidelines for the State's policy. The document produced by the Group indicated the following key presumptions: 1) returns are an inevitable consequence of mass emigration; and 2) the main aim of the State policy is not to influence individual migrants' decisions to return, but to provide them with a tool enabling them to make a rational choice. It was also underlined that the general rationale for the State's policy was not to stimulate return migration, but rather to facilitate the process of returning to Poland (through reintegration into the national labour market in particular). The practical guidelines for the return migration policy consisted of a list of activities sorted in six packages (only the first five were implemented in practice):

1. To establish special services addressed to returnees, such as online services (dedicated websites, job consulting centres, investment and business advisory centres); to distribute *Powrotnik* (*The Returner*), a unique guidebook for returning migrants (see also point 5 below).

2. To remove barriers for returning Poles, by introducing the Tax Abolition Act in order to avoid double taxation; offering tax credits and investment allowances; facilitating the recognition of diplomas and qualifications acquired abroad; and making the acquisition or restoration of Polish citizenship easier. Enacted in 2008, the Tax Abolition Act provided for remission of unpaid income tax for Poles working abroad in 2002–2007. By 2010, only 57,000 people took advantage of that opportunity.

3. To launch activities addressed to individual return migrants and their families, such as facilitating the children's reintegration into the educational system after return. The legal regulation ensuring additional lessons for returning children came into force in 2010. The instrument confers the right to a minimum of two and no more than five hours of the Polish language (or other subject) course a week provided in the school where the child is registered. This kind of assistance is offered free of charge for a maximum of 12 months at the parent's request, with the final decision to organize such additional courses being at the discretion of the school manager.

4. To launch activities addressed to the public administration bodies, including training for civil servants employed in the institution responsible for contacts with the returnees, such as the local and regional labour offices

5. To launch activities related to information and promotion. In 2008, a governmental campaign was inaugurated entitled *Have you got a Return Plan?* Its central aim was to provide potential and actual returnees with all necessary information to facilitate their return and later reintegration into the labour market and society. As part of the effort, a special manual for returnees (*Powrotnik – The Returner*) was distributed among Poles abroad via the network of consulates and Polish organizations (50,000 printed copies and available online). An official website (www.powroty.gov.pl) was established with the main objective to provide full information about the most relevant issues for returnees regarding taxes, the social security and social benefit system, education of children, starting one's own business, recognition of diplomas and many others. In 2011, the website was incorporated as an integral part of the special service called *Green Line*, set up by the Polish Public Employment Service as an official online information and consultation centre for individuals searching for a job and employers in Poland (www.powroty.zielonalinia.gov.pl). The website allows its users to submit any question online and receive a reliable official response within 14 days. Analysing the Q&A forum, this particular service seems to be especially useful and popular among returnees. As of 2008, nearly 800,000 visits were recorded, and in 2011 the website was visited by 350,000 people and 1,200 questions were asked.

6. To engage with specific target groups such as highly skilled professionals (e.g. medical personnel), students, and second generation migrants.

Independent of the governmental program, many other activities were implemented by State institution and also by non-governmental bodies at the regional and local level. In the Opolskie region (one of the most severely affected by emigration), the program called *Opolskie – here I stay* was implemented and financed by the regional government. Emigrants, but first of all residents of Opolskie – graduates, the unemployed and other inhabitants were the target groups. Programs and initiatives addressed to return migrants and potential emigrants were initiated by the Warsaw Municipality, Polish organizations abroad, and business companies, to mention just a few.

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* The Convention was adopted in 1990 and the Republic of Armenia acceded to it in 2013.

To conclude, with reference to the conceptual approach presented in the first part of the article, the return migration policy in Poland could be described as rather a reactive one. Although the first conceptual documents perceived the return of nationals as an antidote to the possible economic and demographic problems, and discussed a more active involvement of the State in encouraging Poles to return, when massive returns became inevitable due to the economic crisis in destination countries, the government's attitude to the issue changed. Finally, the rationale for the return policy was not to stimulate returns but to facilitate the process as it happens. The governmental programs and activities were implemented in practice as a response to returns, and the key objective was to prevent any possible problems with migrant reintegration after return.

The State's activities included in the political agenda took place both abroad (with the intensive support of consulates and Polish organizations), and within the country; also at the regional and local level. Moreover, the Internet was widely used as a tool for communication with actual and potential return migrants and for spreading relevant information, which proved to be an overall effective approach. It is difficult to estimate its efficiency, but undoubtedly the State's policy towards returns may be evaluated positively as well-planned and consistent, relatively quickly implemented, and appropriate to the scale and impact of the returns.

What should also be stressed here, is that an important driver of the policymakers' interest in return migration was the fact that it was extensively covered by the media and became an issue of serious public concern. After 2004, Poles living abroad emerged as a separate target group in the platforms and election manifestos of political parties and in electoral campaigns. Emigration, deemed the situation faced by Polish citizens abroad and by their families (very often left behind), and the impact of mass outflows on Poland's society and economy, came to prominence in political struggles. In the pre-election period, leaders of the political parties and presidential candidates regularly visited cities abroad with a high concentration of Poles. In the 2007 and 2010 elections, the number of people who voted abroad was several times higher than in previous years. Although votes from abroad have a symbolic impact on the overall results, the electoral activity of Poles abroad received much publicity, making it to the top of the news in the national media, which showed pictures of long queues of Poles waiting for hours in front of consulates to vote. Not surprisingly, support of Polish migrants is one of the priorities for policymakers, and return programs may be considered part of the never-ending political struggle for voter support (Lesińska, 2013).

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

-E-
ENGLISH LANGUAGE AS USEFUL TOOL FOR MIGRATION MANAGEMENT

Introduction and objective

This Module puts focus on language as a capacity-building tool useful for those who work in various migration-related spheres.

English as "lingua franca"

Today, no one any longer questions the circumstance that language is important for international relations from any perspective. The importance of language skills for those who deal with international migration is hard to be underestimated either. First of all, it emanates from the nature of migration, a substantial part of which is built on the trans-border nature of population mobility. Managing these flows presumes international cooperation and more broadly, international relations; i.e., communication and diplomacy between the sides or parties in this process.

The use of language in written diplomatic communication is usually based upon one of the fundamental principles of contemporary international law – the principle of sovereign equality of States; as it is for example represented by case of readmission agreement between Armenia and the Russian Federation. This agreement is written in Armenian and Russian correspondingly. In other cases like multilateral diplomacy when a number of parties are involved, it is more complicated. Various international organizations and numerous inter-government processes try to reduce the innumerable possibilities of intercommunication to a relatively small number of selected languages – the so-called official or working languages. IOM, for example, has three – English, French and Spanish.

Within the global dimension and especially, when such new forms of diplomacy as, for example, public or open diplomacy arise as happened recently, the need for a kind of common communication tool or "lingua franca" becomes relevant.

In the past, there were periods when one language or another served as a common, widely-used instrument of communication. Such a role was played by Greek in Hellenic Ecumene, followed by Latin in the Roman Empire, and then Arabic in the Muslim world. Beginning of the 1600s, France was at the height of its power; being victorious on the battlefields, as well as exercising an intellectual hegemony in Europe. This contributed to the fact that French soon became the main language of diplomatic communication (Baranyai, 2011). In the modern world the English language became the most common language of international communication, including inter-state relations. This is understandable because the dominant role of one language or another in diplomacy usually results from the political, strategic, economic, cultural or other domination of one power or another in international relations (Nick, 2001).

Terminology[7]

The increasing complexity of migration movements calls for new concepts and terminology to describe and analyse them. For example, as recently as ten years ago, the term "irregular migration" was rarely used in debates about migration policy and practice. Today, it often replaces such terms as "illegal migration", even when used by State officials.

The definition and widely applicable explanations for the most commonly used migration terms are firstly represented in different international agreements. A particular example is readmission agreements providing migration related terms in their corresponding articles.

Third-country national	any person who holds a nationality other than that of Armenia or one of the Member States
Stateless person	any person who does not hold a nationality

More terms can be found in specific international documents which form the system of international migration law. Such documents as UN conventions usually provide terminology for the area they cover. For example:

Area	Document	Definition
Labour Migration	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[8]	The term "migrant worker" refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national
Trafficking in human beings	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.[9]	"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

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[7]   A brief glossary of terms useful while working with return migration is attached as an annex to the electronic version of this Module.

[8]   The Convention was adopted in 1990 and the Republic of Armenia acceded to it in 2013.

[9]   The Protocol was adopted in 2000 and the Republic of Armenia acceded to it in 2003.

Area	Document	Definition
Refugees	The UN Convention on the Status of Refugees.[10]	The term "refugee" shall apply to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
		In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

Special studies in migration terminology are conducted by international organizations and research institution:

The Armenian version of the Glossary of migration terms – the publication provided by IOM and covering migration terminology in different languages - was reviewed by an expert working group comprising representatives of various Armenian State bodies. The terms and definitions in the Glossary are the result of compromise and consensus within the expert working group. The terms in the Glossary are in compliance with international law. Passages listed from the international legal instrument ratified by the Republic of Armenia are kept in the original Armenian. The terms are listed in Armenian alphabetical order, with their English equivalents next to them in brackets. An index of terms in English and Russian has been introduced to help locate an Armenian term in case the reader knows its English or Russian equivalent.

The Handbook on Migration Terminology incorporates simultaneously both English and Russian versions. The combined version of Handbook on Migration Terminology helps to better grasp its essence as well as provides for application of unified terminology. In general, the Glossary serves as a useful tool for further development of international cooperation and capacity-building purposes.

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[10] The Convention was adopted in 1951 and the Republic of Armenia acceded to it in 1993.

Language trainings[11]

The need for a working command of English is also relevant for those who work in areas related to trans-boundary movement where international communication, transportation and migration are involved. For instance, the International Civil Aviation Organization has decreed that from 1 January 2008, all Air Traffic Controllers and Flight Crew Members engaged in or in contact with international flights must be proficient in the English language.

Language training is critical also for national services assigned to carry out immigration control. The EU, for example, obligates its Border guards to have the ability to communicate in foreign languages (EU Council, 2008). For these reasons, a number of language training courses on migration and border management are introduced both on the national level in Member States, as well as on the European Union level managed by Frontex. Generally, they are designed as a multiplier training course in order to reach a large number of border guards working at airports and to enhance their English knowledge as required for performing daily tasks, as well as during Frontex-coordinated joint operations at airports.

International organizations often offer language training as a part of capacity-building activities. As an example of specialized English language courses, the one arranged by IOM for FMS of the Russian Federation's officials working in the area of readmission can be mentioned. It was developed and tested in 2008 within the project "Development of Administrative Mechanisms in Support of Readmission of Migrants in the Russian Federation", funded by the European Union and jointly implemented by IOM Moscow and FMS of the Russian Federation.

Linguistic analysis

Apart from direct work on the border, the administrative activities of the immigration services require language literacy, especially when working on risk analysis, planning, intelligence, or any other kind of analytical work. Language is the basic platform for any analysis. The ancient philosopher Aristotle elaborated his logical approaches by studying the structure of the language. Knowledge of essentials can, to an extent, facilitate the skills needed for proper use of more sophisticated methods like content analysis and discourse analysis.

Aristotelian logic

In Aristotelian logic, the most basic statement is a proposition, a complete sentence that asserts something. A proposition is composed of at least three elements: a *subject* (a word naming a substance), a *predicate* (a word naming a property), and a connecting verb, what logicians call a *copula* (Latin, for "bond" or "connection").

Let's consider, for example, the statement from the preamble of the Readmission Agreement between Armenia and the European Union: *The Contracting Parties determined to strengthen their co-operation in order to combat illegal immigration more effectively*. Here we can select two following prepositions:

Contracting Parties (are) determined to strengthen their co-operation and
Cooperation (is) in order to combat illegal immigration more effectively.

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[11] The example of training course is represented in the electronic version of the Manual.

First of all, it is now easier to understand the whole phrase having its shorter elements and, secondly, we can now come to syllogism[12]: *By strengthening cooperation the combating illegal immigration is more effectively.*

Syllogisms are permanently generated while reading any text. Accordingly, the readmission agreement is full of prepositions and syllogisms representing just "bricks" in the text's building. However, it is impossible to do any analytics with having only bricks.

Content analysis

For analysis of large texts, it is suitable to use content analysis. In short, this method means compressing many words of text into fewer content categories. For example, *Article 3, Point 1of the agreement between Armenia and the European Union can be compressed* into two sentences.

Armenia shall readmit all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that they are nationals of Armenia.	• Persons no longer fulfil the condition • Armenia shall readmit all nationals of Armenia

Discourse analysis

Discourse Analysis can be characterized as a way of approaching and thinking about a problem. In this sense, discourse analysis is neither a qualitative nor a quantitative research method, but a manner of questioning the basic assumptions of quantitative and qualitative research methods. Discourse analysis will enable revealing the hidden motivations behind a text or behind the choice of a particular method of research to interpret that text.

Technically, discourse analysis is nothing more than a deconstructive reading and interpretation of a problem or text that enable us to understand the conditions behind a specific "problem" and make us realize the essence of that "problem".

International treaties are a specific type of discourse. The purpose and the style of international agreements tend to provide single meaning and to avoid any differences in interpretation or variant reading. In this context the discourse method cannot be fully applied as far as it is no need in the interpretation of the problem.

However, the approaches and even more criteria of discourse analysis can be applied. There are a lot of approaches and methods to analyse discourse but for declared purposes – best understanding of the text and further proper use of strived knowledge – the method of critical discourse analysis is most appropriate.

Critical Discourse Analysis (CDA) stems from a critical theory of language which sees the use of language as a form of social practice. All social practice is tied to specific historical contexts and all the texts are created within a specific historical or social context. Reading any meaningful text, the following questions

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[12] An argument, the conclusion of which is supported by two premises, of which one (major premise) contains the term (major term) that is the predicate of the conclusion, and the other (minor premise) contains the term (minor term) that is the subject of the conclusion; common to both premises is a term (middle term) that is excluded from the conclusion. A typical form is "All A is C; all B is A; therefore all B is C."

should be taken into consideration:

- How is the text positioned or positioning?
- Whose interests are served by this positioning?
- Whose interests are neglected?
- What are the consequences of this positioning?

CDA considers three main things that make a text a text:

- cohesion (the fact that different parts of the text are joined together in certain meaningful relationships);
- coherence (the fact that the text fits into some overall pattern that is recognizable to readers); and
- Inter-textuality (the fact that the text is related in some way to other texts).

The complex method of linguistic analysis is used in the "A" Module of this Manual. In this module the readmission agreements of Armenia with the EU and the Russian Federation are deconstructed and analysed as a cohesive document within the context of the relations between Armenia and those States.

Activity

Please translate 2-3 paraphrased sections from the quotations of the Readmission Agreement between Republic of Armenia and the Russian Federation. Please use words and expressions given in English in corresponding articles of the *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*. You can check yourself using the translation provided in the "A" Module of this Manual.

"реадмиссия" - передача компетентными органами государства запрашивающей Стороны и прием компетентными органами государства запрашиваемой Стороны в порядке, на условиях и в целях, предусмотренных настоящим Соглашением, лиц, незаконно пребывающих на территории государства запрашивающей Стороны.

Компетентные органы государства запрашиваемой Стороны принимают по запросу центрального компетентного органа государства запрашивающей Стороны лиц, незаконно пребывающих на территории государства запрашивающей Стороны, если установлено, что они являются гражданами государства запрашиваемой Стороны.

Компетентные органы государства запрашиваемой Стороны принимают по запросу центрального компетентного органа государства запрашивающей Стороны любого гражданина третьего государства или лицо без гражданства, незаконно пребывающих на территории государства запрашивающей Стороны, если представлены доказательства того, что такое лицо:

а) на момент направления запроса о реадмиссии имеет законные основания для пребывания или проживания на территории государства запрашиваемой Стороны;

б) незаконно прибыло на территорию государства запрашивающей Стороны непосредственно с территории государства запрашиваемой Стороны

Запрос о реадмиссии лица направляется центральным компетентным органом государства запрашивающей Стороны центральному компетентному органу государства запрашиваемой Стороны. Центральный компетентный орган государства запрашиваемой Стороны дает согласие на прием или мотивированный отказ в его приеме.

Компетентные органы государства запрашиваемой Стороны выдают передаваемым лицам документы, необходимые для их въезда на территорию своего государства.

Центральный компетентный орган государства запрашиваемой Стороны может отказать в транзите лица в случае, если:

a) существует угроза того, что в государстве назначения или в другом государстве транзита гражданин третьего государства или лицо без гражданства подвергнутся пыткам, бесчеловечному или унижающему достоинство обращению или наказанию, смертной казни или преследованию по признаку расовой, религиозной, национальной принадлежности, а также принадлежности к определенной социальной группе или по признаку политических убеждений;

b) в государстве назначения или в другом государстве транзита гражданин третьего государства или лицо без гражданства подвергнутся уголовному преследованию или наказанию;

c) нахождение таких лиц на территории государства запрашиваемой Стороны является нежелательным, в том числе по соображениям национальной безопасности, охраны общественного порядка или здоровья населения.

Стороны стремятся осуществлять транзит граждан третьих государств и лиц без гражданства преимущественно воздушным транспортом.

Расходы по передаче и возможному сопровождению до международного пункта пропуска через государственную границу государства запрашиваемой Стороны лиц, указанных в пункте 1 статьи 2 и пункте 1 статьи 3 настоящего Соглашения, несет запрашивающая Сторона.

2. Расходы, связанные с передачей, сопровождением и транзитом лиц, указанных в пункте 1 статьи 6 настоящего Соглашения, и их возможным возвращением, несет запрашивающая Сторона.

3. Расходы по передаче лиц, указанных в пункте 5 статьи 2 и пункте 3 статьи 3 настоящего Соглашения, и их возможному сопровождению до международного пункта пропуска через государственную границу государства запрашивающей Стороны несет запрашивающая Сторона.

По взаимной договоренности компетентные органы государств Сторон могут проводить рабочие встречи и консультации экспертов по вопросам, связанным с реализацией настоящего Соглашения.

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

-A-
AGREEMENTS ON READMISSION OF PERSONS RESIDING WITHOUT AUTHORIZATION

Introduction and objective

One of the main characteristics of readmission and its mandatory condition is the bilateral character of this process. The basis of the overall readmission process is a bilateral, or in some cases, a multilateral international agreement. This Module provides essential information on international treaties and concentrates on the matter of readmission agreements reviewing their provisions in details.

Readmission agreements as a part of international law

On an international level the term "agreement" can have a generic and a specific meaning:

Agreement as a generic term:

The 1969 Vienna Convention on the Law of Treaties[13] employs the term "international agreement" in its broadest sense. On the one hand, it defines treaties[14] as "international agreements" with certain characteristics. On the other hand, it employs the term "international agreements" for instruments, which do not meet its definition of "treaty". Therefore, the term "international agreement" in its generic sense embraces the widest range of international instruments.

Agreement as a particular term:

"Agreements" are usually less formal and deal with a narrower range of subject-matter than "treaties". There is a general tendency to apply the term "agreement" to bilateral or restricted multilateral treaties. Typical agreements deal with matters of economic, cultural, scientific and technical cooperation. Nowadays, by far the majority of international instruments are designated as agreements (UN, 2014).

The European Union pursues a standard approach in the use of instruments of its external policy defining international agreements as follows:

International agreements are the result of a consensus between the EU on the one hand and a third country or third-party organization on the other hand. These agreements create **rights and obligations** for the European institutions and Member States. They become part of the European legal order on the date of their entry into force or on the date that they specify (EU, 2014).

Readmission agreements are part of public international law and of international migration law in particular. As such, they constitute the contract between two parties on an international level in order to establish the consensus that these parties have made for return of irregular migrants and to fix their

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[13] The Convention was adopted on 22 May 1969 and entered into force on 27 January 1980.

[14] In accordance with the definition of Vienna convention "treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

rights and obligations. In other words, a bilateral[15] agreement is a contract in which each of the parties makes a promise or set of promises to each other or, in legal language, a set of obligations accepted by both parties. The agreement itself is the official document which expresses that consensus in written form. In case of readmission, the obligations of States acting as contracting parties for these treaties are to readmit their nationals and also sometimes, under certain conditions, third country nationals and stateless persons.
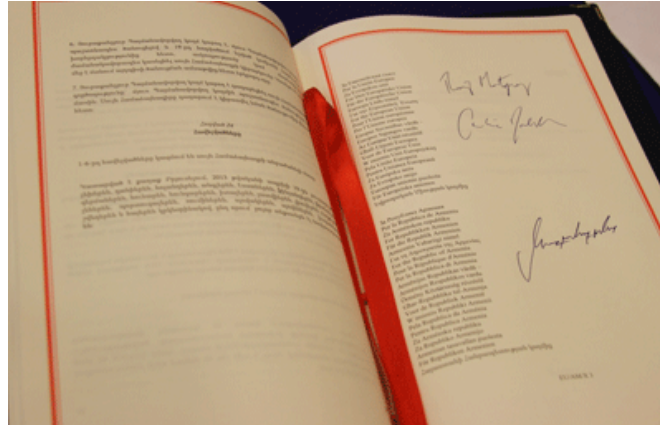
They also set out in detail, by the agreement itself or by integrated annexes or implementation protocols, the operational and technical criteria for this process. The implementing protocols usually define the conditions for the readmission of persons who fall under the readmission agreement, the responsible/competent agencies, the time limits for applying for readmission and for the response to it, the border crossing points for the transfer of readmitted persons, the rules governing escort, the payment of resulting costs, and the rules for transit through the territory of the Contracting Parties (IOM, 2010).[16]

Armenia as a party of readmission agreements

The need for concluding inter-governmental agreements against irregular migration, including provisions on the return, receipt, and irregular transit of Armenian citizens and third country nationals between the contracting parties (readmission treaties) was formulated in the Concept for the Policy of State Regulation of Migration in the Republic in 2010. It is stated as one of the key measures required for "preventing the emergence of illegal migration from the Republic of Armenia and supporting the return to and reintegration in the Republic of Armenia of Armenian citizens illegally staying abroad" (Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010). Achieving this aim is one of the paramount priorities of the State regulation of migration in the Republic of Armenia.

To date, the Government of the Republic of Armenia has signed 12 agreements with 13 countries, 12 of which are European States (Denmark, Lithuania, Latvia, Sweden, Switzerland, Germany, and the Benelux countries, Bulgaria, Norway, the Czech Republic), one CIS country, the Russian Federation and the most recent and most important: the readmission agreement with the EU. Negotiations on readmission agreements with Estonia, Cyprus and Romania were in process but have been stopped after signing the

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[15] Most readmission agreements are bilateral. Multilateral readmission agreements are much less common than bilateral agreements. The main difference between them is that multilateral readmission agreements are usually less detailed than

bilateral ones, taking into account the complex nature of negotiation processes when numerous parties are involved (IOM, 2010).

[16] At the same time they insist that the readmission agreement as operational instrument should be self-standing (directly operational) which do not necessarily require the conclusion of bilateral implementing protocol (EC, 2011).

agreement with the EU (Brunarska, 2013). The draft of the agreement with Ukraine is now approved by the parties. The first phase of negotiations with Moldova was held in April 2014.

All the concluded aforementioned agreements are fully operational but became less relevant after the signing and ratification of the Readmission Agreement with European Union in 2013. This treaty does not abolish bilateral agreements concluded earlier with EU Member States, but it is more likely that the common instrument will be used in future as it follows EU recent policy: Member States need to apply EURAs (not bilateral) for all their returns (EC, 2011). Therefore, the most important challenge in the area of readmission for Armenia today is implementation of the agreement with the EU. One more agreement deserving thorough study is the one with the Russian Federation, since it is the main country of destination for Armenian migrants and correspondingly the largest number of returnees could be expected from this State.

On 19 April 2013 in Brussels, Armenia signed an agreement with the European Union on the readmission of persons residing without authorization.[17] On behalf of the EU, the agreement was signed by Rory Montgomery, Permanent Representative of Ireland to the EU, and by Cecilia Malmström, EU Commissioner for Home Affairs. On behalf of Armenia, Minister for Foreign Affairs Edward Nalbandian signed the agreement. The main objective of this agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons residing without authorization. The agreement was ratified in October the same year. Theoretically, the readmission mechanism should now be fully functioning.

The agreement contains a set of standard elements included in the readmission agreements concluded between the EU and third countries. The readmission obligations are drawn in a fully reciprocal way and comprise nationals, third country nationals and stateless persons, establishing also the prerequisites for the obligation to readmit the latter too. The agreement sets out the arrangements for the practical application of the agreement, including timeframes, the conditions for the accelerated procedure, clauses for costs, data protection, human rights safeguards and relation to other international obligations. The agreement applies to the territories of Armenia and the EU, with the exclusion of Ireland, Denmark, and the United Kingdom.[18] The important detail is the precedence of this agreement over the readmission agreements separately concluded earlier with EU Member States.[19] This is the first time such provision is included as a special point directly in the agreement.

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

[18] Recommendation on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, available from http:// www.europarl.europa. eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0289&language=EN

[19] For the first time, the readmission agreement with the European Union clarifies explicitly that provisions of the EC readmission agreement shall take precedence over provisions of any bilateral.

> The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorization which have been or may, under Article 20, be concluded between individual Member States and Armenia, in so far as the provisions of the latter are incompatible with those of this Agreement.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 21

One more particular principle provided, and which is critical to be mentioned, is that even within this instrument of forced return the opportunities for voluntary return take place.

> The Requesting State should give preference to voluntary return over forced return where there are no reasons to believe that this would undermine the return of a person to the Requested State.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 2

The aim and scope of readmission agreements

The overall aim or subject matter of a readmission agreement is to return non-nationals who do not have legal grounds to stay in the territory of a State, to the State they originated from or transited through (IOM, 2010). The content of such agreements generally covers procedural provisions of transfer of migrants, transit arrangements, and responsibility criteria, conditions for proof of nationality, time limits, and cost of actions. The exact nature of these procedures can vary significantly but usually the standard package of provisions is included in all treaties of this kind.

Standard attributes of readmission agreements as international treaties

An international agreement customarily includes four or five basic elements. The first is the preamble, which gives the names of the parties and a statement of the general aims of the treaty. Preambles of readmission agreements constitute their role as the instrument of fighting against irregular migration and building capacities of international cooperation in migration through joint work in return of migrants.

a)   counteracting irregular migration

> The Contracting Parties determined to strengthen their co-operation in order to combat illegal immigration more effectively,
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Preamble

> The Government of the Russian Federation and the Government of the Republic of Armenia, hereinafter referred as the Parties, being guided by the desire to develop good-neighbourly, partner relations between the two States, as well as cooperation within various areas including on issues of combating illegal migration and trans-border organized crime,
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission,* Preamble

b)   and establishment of effective return mechanisms

> Desiring to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence, on the territory of Armenia or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Preamble
>
> The Parties, considering that the establishment of coordinated principles and norms determining procedure of readmission of persons who do not fulfil the conditions for presence in the territory of the Parties is an important component of regulation of migration management processes and input into irregular migration and organized crime.
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission,* Preamble

The first article of any international agreement provides definition to be used for the particular treaty. Furthermore, in practice, after adoption of the treaties these definition often become the basis for a national legal system on the subject, as well as for the professional language of those who are involved in the implementation of these agreements. The basic term "readmission" is the best example. It is usually translated literally and is used in many languages without alteration of meaning.

> "Readmission" - transfer by the competent authorities of Requesting Party and admission by the competent authority of Requested Party, of persons illegally present in the territory of the Requesting Party in accordance with the procedure, conditions and goals set by this Agreement.
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission*

The terminology provided in the "Definitions" part of the agreement is a formal source which shapes international terminology of migration management. Developing a common understanding of terms and definitions is essential for a cooperative approach to migration management (IOM, 2004a).[20]

The final provisions of international treaties typically concern administrative matters, such as   conditions and duration, procedure for termination, language(s) of the agreement, dates, and signatures, and so on. In case of readmission agreements, this section also specifies the territorial application. As for the territorial application of the agreement between the European Union and the Republic of Armenia, the UK and Ireland take part pursuant to a notification by the European Union to Armenia, while Denmark does not.

Specific content of readmission agreements

The substance of the treaty is contained in articles that describe what the parties have agreed upon. As mentioned above, the subject matter of the readmission agreement is the return of migrants. The aim of these agreements is to facilitate the identification and return of non-nationals who do not have legal

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[20] Please see more about terminology in "E" Module of the R.E.A.D.M.I.T Manual.

grounds to stay in the territory of a State to the country of their origin or transit. These issues are reflected in the sections defining readmission obligations and readmission procedure as well as in some more specific articles.

Readmission Obligations

Persons to be readmitted – own nationals

Based on international treaties, the readmission process is at the same time the subject of customary international law, obliging each State to take back its own nationals. They are the major group of persons subject to readmission.

> Armenia shall readmit all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that they are nationals of Armenia.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 3(1)

> Competent authorities of the Requested Party shall readmit, due to the request of the central competent authority of the Requesting Party, persons illegally present in the territory of the Requesting Party provided that they are nationals of the Requested Party.
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission*, Article 2(1)

The agreement between the European Union and the Republic of Armenia also explicitly states that signatories shall readmit unmarried children of the person to be readmitted as well as spouses holding another nationality unless they have an independent right of residence. Armenia specifically shall also readmit persons who have renounced the nationality of Armenia since entering the territory of a Member State, unless such persons have been guaranteed naturalizationby that Member State.

Persons to be readmitted – third-country nationals and stateless persons

Readmission agreements cover not only those nationals of parties staying irregularly but also third-country nationals and stateless persons who are in an irregular situation, provided that they have a clear link with the Requested State, particularly those TCNs who (a) hold at the time of submission of the readmission application a valid visa or residence permit issued by Armenia; or (b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Armenia. The readmission of third-country nationals and stateless persons is the most difficult issue to agree upon. The challenges lie in providing evidence of the fact that they had transited through the country before entering the territory of Requesting State. However, in the case of the readmission of third-country nationals, the Requesting State does not have to identify the person to be readmitted. It is enough to prove that the person has come from the territory of the Requested State and that the return complies with the preconditions for readmission. The duty to identify a person and remove him/her to the country of origin rests with the requested State. The requested State, in turn, has the opportunity provided by the agreement to send the person back if the readmission mistakenly occurred. A corresponding article will be reviewed later.

Armenia shall readmit all third-country nationals or stateless persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

(a) hold at the time of submission of the readmission application a valid visa or residence permit issued by Armenia; or

(b) illegally and directly entered the territory of the Member States after having stayed on, or transited through, the territory of Armenia.

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 4(1)

Competent authorities of the Requested Party shall readmit, due to the request of the central competent authority of the Requesting Party, any third-country nationals or stateless persons illegally present in the territory of the Requesting Party provided that the furnished evidence referred to in the implementing Protocol prove that such persons:

(a) have at the time of submission of the readmission application legal grounds for presence or residence in the territory of the Requested Party; or

(b) illegally entered the territory of the Requesting Party directly from the territory of the Requested Party.

Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission

Means of evidence regarding categories of persons mentioned above (own nationals, third-country nationals, stateless persons) are included in the annexes of each readmission agreement or in implementation protocols.[21]

Readmission procedure

With regard to persons who shall be readmitted, readmission agreements must set out clear procedures as to when and how to readmit people who are residing without authorization. They provide technical and detailed specifications as to how to process readmission according to individual cases. Given the bilateral (or multilateral) nature of the readmission agreements, the contracts set out the order of cooperation between competent authorities of the contracting parties. The process of readmission or a transfer of a person starts with a formal submission of a readmission application by the requesting State to the requested State.

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[21] The detailed description on proof of nationality for readmission agreements is provided in the "I" Module of the R.E.A.D.M.I.T. Manual.

Transfer of a person to be readmitted shall require the submission of a readmission application to the competent authority of the Requested State.

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 7(1)

The request on readmission of the person shall be submitted by the central competent authority of the Requesting Party to the central competent authority of the Requested Party within 30 calendar days from the date of establishment of the fact of illegal entry to the territory of the Requesting Party or illegal presence of the given person in the territory of the Requesting Party and/or his or her identification. The central competent authority of the Requested Party shall, within 30 calendar days from the date of receipt of the request on readmission of the person, give its consent to the admission or provide a motivated refusal of his or her admission, where the competent authorities of the Requested Party prove the absence of conditions — required for the transfer of the person — envisaged by Article 2(1) and Article 3(1) of this Agreement.

Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission, Article 4

The readmission application follows a common format. It contains the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, place of birth, place of residence), indication of the means which provides the proof or *prima facie* evidence of nationality, and a photograph of the person to be readmitted. In some cases, the application could be waived provided that the person to be transferred holds a valid document which links him or her to the requested State.

If the person to be readmitted is in possession of a valid travel document or identity card and, in the case of third country nationals or stateless persons, a valid visa or residence permit of the Requested State, the transfer of such person can take place without the Requesting State having to submit a readmission application to the competent authority of the Requested State.

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 7(2)

Additionally, the readmission application provides information on special conditions, if any, to be arranged for transfer. These include special care, protection, security measures or information concerning the person´s health, which may be necessary in individual cases. The agreed form of readmission application is usually attached to the agreement or included into implementation protocol. All agreements also include several annexes (or corresponding articles in implementation protocol) regarding documents considered as proof or *prima facie* evidence of nationality, and of proof or *prima facie* evidence of the conditions for readmission of third country nationals and stateless persons.

After the Requested State has given a positive reply to the readmission application, the Requesting State starts arranging the departure. The diplomatic or consular representation of the Requested State issues a standard travel document for return, or the Requesting State itself uses the agreed format of single way return document.

> After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 3(4)

> Where necessary, the competent authorities of the Requested Party shall provide the transferred persons with documents required for their entry to the territory of the State of the Requested Party.
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission,* Article 2(2)

Timeframes for readmission procedure

The below table describes main time frames set for the readmission procedure established by the agreement between Armenia and the EU on the readmission of persons residing without authorization.[22]

Operation	Time frame	Competent authority
Submission of application for readmission	Nine months after the Requesting State's competent authority has gained knowledge that a third-country national or a stateless person does not, or does no longer, fulfil the conditions in force for entry, presence or residence	Competent authority
Reply to readmission application	Within twelve calendar days afer the date of receipt of the readmission application	Competent authority
Issuance of the travel document required for the return of the person to be readmitted	Within three working days after Armenia has given a positive reply to the readmission application[22]	Diplomatic or consular representation of Armenia
Issuance of the new travel document if the person concerned cannot be transferred within the period of validity of the travel document that was initially issued	Within three working days	Diplomatic or consular representation of Armenia
Submission of readmission application under accelerated procedure	Within two working days following this person's apprehension	Competent authority
Reply to readmission application under accelerated procedure	Within two working days	Competent authority

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[22] If Armenia has not, within three working days, issued the travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.

Operation	Time frame	Competent authority
Interview the person to be readmitted if none of the documents to prove nationality can be presented	Within five working days from the date of receipt of the readmission application	Competent diplomatic or consular representation
Transfer of the person to the territory of requested party	Within three months after agreement has been given	Competent authority
Notification about the transfer details	At least two working days in advance	Competent authority
Return in case readmission in error	Within six months after the transfer of the person readmitted in error	Competent authority
Reply to transit application	Within three working days after receipt of the application	Competent authority
Transfer of transited person	Within 30 days of receipt of consent to the request	Competent authority

Proof of Nationality

Proof of nationality is highly critical. Readmission agreements usually contain provisions on the proof of the nationality for persons subject to readmission or conditions for third-country nationals to be readmitted (i.e. proof of their entry/travel from the territory of the Requested State) and the existence of grounds for readmission. All agreements include several annexes regarding documents considered to be means of proof or *prima facie* evidence of nationality, and means of proof or *prima facie* evidence of the conditions for readmission of third country nationals and stateless persons. These documents can be also listed in implementation protocols.[23]

Accelerated procedure

Many agreements introduce an accelerated procedure when the person subject to readmission has been apprehended in the border region after crossing the border directly from the territory of the Requested State without authorization In this case, the requesting State may submit a readmission application within two working days of this person's apprehension.

> Without prejudice to paragraph 2, if a person has been apprehended in the border region, including airports, of the Requesting State after illegally crossing the border coming directly from the territory of the Requested State, the Requesting State may submit a readmission application within two working days following this person's apprehension (accelerated procedure).
>
> *RA-EU readmission agreement, Article 7*

In practice, the use of accelerated procedures is extremely low. Some EU Member States have not used either clause at all, although they are always included in the agreements. The readmission agreement with the Russian Federation does not describe such special cases as accelerated procedure.

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[23]   The specifics of this issue will be examined in details in "I" section of the Manual.

Transit Operations

'Transit' shall mean the passage of a third country national or a stateless person through the territory of the Requested State while travelling from the Requesting State to the country of destination.

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 1

The majority of readmission agreements, including Armenian agreements with the Russian Federation and with the EU, contain provisions on transit through the territory of the requested State in case of removal of the persons who cannot be returned to their countries of origin directly. Hence, the requesting State might introduce an application for a transit procedure. In contrast with normal readmission of third-country nationals, the requested State may refuse this request because the transit may present a number of problems, for example:

Transit can be refused by Armenia or a Member State:

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

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

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

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 14(3).

The central competent authority of the Requested Party may refuse the transit:

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

b) if the third-country national or the stateless person shall be subject to criminal prosecution or punishment in the State of destination or in another State of transit; or

c) the presence of such presence in the territory of the Requested State is undesirable, including on grounds of national security, ensuring public order or public health.

Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission, Article 6(7)

The transit usually takes place by air, but other modes of transport potentially may be used.

> An application for transit operations must be submitted to the competent authority of the Requested State in writing and is to contain the following information: type of transit (by air, sea or land), possible other States of transit and intended final destination.
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 15(1)

> The Parties shall arrange the transit operations for third-country nationals and stateless persons preferably by air.
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission*, Article 6(10)

Costs

It is traditionally agreed in all readmission agreements that all the costs, including transit costs, are borne by the Requesting State.

> Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit operations pursuant to this Agreement as far as the border of the State of final destination shall be borne by the Requesting State.
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 16

> The costs of the transfer and potential escort to international border checkpoints of the Requested Party of persons listed in Article 2(1) and Article 3(1) of this Agreement shall be borne by the Requesting State.
> The costs associated with the transfer, escort and transit of persons listed in Article 6(1) of this Agreement and their possible return shall be borne by the Requesting State.
> The costs of the transfer of persons listed in Article 2(5) and Article 3(3) of this Agreement and their potential escort to international border checkpoints of the Requested Party shall be borne by the Requesting State.
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission*, Article 9.

However, the Requesting State, in turn, might recover such costs from the person transferred or third parties as stated above: "without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties. In practice this provision is difficult to implement. Usually migrants who are returned do not have the necessary funds. Additionally, there are no clear criteria on which basis the cost recovery should work.

Data Protection

The underlying principles for the transmission of data related to persons to be transferred are proportionality, purposefulness, and the requirement that such information be only transmitted if deemed necessary for the implementation of the Agreement, by recognized competent authorities. A number of guidelines give more instructions as how to collect and use personal data. Normally, however,

the readmission application and a ached documents can be transmitted through electronic means of communication, i.e. fax or e-mail.

Readmission in error

As readmission is a cross-sectoral issue, involving such complex areas as identity management, mistakes do happen. In such cases the persons mistakenly readmitted should be taken back by the Requesting State.

> The Requesting State shall take back any person readmitted by the Requested State if it is established, within a period of six months after the transfer of the person concerned, that the requirements laid down in Articles 3 to 6 of this Agreement are not met. In such cases the procedural provisions of this Agreement shall apply *mutatis mutandis* and all available information relating to the actual identity and nationality of the person to be taken back shall be provided.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 13

Implementation and Application

The standard procedure for all the readmission agreements concluded by the EU is the establishment of a joint committee which is composed of the representati es of the contracting parties. This structure might be complemented by experts from both sides. The committee is responsible for monitoring the implementation of the agreement and, if necessary, providing recommendations for amendments.

> The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a joint readmission committee (hereinafter referred to as "the committee") which will, in particular, have the task:
> (a) to monitor, and exchange information regarding, the application of this Agreement, excluding personal data;
> (b) to address issues arising out of the interpretation or application of the provisions of this Agreement;
> (c) to decide on implementing arrangements necessary for the uniform application of this Agreement;
> (d) to have regular exchanges of information on the implementing Protocols drawn up by individual Member States and Armenia pursuant to Article 20;
> (e) to recommend amendments to this Agreement and its Annexes.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 19(1)

In the case of the agreement with the Russian Federation, the process is ruled easier and directly by competent authorities responsible for implementation of the agreement.

> По взаимной договоренности компетентные органы государств Сторон могут проводить рабочие встречи и консультации экспертов по вопросам, связанным с реализацией настоящего Соглашения.
>
> *Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on readmission*, Article 12(1)

Readmission Agreements and human rights

Different reports and academic studies highlight that readmission agreements consistently raise important issues regarding the respect of human rights and dignity.[24] It refers mainly to the fact that many of the countries as the requested parties of the readmission process have negative human rights records. This problem is recognized and for this reason such provisions specifically addressing human rights and the obligation to apply global human rights safeguards are included into agreements.

> This Agreement shall be without prejudice to the rights, obligations and responsibilities of the Union, its Member States and Armenia arising from international law and including from international conventions to which they are party, in particular from the international instruments listed in Article 2 and:
> - the international conventions determining the State responsible for examining applications for asylum lodged;
> - international conventions on extradition and transit;
> - multilateral international conventions and agreements on the readmission of foreign nationals.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 18 (1)
>
> While strengthening cooperation on preventing and combating irregular migration, the Requested and Requesting State shall, in the application of this Agreement to persons falling within its scope, ensure respect for human rights and for the obligations and responsibilities resulting from relevant international instruments applicable to them, in particular:
> - the Universal Declaration of the Human Rights of 10 December 1948;
> - the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;
> - the International Covenant of 16 December 1966 on Civil and political Rights;
> - the UN Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
> - the Convention of 28 July 1951 relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees.
>
> The Requested State shall in particular ensure, in compliance with its obligations under the international instruments listed above, the protection of the rights of persons readmitted to its territory.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 2

The risk of breaching this article is higher when the accelerated procedure is implemented, which is one of the reasons why it is not recommended to apply such a procedure. The same applies for the transit procedure.

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[24] Even EU authorities recognize and acknowledge this fact: *Readmission agreements: a mechanism for returning irregular migrants, Resolution 1741.* http://oppenheimer.mcgill.ca/IMG/pdf/coe-parl-ass-readmission-agreement.pdf

Readmission of refugees granted asylum in Armenia should be conducted in line with relevant provisions of the Schedule of the 1951 Convention relating to the Status of Refugees, namely Paragraph 6, 11 and 13 of the Schedule i.e. on the basis of a valid Convention Travel Document.[25]

While the EU-Armenia Readmission Agreement precludes the return of an asylum-seeker to Armenia while asylum procedures are pending, where other Readmission Agreements would not include such safeguards, Armenia should ensure that the readmitted asylum-seeker is provided access to the asylum procedures in Armenia. There are specific provisions related to the transfer of asylum applications from the Border Check Points. Access to UNHCR by the asylum-seeker is provided for under the Law on Refugees and Asylum of the Republic of Armenia. UNHCR, both directly and through its implementing partner the Armenian Red Cross Society, as well as in cooperation with the State Migration Service of the Ministry of Territorial Administration, works with the border guards to help improve the mechanism for identification and referral of potential asylum-seekers at borders.

Activity

Please provide timeframes for the Readmission agreement between the Republic of Armenia and the Russian Federation.

Timeframes for readmission procedure

Operation	Time frame	Competent authority
Submission of application readmission		
Reply to readmission application		
Issuance of the travel document required for the return of the person to be readmitted		
Issuance of the new travel document if the person concerned cannot be transferred within the period of validity of the travel document that was initially issued		
Submission of readmission application under accelerated procedure		
Reply to readmission application under accelerated procedure		
Interview the person to be readmitted if none of the documents to proof nationality can be presented		
Transfer of the person to the territory of requested party		
Notification about the transfer details		
Return in case readmission in error		
Reply to transit application		
Transfer of transited person		

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[25] Presently, Armenia is not a party to the European Agreement on Transfer of Responsibility for Refugees of 16 October 1980, which stipulates more detailed regulations for the transfer of responsibility for refugees.

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

-D-
DETENTION OF MIGRANTS AND SPECIAL ACCOMMODATION FACILITIES[26]

Introduction and objective

One of the most complicated situations which might occur in the implementation of readmission procedures is when the transferred person is a third country national and has no legal grounds for entry and stay in Armenia. Normally this person should be eventually returned to his/her country of origin. For the time needed for preparation for the departure, the person subject to deportation is placed into a closed accommodation centre. Implementation of migrant's detention therefore is an important issue, more so because it is related to specific procedure and limitation of his or her rights.

Global approach

Countries around the world increasingly use detention as a migration management tool in an attempt to address irregular migration and ensure the effective return of irregular migrants. At the same time, this is a very sensitive issue because apprehension of a person by State authorities, even for a short period, is viewed as a deprivation of liberty.

When dealing with policy issues on detention of irregular migrants, there have been standards developed on an international level. Among them there are principles that have a universal character. For example Article 9 of the Universal Declaration of Human Rights establishes that "no one shall be subjected to arbitrary arrest or detention." At the same time, some standards have binding force that guarantees 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.

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, an evaluating 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 Detention[27] stated that the detention of asylum-seekers, refugees and irregular migrants shall be a

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[26] This section is dveloped on the basis of the Needs assessment of special accommodation centers for foreigners in the Republic of Armenia prepared in 2014 *within 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.*

[27] The Working Group on Arbitrary Detention as established by resolution 1 91/42 of the former UN Commission on Human Rights and has mandate (a) To 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

measure of last resort, which shall be evaluated in each single case.[28] 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."[29]

- **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 damage.[30]

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 mail.[31] In case of communication difficulties, the detainee shall be provided with an interpreter. Furthermore, it is of the utmost importance that the detainee has access to a medical doctor.

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 released.[33] 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 dignity. Furthermore, the migration accommodation centres/detention centres shall not resemble prison-type facilities, and the staff working there should be sensitized and trained on human rights, cultural differences and other considerations such as treatment of the elderly. The detention facilities shall be regularly monitored by ombudspersons or other national human rights institutions in order to highlight any deviations to the authorities and public.

It is also important to ensure access to asylum procedures from detention facilities. Detainees shall have access to legal aid and interpreters.

Alternatives to detention

Recently, many countries have 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, in the case of alternatives to detention, any imposed restrictions

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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 annual report to the Human Rights Council.

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

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

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

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

[32] According 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 qualifiations present on daily basis, which shall perform ini al 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.

[33] Working Group on Arbitrary Detention, Annual report, 15 January 2010, para 61.

to fundamental rights must conform to national as well as international and human rights law. The alternative measure selected shall be based on an 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.

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 the 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 that inhabitants do not disappear from 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.

- **Release with registration**

This measure provides free movement to the migrant/asylum-seeker, with an obligation however 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 the 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 organization 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 office. 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 a certain sum of money in order to ensure the free movement of the individual and guarantees 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 obligation 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 a ached to a person´s wrist or ankle, and 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, it is also the most sensitive one as its use may impinge not only on the person´s freedom of movement, but also on their right to privacy. However, this should not be an issue if the prospective detainee voluntarily elects to be electronically tagged rather than being detained.

Detention as a part of removal process

The detention procedure is used as part of the removals process for certain categories of persons. The use of detention must be lawful, practical, and necessary. According to international principles, the detention or custody of persons to be removed should be a measure of last resort, applied only when there is reason to believe that there is a risk of absconding or when the person concerned wants to avoid his/her removal.

The decision to detain is taken on a case by case basis and should be decided for the shortest possible time (as close to the time of return as possible).

At the EU level, detention of migrants is regulated within the *Return Directive*[34] 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 emphasized 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 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".*[35]

International practice reflects the view that detention is usually justified in case the requesting State needs to establish a person's identity and to effect removal. However, even in such cases detention should not occur for cases such as families with children, unaccompanied or separated children, women who are suffering from abuse and pregnant or nursing women. When considering detention pending removal, special attention should be given also to certain vulnerable groups of people who should generally not be detained: the elderly, people with serious medical conditions or those who are mentally ill, and people with serious disabilities.

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

[35] CCPR/C/D/59/560/1993 para. 9.4 and *C. v. Australia* (900/1999), ICCPR/C/76/D/900/1999(28 October 2002 prar.8.2

Detention facilities

The term Migrant Accommodation Centre (MAC) or Special Accommodation Centre (SAC) refers to what is usually known as an Administrative Detention Centre. SAC is a facility which provides secure but humane temporary holding of foreign nationals, who do not have legal grounds to stay in the country. Accommodation in MAC/SAC should follow the procedures set out in national legislation and be in accordance with relevant international instruments and international customary law. Due to the complex legal and ethical issues associated with irregular migration, specific attention is given to human rights and health standards in the Centres. All persons should be held while fully respecting their dignity.

Regime of Special Accommodation Centre (SAC)

The aim of the establishing the regime in SAC is to guarantee that the facility is designed and managed to ensure humane living conditions, personal care and safe surroundings, to ensure that the conditions of life are compatible with human dignity and acceptable standards in the community, to minimize the detrimental effects of the stay in the SAC, and to sustain and strengthen those links with relatives and outside community that will promote the best interests of inhabitants and families.

Conditions in SAC should be as close to normal life as possible. A daily routine programme with activities is of central importance and should be provided by the authorities of the SAC. Inhabitants should be out of their rooms during the day (minimal) and occupied in a useful programme of activities and positive regimes contribute to security, safety and good order in the SAC and should include the following activities (minimal): recreation activities visiting possibilities,[36] physical activities, spiritual support. A very strict regime is likely to have a negative impact in the functioning of the facility.

The conditions of the SAC should also allow for the exercise of the right to seek asylum. Information about asylum procedures should be made available in different languages, interpreters and legal advice should be offered, and a clear procedure for the transfer of applications should be elaborated. TCNs who wish to seek asylum should understand clearly to whom they may express their asylum request in the SAC.

Detention of migrants in Armenia

In the absence of a central special shelter, irregular migrants in Armenia are currently held in the Penitentiary Institution (or criminal-executive institutions Vardashen,[37] Nubarashen,[38] and Abovian.[39] Detained foreigners have the right to an interpreter, access to court, right to appeal, the right to have legal representation, contact with diplomatic or consular officials, and necessary medical assistance. The Ombudsman and representatives of non-governmental organizations, including international organizations, have a right to visit the penitentiary centres. The responsible entity for pre-trial detention and detention after conviction is the Ministry of Justice. There is also the possibility, also for foreigners, to apply for alternative measures to detention, such as reportin , but not for the crime of illegal entry.

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[36] It is impossible in the SAC situated in the transit zone.

[37] Vartashen is a small pre-trial detention facility for foreign nationals and charged Armenian official and police situated on the outskirts of Yerevan with capacity for 154 inmates (of which 34 inmates can be foreign citizens). It is considered to be the best detention centre in Armenia.

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

[39] Abovian is a pre-trial penitentiary institution as well as detention facility for convicted female and minor offenders.

Article 38 of the Law on Foreigners provides for the detention of foreigners for the purpose of expulsion in special facilities inside Armenian territory if there are sufficiant grounds to believe that the foreigner will abscond prior to the examination of an expulsion decision by the court or until the expulsion decision has gained legal effect. 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 maximum period of 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 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 the 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 Decree 872-N.[40] Police detention facilities are not being used for detention pending deportation.

Special facilities within border check points

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 Armenia.[41] This decree became effective in August 2013.

This decree regulates the procedure pertaining to the short-term accommodation,[42] detention and release of foreigners at the border crossing points. It refers to those migrants whose entry, for example, was rejected or to third country nationals subject to readmission returned to Armenia. 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 referral.[43] Currently, only two border crossing points have reception facilities for foreigners – one at Zvartnots International Airport (Yerevan) and the other at Bagratashen BCP, which is currently being refurbished under an EC funded project.[44] Both are managed by the Border Guards.

The legal basis for establishment and running of special facilities for migration purposes has been developed based on existing international human rights standards (Aghababyan, 2011) but it is still in progress in Armenia and needs further development.

[40] Decree on Establishing the Procedure for Operating Special Accommodation Centres in the Republic of Armenia and Detaining Arrested Foreigners Therein, No 872-N.

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

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

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

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

At the same time, the existing legal framework sets forth a rather clear procedure.

Accommodation procedure

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 behalf,[45] and an entry needs to be made in the registries notifying the people housed 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 shift.[46]

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

Aliens are accommodated in special facilities on a temporary basis. Border guards manage the accommodation facilities and manage transfer of aliens to and from it.[47] The control over foreigners accommodated in special facilities shall be exercised by the personnel of the frontier surveillance detachment under the responsibility of the commanding shift officer. At the time of the transfer of foreigners accommodated in special facilities to competent authorities, the border guards shall draft a handover (acceptance) act. Prior to housing aliens, the border guards are entitled to search them and to seize their belongings and documents with an appropriate protocol composed to such effect. The personal search of aliens by a person of the opposite sex shall be prohibited. Upon the release of aliens from the special facilities, the border guards shall return to them all items and documents that were seized from them, except for false documents and items, which were used as objects of the offense.

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   any court decision in relation to the foreigner;
- 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.

In accordance with the Government decision 783-N, in cases specified by the Part 1 of the Article 37 of the Law on Foreigners,[48] foreigners are accommodated in special facilities until the circumstances are clarified and a subsequent decision is taken in their respect. The release is implemented with the permission of the commandant of the frontier troops as reported to the Director of the National Security Service under the Government of the Republic of Armenia, or pursuant to a ruling by a court of law.

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[45] Article 4 of the Appendix to the Decree N 783-N.

[46] Article 14 of the Appendix to the Decree N 783-N.

[47] Here and further the norms of Government Decree 783-N (RA, 2013), Law on Foreigners and Law on State Border are used.

[48] Where it is impossible to return a foreigner to the State of origin or to the State where he or she came from, 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 authorization 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.

Duration

The Border Guards shall, within 24 hours after placing a foreigner in the special facility, apply to court for obtaining a decision on the permission to detain the foreigner for up to 90 days. For rendering a decision by the court, a foreigner shall be transferred to the court, escorted by a representative of Border Guards. If the return of a foreigner to the State of origin is impossible within 90 days, the Police of the Republic of Armenia shall issue a temporary permit to the foreigner until the departure of the foreigner from the Republic of Armenia, but for a term not exceeding one year (Law of the Republic of Armenia on foreigners, 2006).

Special requirements and medical aid

Prior to accommodating foreigners in special facilities and throughout their stay at the SAC, they shall be examined at the medical post and sanitary quarantine post operating within the border check point to verify their health condition and identify persons with infectious deceases as well as to offer further medical attendance if necessary.

The first medical aid to foreigners accommodated in the special facilities shall be offered by the health care professional at the border crossing point, or they shall receive specialized medical assistance from the ambulance medical service. The sanitary and epidemiological surveillance of the special facilities shall be implemented by the sanitary quarantine post of the crossing point. When infectious deceases are identified initial medical aid and assistance shall be given by organizations offering medical assistance and services assigned to the sanitary quarantine posts by the order of the Minister of Health of the Republic of Armenia. The foreigners accommodated in special facilities who are in need of in-patient and specialized medical treatment shall be transferred to a specialized medical institution pursuant to the written opinion of the health care professional of the medical assistance post or the specialist of the sanitary quarantine post operating within the crossing point or the organization offering medical assistance and services assigned to the given sanitary quarantine post and in compliance with the decision by the commandant of the frontier troops based on such opinion.[49] The disabled persons accommodated in special facilities shall be allowed to possess walking aids and prosthetic appliances.

Upon transfer or release of aliens with contagious infections, a final disinfection shall be carried out in the rooms of the special facilities. The sanitary quarantine post of the given crossing point shall exercise control over the final disinfection activities.[50]

Supplies

Foreigners held at special facilities for over three hours shall be provided with living essentials and food. An agreement shall be concluded to such effect by the National Security Service under the Government of the Republic of Armenia with the catering unit operating within the crossing point as per the procedure set forth in the legislation of the Republic of Armenia. Aliens shall be allowed to procure nourishment by their own means if they wish so. Aliens accommodated in special facilities shall be provided with living essentials and items. The special facilities shall be cleaned and disinfected by cleaning personnel of the frontier surveillance detachment or administration of the airport at air border crossing points.

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[49] The Government of the Republic of Armenia, Decree # 783N, 2013.

[50] Ibid.

In regard to food and other living essentials, they shall be provided from the funds of the State Budget, and corresponding agreements with the catering unit operating within the BCP shall be concluded by the NSS.

Facility description

The special facility is a room (structure) secured with a reliable lock and having an adjacent corridor, where the entry of other persons shall be excluded, and where the border guards shall be able to exercise permanent control over the persons held in the facility. Each crossing point shall be equipped with at least two rooms to segregate persons of different sex, different nationality (according to their preference), or representatives of different religions. The special facilities shall be equipped with a table, chairs, a fitted cabinet for personal belongings and baggage, a bedside cabinet for daily use items, a bed (including a bed for children), a kitchen, bed linen, a television set, tableware, a washstand, toilet, cleaning accessories, other household items (towels, soap, dustpan, etc.), fire safety items and an air-conditiones. For personal hygiene purposes, the aliens shall have a supply of hot water to take a bath/shower.

The minimal temperature in special facilities shall be kept at +18°C, the special facilities shall be provided with uninterrupted electricity. The special facilities shall be equipped with at least three five extinguishes to ensure fire security.

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). One is located at Bagratashen BCP and the other is at Zvartnots International Airport, Yerevan.

NSS offices have the authority to hold irregular migrants for an initial period of three hours for additional examination[51] 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 three hour additional 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.

Existing recreational accommodation for staff relaxation is also occasionally used 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 3 x 2.5 metres, furnished with a two tier bunk bed, a single bed and one chair. Both rooms were clean and tide.

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[51] According to Article 7(h) of the RA Law on Border Guard Troops, in case of need these persons can be held in the detention rooms of national security and police bodies.

Activities

Please use the description of detention procedure to discuss binding treaties under International Public Law, which should govern general aspects of detention and detention practises:

- The Universal Declaration of Human Rights of 1948
- The European Convention on Human Rights of 1950
- International Covenant on Civil and Political Rights of 1966 and the relative I Protocol 1976 (ICCPR)
- International Covenant on Economic, Social and Cultural Rights of 1966/1976 (ICESCR)
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (CAT)
- UN Convention   on the Rights of the Child of 1989/1990
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

-M-
MANAGEMENT OF RETURN AND READMISSION

Introduction and objective

This Module presents the case of the incorporation of the readmission procedure into the framework of migration management of the Republic of Armenia, using project approach, methodology and terminology.

Migration management

Nowadays, migration is recognized by all the States in the world as an important sphere which requires close attention and especially – State regulation. In other words, taking into account the importance of migration processes for our time, it needs to be managed by the States involved as well as internationally. Normally "management" means the organization and coordination of the activities of a business in order to achieve defined objectives.[52] The same holds within the public case just replace "State" for "business" and adding the sphere of "migration" as the field of activity.

> **Migration management** - A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues (IOM, 2011).

Unless the definition used by IOM is addressed more to destination countries, the managerial framework of this definition describes in very precise manner what State management of migration is.

It is reflected also in the conceptual model of migration management[53] offered by IOM in its 2004 *Essentials of Migration Management* handbook.

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[52] On-line business dictionary, http://www.businessdictionary.com/definition/management.html#ixzz2wealVoqf

[53] A conceptual model provides an organizational ool that can help governments and civil society focus on the complexities of the growing migration portfolio. A conceptual model also provides a framework for public discussion and offers principles for managing migration in an orderly way and for controlling irregular migration. A conceptual model may also be useful for developing an approach to assessing the capacity of States to manage migration (IOM, 2004a).

Policy	Legislation	Administrative structure
"Determines the approach of the State at the highest level. Migration policy is based on national objectives and usually derives from, and relates to, other elements of public policy, for example, labour market policy, foreign policy, and demographic policy".	"Gives concrete expression to migration policy and provides the authority for the measures required to manage migration, including recruitment and selection, authorizing entry, granting of residency, border inspection, response to illegal entry and stay, and removal of persons from the territory of the State. Legislation is accompanied by regulations required for its implementation and by procedures that govern the behaviour of official in carrying out the duties prescribed in the regulations that are authorized by legislation in support of the policies".	"Assigns and coordinates the various functions involved in managing migration within a coherent framework of operational responsibility and accountability".

The effectiveness of migration management can be guaranteed only when all these three basic elements are in place and functioning in a proper way. Moreover, for the former USSR States forming the Eurasian migration system, the availability of political will is critical. Public mechanisms may work ineffectively if they are not supported by proper control from the State leadership.

The introduction of readmission mechanism in the Russian Federation can illustrate how it works.

The history of the readmission process within the Russian Federation began in 2003 when the Agreement between the Russian Federation and the Republic of Lithuania was concluded. Formally, all the attributes for the practical readmission procedure to be established were in place: the international agreement which is explicit basis for any readmission process was signed, the administrative structure – "Temporary placement centre for persons subject to readmission" was opened in Pskov. However, these measures were not enough to enhance the process. A lack of political will has postponed proper development of readmission mechanisms. From 2003 until 2006, when the Agreement with European Union on readmission was concluded, no case of readmission from Lithuania to the Russian Federation has occurred. The Readmission centre in Pskov, equipped with furniture, staff and special equipment, has not received any migrants during these three years.

Photo of Pskov Readmission Centre

Overview of regulating migration in Armenia

Generally, States legally regulate the issues of entry, exit and stay of foreigners on their territory and also take legal measures to regulate emigration, mainly with the aim to protect their citizens abroad. Corresponding administrative structures are established to implement this legal system in practice. As is customary for the majority of States, the legal framework for migration in the Republic of Armenia is not codified but consists of some special legal acts related particularly to migration issues and a number of norms constituted by other, more general legal provisions. Various aspects of migration in Armenia are governed by the constitution international treaties, separate laws and government decisions. General rules and principles of the migration system in Armenia are set in the Constitution Article 25 guarantees person the freedom of movement and the right to return to the Republic. It is also important to note that Article 6 provides supremacy of international agreements and more over introduces the ratified international treaties as a constituted part of the legal system.

The institutional framework in Armenia in the area of migration is arranged as a decentralized model. Various authorities are involved in migration policy development and implementation within their jurisdiction. Such a model is workable provided certain conditions are guaranteed. Among them is a strong coordinating agency. In Armenia this role is conducted by the State Migration Service of the Ministry of Territorial Administration, authorized to coordinate the bodies performing migration functions for the purpose of developing migration policy as well as relevant legal acts for its implementation. One more vital condition is in-depth inter-agency cooperation within the following areas related to migration management.

Border management and immigration control

National borders define the territory over which a State exercises sovereignty. Management and control of the State borders are the first and the most important issues of State regulation of the migration sphere. The measures of border control include regulating entry and exit through State borders, checks of necessary grounds for entry and stay of foreigners, enforcement of illegal entry, and more. Persons, animals, vehicles, luggage and other goods crossing the border are subject to border and customs control (RA, 1998).

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

- Place of entry into Armenia – border crossing points;
- Documents used as ground for entry and authority of State to check these documents (Armenia, 1998);
- State visa regulations.

(1) need in obtaining the visa as a general rule;

(2) exemption from visa requirements for citizens of certain countries;[54]

(3) possible method to obtain visa – in an Armenian diplomatic mission, at the border crossing points or electronically;[55]

(4) grounds for refusal to issue a visa (or to extend visa).

- Documents used as the grounds for exit:

(1) valid passport and;

(2) valid document a esting lawful stay or residence.

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

Migration-related offenses are included in the Criminal Code of Armenia[56] according to which crossing the State border without relevant documents or permits, is punished by a fine of 100–200 times the amount of minimum salaries or imprisonment for up to 3 years.[57]

The key role in implementation of the State border policy, which is realized in border management procedure, lies with the National Security Service (NSS). Armenian Border Guards are a part of the NSS (RA, 2001) and are responsible for performing checks of persons entering the country at the Armenian borders. Border Guards conduct passport and visa checks at the borders. They have the right to arrest persons having violated the State Border regime for a period of up to three days, to examine the apprehended persons, to conduct a search and, if necessary, confiscate their belongings. Border Guards should ensure the protection of the rights of persons arrested or imprisoned as violators of the State Border regime, arrange medical and other assistance and inform the relatives of the arrested or imprisoned persons of their whereabouts (RA, 1998). Border guard**s** are also responsible for two very important infrastructural elements of migration management. They operate Special Accommodation Centres (SAC) for migrants and directly maintain the Border Management Information System (BMIS) database.

Police officers are also at the border check points participating in managing the State border. The Armenian Police is responsible for issuance of exit stamps (passport validation) for Armenian citizens and operates the Passport and Residence Database of the citizens of the Republic of Armenia. They also deal with visa issuance at the borders, visa extension, granting of residence status/residence permits, registration of foreigners on the territory (MPC Team, 2013). The Police investigate cases of illegal State border crossings in cooperation with Border Guards.

Identity management

Being an important subject of the legal regulations prescribed for crossing the border and immigration,

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

[55] The e-visa can be issued by Armenian MFA https://evisa.mfa.am/pls/dbms/evis_n.put_application_p0

[56] Article 329. Illegal State border crossing.

[57] The same act committed by a group with prior agreement or by an organized group or with violence or threat thereof, is punished with imprisonment for 3-7 years.

identity management and, especially travel documents deserve a separate chapter as they are the cornerstone of the identity management as a whole and serve as proof of nationality or of the conditions for the readmission of third-country nationals in the readmission practice.[58]

Stay and work

There are three different residence statuses for foreign nationals in the Republic of Armenia: temporary, permanent and special (RA, 2006).

- Temporary residence status is granted for the purpose of study, work, and entrepreneurial activities as well as for spouses or other relatives of Armenian nationals.[59] The temporary residence status is issued for one year with the possibility of extension for another year.

- Permanent residence status is granted to foreign nationals who have close relatives,[60] an accommodation and means of subsistence in Armenia, and who have lawfully resided in Armenia for at least three years or to a foreigner carrying out entrepreneurial activities in the Republic of Armenia. The permanent residence status is granted for five years with a possibility of extension for the same term each time.

- Special residence status can be granted to persons of Armenian origin as well as to other foreigners who carry out economic or cultural activities   in Armenia. The permit is granted for ten years and it can be extended.

The Code on Administrative offences (Article 201) defines the sanctions for a foreigner who stays in Armenia without a valid passport or residence permit. Penalties are also foreseen for a person who invited a foreigner without covering the cost of his/her accommodation, health care and travel.

Foreign workers in Armenia have the same rights as citizens and carry out their activities on the basis of work permits. Although the Law on Foreigners envisages the admission of foreigners for the purpose of work and foresees a work permit and provides the legal bases for the access to the labour market of foreigners in Armenia, in practice, due to lack of secondary legislation, the system is not implemented (Temesvári and Vasala Kokkinaki, 2013). There is no established quota system for migrant workers, but certain measures are undertaken to protect local markets by priorities given to local employees. The Code on Administrative Offences (Article 201) defines sanctions for the employer (in the case of a legal entity, their executive directors) if they employ foreigners without a work permit or without appropriate resident status. The employer is punished by a fine of 100–150 times minimum salaries.

Expulsion[61] and detention

Mandatory return by government authorities under national law enforcement procedures takes place when migrants having no lawful right to remain in the host State and do not leave the country voluntarily if required to do so. In any case, the preference and focus should be put on offering migrants an opportunity to use the possibilities to return voluntarily and Armenian legislation provides for such (RA, 2006). At the same time, mandatory return and expulsion are seen by many countries as an important

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[58]   More about ID documents in "I" Module.

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

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

[61]   According to Armenian law, expulsion is the forcible removal of a foreigner from the Republic of Armenia in case of absence of legal grounds for his or her stay or residence in the Republic of Armenia.

component of an effective return policy and properly functioning migration management system, and as necessary for the credibility of the system. The existence of mandatory return procedures often creates an incentive for individuals to choose to return voluntarily.[62]

Foreigners with no legal grounds to stay in Armenia are obliged to leave the country on their own. The failure to depart independently can lead to expulsion. The latter is ordered by a court upon the request of the Police and results in a court decision on the expulsion or refusal of expulsion of the foreigner. The decision should include the information on the procedure of expulsion (day, route, border crossing point, expense coverage, prior place of residence, obligation of appearance before being expelled, ban[63] on leaving the place of residence without permission, arrest or release prior to expulsion). The expulsion is executed by the Police. If the expulsion is impossible to implement within 90 days, the police issues a temporary residence permit valid for up to one year. The Police Department registers all expelled foreigners and include their data in the database of undesirable foreigners. The Police Department informs the Ministry of Foreign Affairs and the consular authorities of the State of origin of the expelled foreigner within three days. The expulsion expenses are covered by the foreigner or by the State budget of the Republic of Armenia (RA, 2006). It is not permitted to expel a foreigner if there are human rights violations in the State where the foreigner will be expelled to; in particular if the foreigner is threatened with persecution on the grounds of racial, religious affilation, 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.[64] When return of the foreigner to his/her country of origin is impossible, he/she is granted with temporary permit.

The return of a foreigner who arrives in the Republic of Armenia without authorization can be initiated by refusal of entry and, in this case, Border Guards conduct expulsion procedures using the same air carrier. If it is impossible to return a foreigner who has been refused entry, the foreigner may be detained in a transit area or in a special facility provided for that purpose. This procedure is similar to the case of readmission of third country nationals transferred to Armenia for subsequent removal to their State of origin.

Management of readmission

Return migration, and readmission in particular, is one of the most complicated cases for any State regardless of   the direction of return. It is a very sensitive issue when States arrange removal from their territory as far as this process is related to limiting migrants' freedom. Also, it is a complicated task to establish proper mechanisms providing sustainable, safe and human return for one's own nationals. Sometimes, a special institutional body is tasked with dealing with the issue of return migration. It can be set up within the public administration structure to coordinate all public activities addressing the return process. But in most cases, it is established as a unit within already existing public bodies, usually as a working group, task force or a separate department in one of the migration related agencies. For example, after signing the readmission agreement with EU, the Federal Migration Service of the Russian Federation has established a special department dealing with readmission issues. In case of Armenia, the overall coordination and the development of migration policies in Armenia lie with the State Migration Service (SMS) under the Ministry of Territorial Administration.

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

[63]   A 3-year entry ban is imposed for expelled foreigners.

[64]   More details on legal grounds for non-refoulment are described in "International cooperation" paragraph of this chapter below.

Establishment of readmission mechanism

Readmission procedure is a relatively new return mechanism and the Republic of Armenia has limited expertise in applying this tool. Introduction of a readmission procedure and incorporating it into the general national migration management requires time and resources. As such, it can be presented as a project and reviewed in accordance with the project cycle.

Readmission algorithm

Departure from Requesting State

A departure is initiated when a migrant is recognized as having no legal grounds to stay on the territory of the Requesting State. Usually such a decision is made by the courts as readmission agreements do not define criteria for the legality of a person's presence in the country. This must be assessed by the national authorities in accordance with national or, as in the EU situation and where applicable, EU law (EC, 2011). When filing the legal suite for removal, most States first offer eligible returnees the possibility of voluntary return. But the mechanisms of voluntary return can be applied at any and each stage of the return process.

> In February 2010, the Russian Federal Migration Service (FMS) received a readmission application from the Lithuanian Republic regarding Mr K, a 55 year-old Russian national from Rostov-on-Don region suffering from cerebral palsy, with no accommodation in Lithuania no family or care.
>
> Based upon the results of the readmission application papers provided by the Lithuanian authorities, the Russian FMS reached a positive decision to readmit Mr K. However, taking into account Mr K's difficult health conditions, the Russian authorities took the initiative to return Mr K not under the readmission procedure but as an Assisted Voluntary Returnee so that he would be better treated and assisted.
>
> The Russian FMS meticulously prepared Mr K's return. While travelling he was accompanied by a medical specialist and back in the Russian Federation he was offered an accommodation in a social care institution located in Rostov-on-Don region where he would be able to get all necessary medical support. All this was coordinated with the Russian Ministry of Health and Social Development.
>
> At present Mr K enjoys a decent living standard, has access to necessary medical assistance and social welfare, and is being duly taken care of. The FMS of the Russian Federation monitors the situation closely.
>
> As a result of this readmission project, the right contacts, information and synergies had been established to ensure that a person on the Readmitted list was, due to his health and economic situation, returned in the best possible and humane manner (Supporting readmission of migrants in the Russian Federation, 2010).

Once the removal decision is issued, the authorized national authority of the Requesting State[65] responsible for its execution takes control. Certain NGOs or International organizations may also provide

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[65] In the EU these can be, for example: Immigration Service (Belgium); Citizenship and Migration Board (Estonia); Aliens Authority (Germany); Office of Citizenship and Migration Affairs (Latvia); Migration Board (Sweden); Repatriation and Departure Service (The Netherlands); as well as the Border Guard and the National Police (private contractors in the United Kingdom). In case of the readmission from the Russian Federation the FMS is responsible.

legal advice and support in certain cases when the returnees belong to particular vulnerable groups (EMN, 2007).

> Austria
>
> Caritas sterreich is a faith-based non-governmental organization that supports refugees, asylum applicants and migrants in Austria and since 1998 has been active in general return counselling and return preparation from detention pending deportation. For the project years 2009 and 2010 of the European Return Fund, the österreichische Caritaszentrale was mandated by the Federal Ministry of the Interior with "voluntary return counselling" and organizational activities of Assisted Return in the federal provinces of Burgenland, Salzburg, Styria, Upper Austria, Vorarlberg and Vienna. In the project year 2009, the österreichische Caritaszentrale carried out assisted return counselling and return preparation of detention pending deportation in the federal provinces of Styria and Vorarlberg (Kratzmann, Petzl and Temesvári, 2010).

The preparation for transfer of the readmitted person starts with sending the readmission application. Requesting State shall notify in writing the State Migration Service as competent authorities of the Requested State informing it about the transfer date, the point of entry, possible escorts and other information relevant to the transfer.[66]

Further procedure is carried out by the authorities of Republic of Armenia and is regulated by Government Decree N 300-N.[67] The State Migration Service (SMS) receives the readmission application and initiates the identification procedure. Within the timeframe defined in the corresponding readmission agreement, the Armenian authorities should verify the Armenian nationality of the readmitted person or confirm readmission conditions for third-country person. The SMS registers the received application in both soft and hard copies[68] and coordinates the verification process with the Armenian Police, National Security Service and the Ministry of Foreign Affairs. The Police Department has a key role in this process and should make its conclusion within five working days.

When the corresponding responses are received from the authorities concerned, SMS prepares the reply for the readmission application, approving or rejecting it accordingly. It sends the reply to the Requesting State and coordinates the transfer of readmitted person. When the itinerary is agreed upon, provides the corresponding information to Border Guards of the National Security Service. **After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall issue, free of charge** within 3 working days after receiving the application, **the travel document for those** persons subject for readmission who do not have travel documents, the return certificate.[69] In case of difficulties confirming a person's nationality and identity and if requested by the requesting country, the Ministry of Foreign Affairs can send their employees on a business trip to interview the person. In such cases, representatives of the RA Diplomatic Missions or Consular Institutions in foreign countries can conduct interviews.

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[66] Please see more about readmission application and corresponding time frames in A Module of this Manual.

[67] On the Approval of the Discussion Order by the State Bodies of the Applications Received from Foreign Countries within the Framework of the Agreement between the EU and the RA on the Readmission of Persons Residing without Authorization.

[68] The procedure is established by the Order of Head of SMS N 54-A on ensuring implementation of the Government order 1360-H.

[69] 297-N of 24 March 2011 on the "Description of return certificate and confirmation of the giving order".

Transportation

The transportation for the transfer of readmitted persons is arranged by the competent authorities of Requesting State and this procedure usually does not differ from standard forced removal. The majority of readmission agreements provide standard procedures of transportation: be they by air, sea or land, depending on the destination. In case of Armenia, air transportation seems to be most appropriate. With regard to return by air – the most common mode of transport – boarding of the readmitted person takes place before the other passengers arrive and the returnee's behaviour dictates the action taken by the authorities accompanying them to the aircraft. The representative of authority of the Requesting State dispatches the documents to the crew and accompanies the returnee to the seat in the plane. In some cases, the readmitted persons can be escorted by police authorities (Border Guard or other special forces) to the Requested State if it is allowed by the agreements. Escorts may be used to assist in the removal process by ensuring a safe return. Escorts have become a necessary and integral part of the removal process. The role of escorts is generally similar amongst countries, although there is some variation in who undertakes this function and in the powers that they have. In the EU, airlines, in some cases, are allowed to refuse escorts on board. In such cases secured charter flight are used with support from FRONTEX. Charter flights offer the possibility to transport up to 40 returnees (EMN, 2007). There are sometimes good experiences in cooperating with national airlines in using regular flights, which is one of the cheapest and most common practices. In the Russian Federation, Aeroflot has even provided free of charge seats for the needs of readmission. Medical escorts may also take place, especially if the returnee has known health problems.

Arrival and admission

The admission of one's own nationals transferring to request State is carried out in accordance with the rules established for the return of other categories of one's own nationals. Normally the readmission procedure ends for them by crossing the border of their State.

The circumstances arising in connection with admitting and transferring of third-country nationals and stateless persons are much more complicated. After they are readmitted they usually find themselves in an irregular situation on the territory of the requested State and should be returned to their country of origin. Preparation of their return takes time, and during that time third-country nationals can be temporarily placed in special closed facilities, given that they have no legal grounds to stay in the Receiving State. Temporary placement in special closed facility necessitates such mandatory procedures as personal searches and searches of personal belongings, and the collection of necessary data, including personal data.[70]

Inter-agency cooperation

Basically, readmission should be considered a specific mechanism to be implemented within the existing return system required, with just minimal additional resources allocated for its introduction. One of the special condi ons to be reinforced for achieving effective implementation of readmission obligations is the strengthening of inter-agency cooperation. Inter-agency cooperation refers to the cooperation and coordination between all agencies involved in migration management and, in our particular case, in managing the implementation of readmission agreements. It can be an effective tool in making better use of human and material resources.

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[70] The details of the detention procedures are in the "D" Module of this Manual.

Inter-agency cooperation seems natural and a given condition for such inter-sectorial phenomena as migration management. However, at the same time, it should have a legal basis. The legal and regulatory framework for inter-agency cooperation determines the content and scope of   cooperation and information exchange between the involved stakeholders. The legal framework for inter-agency cooperation should ensure at least the following:

- The agencies are empowered by law to cooperate with others and should be obliged to provide assistance to other agencies in specific cases;
- The agencies agree on the scope of their cooperation through formal agreements that may occur in form of joint orders or protocols, joint instructions or standard operating procedures (SOP) and clarify overlaps and areas of unclear competence existing between agencies;
- National data protection law defines the standards which are to be applied for information collection, exchange and storage.

Typically, the documents regulating inter-agency cooperation should describe the following topics:

- Information and data exchange obligations and mechanisms (e.g. focal points, common use of databases), including a reference to data protection. Officers should be clearly instructed to share relevant information with their counterparts;
- Joint risk analysis and/or sharing of risk assessment reports or intelligence;
- Clear cooperation procedures, with international organizations and civil society as well;
- Joint training;
- Sharing of equipment/facilities and joint procurement;
- Early warning and contingency plans.

Such agreements should include, or be supplemented with, precise instructions on how to implement them, and should be made available to all staff of the signatory agencies.

Implementation of the readmission procedures makes the coordination of a variety of agencies and numerous activities necessary. This can be facilitated through various means; for example, by establishing a formal coordination structure in the form of an inter-agency working group to be composed of high-ranking officials from each agency, supported by experts as well as representatives of international organizations and civil society (on an observer basis). To achieve the goal of streamlined and better-coordinated procedures, the existing workflows of each agency must be described and analysed. Identifie overlaps and delays should be jointly resolved and relevant procedures amended accordingly. All officers should know how to act in case of readmission.

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

Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other agencies. Joint training activities should involve staff from all agencies involved in migration management. These training activities should not only target new recruits, but form part of continuous, in-service training and include operational as well as the management level of all agencies. A typical inter-agency training, with the aim of introducing participants to the other agencies at the border, would cover the following areas: organizational structure, legal framework, basic tasks and competencies, and areas of joint interest.

The proper mechanism for information exchange is the key element of inter-agency cooperation. It should be formalized to clarify what information will be shared and with whom.

Methods for information sharing include:

- Briefings and meetings;
- Nomination of contact persons or focal points within each agency;
- Exchange of hard-copy reports and data;
- Exchange of electronic reports and data;
- Sharing of selected information from databases with authorized staff from other agencies, e.g. upon a written request or automatically for specific sets of data (e.g. in the field of statistics when no personal data is concerned).

Activity – application of monitoring and evaluation methodology, including indicators and tools of the readmission process

Please try to fill in the Indicator Matrix with as many indicators as possible using the proposed methodology.

Basic considerations

A monitoring system for the implementation of readmission agreements should be built on the overall monitoring and evaluation (M&E) methodology, taking into account the specifics of the readmission process. The methodology should utilize the main principal characteristics of readmission and standard readmission agreement content as to provide an opportunity to include country specific features into this fundamental platform.

Therefore, the introduction of the readmission procedures is considered as action or project and thus the M&E system is presented as its element. Also, the logical framework approach is applied as the core method.

Basically, the M&E process is the art of asking and answering questions. The fundamental questions upon which any M&E system is built are the following four questions taking into account five essential criteria:[71]

1. What does the action want to change and how?
2. What are the specific objectives to achieve this change?
3. What are the indicators and how will they measure this?
4. How will the data be collected and analysed?

Problem analysis

The first two questions refer to a problem analysis seeking to specify the following:

- The major problem and condition(s) that the action seeks to change;
- Factors that cause the condition(s);
- Ways to influence the causal factors, based on hypotheses of the relationships between the causes and likely solutions;

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[71] Relevance, Effectiveness, Efficiency, Sustainability, Impact.

- Interventions to influence the causal factors;
- The expected changes or desired outcomes.

Problem analysis should be based on a careful study of local conditions and available data as well as consultation with the stakeholders (governments, civil society, EU). Such information may be available in texts of readmission agreements, needs assessments, feasibility studies, community mapping, and SWOT (strengths, weaknesses, opportunities, threats) analysis[72]. Responding to such a problem, the paramount goal of setting up the readmission procedures, usually constituted in Preamble of any agreement, is as follows:

- counteracting irregular migration;
- establishment of effective mechanisms for return of migrants.

Logical framework approach

The hierarchical order of the interventions, inputs, outputs, outcomes, and impacts to be implemented for reaching this goal can be presented in form of a logframe or logical framework. In addition to specifying what the action is intended to achieve (objectives), the logframe matrix also provides indicators (how this achievement will be measured) on which the project's M&E system is built. A clear understanding of the logframe's hierarchy of objectives is essential for M&E planning. Ultimately, it forms the key questions that guide the evaluation:

Goal: To what extent has the action contributed, in the long-term, towards counteracting irregular migration? What unanticipated positive or negative consequences did the action have? Why did they arise?

Outcomes: What changes have occurred as a result of the outputs, and to what extent are these likely to contribute towards the purpose and desired impact? Has the action achieved any effectiveness in return of migrants?

Outputs: What direct tangible mechanisms or services has the action delivered as a result of activities?

Activities: Have planned activities been completed on time and within the assigned resources? What unplanned activities have been completed?

Inputs: Are the resources being used efficiently?

Similarly, it is also important to understand the logframe's hierarchy of indicators. For instance, it is usually easier to measure indicators such as the number of migrants returned, while the difficulty in precision and measurement complexity increases when a empting to measure changes in the behaviour of migrants, preventing effect of readmission process, or building admission and accommodation capacities of receiving States. Migration statistics are not pure numbers as they count human beings. Higher levels of the indicator hierarchy require more analysis and synthesis of different information types and sources. This affects the M&E data collection methods and analysis, which has implications for staffing, budgets, and timeframe.

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[72] The example of SWOT analysis is a ached to the Report of analysis needs of readmission.

	Intervention logic	Objectively verifiable indicators	Sources and means of verification	Assumption
Overall objectives	Counteracting irregular migration through establishment of effective mechanisms for return of migrants.			
Specific objectives	1) Sustainable return of own nationals 2) Effective processing of third country nationals and their transfer to countries of origin			
Expected results	1) The legal framework is adjusted for readmission purposes 2) The central competent authority is assigned 3) The needed infrastructure is created 4) The inter-agency cooperation is set up and formalized 5) 6)			
Activiti	1.1) Conducting the legal needs and gaps analysis 1.2) 1.3)			

Indicators and indicators matrix

Effective indicators are a critical logframe element. In general they should meet the following requirements:

- Indicators should be SMART (specific, measurable, achievable, relevant, and time-bound);

- Indicators should be easy to interpret and explain, timel , cost-effective, and technically feasible;

- Each indicator should have validity (be able to measure the intended concept accurately) and reliability (yield the same data in repeated observations of a variable).

The following areas should be examined for determining the proper indicators:

1) Indicators related to sustainable return of own nationals:

- Counselling in the hosting country, return to the home country, and assistance upon arrival including emergency housing;

- Housing / Temporary accommodation;

- Support of social networks;

- Reintegration opportunities for children (language classes, schooling, further education for out-aged minors);

- Support vocational training of returnees through enrolment;

- Assistance in accessing the labour market;

- Guidance in micro-business development and refer to micro-finance organizations;

- Legal/administrative support i.e. for contacts with authorities, registration procedures and supply of missing documentation;

- Individual tailor-made psychological or social assistance.

2) Indicators related to effective processing of third country nationals and their transfer to countries of origin:

- Availability of readmission agreements with third countries;

- The existing human rights safeguards and the overall situation in this area;

- Availability, status and conditions of the detention and accommodation facilities;

- Resources available for organization of safe return for third country nationals.

Ater the indicators are chosen, the corresponding matrix should be prepared for further use in filling the corresponding boxes within the evaluation logframe described above. An indicator matrix is a critical tool for planning and managing data collection, analysis, and use. It expands the logframe to identity key information requirements for each indicator and summarizes the key M&E tasks for the project. The following are the major components (column headings) of the indicator matrix:[73]

Indicators: The indicators provide clear statements of the precise information needed to assess whether proposed changes have occurred. Indicators can be either quantitative (numeric) or qualitative (descriptive observations).

Indicator Definitions: Each indicator needs a detailed definition of its key terms, including an explanation of specific aspects that will be measured (such as who, what, and where the indicator applies). The definition should explain precisely how the indicator will be calculated, such as the numerator and denominator of a percent measure. This column should also note if the indicator is to be disaggregated by sex, age, ethnicity, or some other variable.

Methods/Sources: This column identifies sources of information and data collection methods or tools. This will form the column on "Means of Verification" in the evaluation framework.

Frequency/Schedules: This column states how often the data for each indicator will be collected, such as monthly, quarterly, or annually.

Person(s) responsible: This column lists the people responsible and accountable for the data collection and analysis, i.e., officials, IOM project status, local partner/s, and external consultants.

Data analysis: This column describes the process for compiling and analysing the data to gauge whether the indicator has been met or not. For example, survey data usually require statistical analysis, while qualitative data may be reviewed by the evaluation team members.

Information use: This column identifie the intended audience and use of the information. This column should also State ways that the findings will be formatted (e.g., tables, graphs, maps, histograms, and

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[73]   Definitions are developed by Scott G. Chaplowe, Red Cross, 2008.

narrative reports) and disseminated (e.g., Internet Web sites, briefings, community meetings, and mass media).

Indicators	Indicator definition	Method sources	Person responsible	Frequency	Data analysis	Information use
1) Number of TCN accommodated in closed reception facilities	TCN – third country nationals Closed reception facilities – closed migrants accommodation centres run by Border Guard or police	Official reports of authorized government body	Assigned officers of the authorized government body	The full statistics for baseline assessment and further on monthly within the term of the evaluation	Evaluation team during the evaluation	Monitoring process

Data collection and analysis plan and methods

The indicator matrix will serve as a platform for the development of a data collection and analysis plan. This plan will consist of a detailed narrative that explains how each type of data will be defined, collected, organized, and analysed. Key components of this plan include: the unit of analysis; the link between indicators, variables and questionnaires; the sampling frame and methodology; timing and mode of data collection; timing and logistics and data analysis methods.

For comprehensive analysis both qualitative and quantitative methods will be appropriately used in their combination. The secondary data will be collected through a desk review using the following resources. It can include in addition to the listed below written documentation, also videos, electronic data or photos. It is important to review these documents in a consistent way.

- Texts of the readmission agreements
- Statistics of returns
- Notes and remarks in the official reports
- Context information

The Primary data will be also collected to ensure that the data is in the right form to carry out an appropriate analysis and the data is sufficiant to answer the evaluation questions. To collect new data there is a need to consider which data collection tools are required. For the proposed evaluation, the following tools can be used:

Direct observation: It consists mainly of what can be seen during field travel and site visits.

Interviews: They are an important methodology for collecting data and information. Depending on the availability of the stakeholders and operational capacity of the evaluation they can occur face to face, or by telephone using a list of questions and prompts. There are various interviewing techniques to be chosen in accordance with the character of interviewee audience.

Questionnaires: This can be a cheap and quick way of seeking the views of stakeholders. Questionnaires are important tools to gather data from a large number of people in a structured way. A questionnaire

can be sent to the above-mentioned target group of stakeholders in advance at the inception phase of the evaluation.

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

-I-
IDENTITY MANAGEMENT

Introduction and objective

Identity management is the gathering, verification, storage, use and disposal of identity information and robust identity management is one of the keys to producing a secure travel document. The following module is devoted to one of the most challenging aspects of readmission management and to identity management in general.

Identity management and control

On 11 September 2001, the world was shocked when watching the terrorist attack launched by al-Qaeda upon the United States as it happened. After those dramatic events, the 9/11 Commission[74] set up an account of the circumstances of the tragedy, noting that travel documents are as valuable as weapons to terrorists. Altered passports and visas, or genuine documents obtained fraudulently, allow terrorists – and other criminals – to cross borders in the course of planning or carrying out operations. This, of course, is a very extreme example but it illustrates the importance of identity management, development of security features for travel documents, and their control for safety and public order.

Travel documents have been used for centuries as a basis for establishing the identity and for providing protection for travellers who are abroad under foreign jurisdiction. For a long time passports, in different shapes and forms, did not attract much attention as international travel was infrequent and limited to diplomacy, trade and luxury trips of the nobility. Passports were not freely issued and there was not a standard format. Very often the issuance of a passport was at the pleasure of the government, rather than a "right" of the person. In the UK, the issuance of a British passport is still a royal prerogative. However, with the rise of large scale tourism, international commerce and finally, global mobility of labour, governments became concerned with the bottlenecks created by complex control procedures at borders and with the verification of travel documents issued by States each having their features and standards.
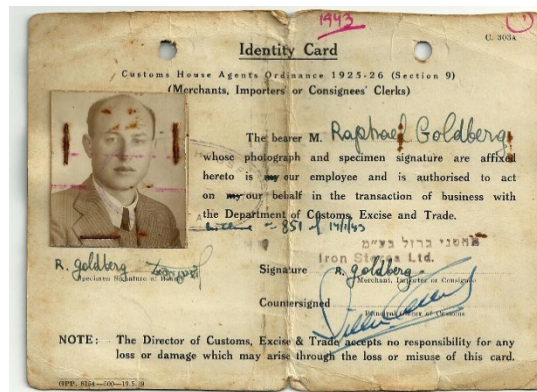
Nowadays, border guards, or immigration officers, are still tasked with the protection of the nation. The decision on allowing or prohibiting entry of an alien has to be made within a very short while, normally less than one minute. There are detrimental effects and serious consequences if the wrong decision is

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[74] National Commission on Terrorist Attacks Upon the United States.

made. Immigration/police officers could lose their job; a genuine traveller could face detention, denial of entry, removal from the country, and longer term implications affecting future attempts to gain visas to travel to the same and other countries; the country might suffer political consequences as a result of official complaints from embassies and the governments representing the foreign nationals; the person affected by the decision could raise legal action against the government employing said immigration / law enforcement officer or persons could be wrongly admitted into a country – which can have adverse effects to a country's economy and security. In the worst case scenario, the admi ance of a terrorist who carries out a terrorist a ack against persons and infrastructure of the country would have catastrophic consequences (IOM, 2007).

The international effort to reach consensus on international travel documents was initiated in 1920 by the League of Nations Passport Documents Conference and culminated in 1944 under the auspices of its successor, the United Nations when 52 States signed the Convention on Civil Aviation in Chicago, USA. This historical international pact introduced the necessity to take measures for facilitation of international travel including by developing corresponding travel documents and establishing the ICAO (International Civil Aviation Organization) which for long years was the driving force for global development of identity management. The ICAO's task is to establish standards and recommended practices to achieve the promotion of harmonized procedures and to assist States on the implementation of the referred standards, especially regarding passport and other travel documents. These activities bring together advanced identification technologies to enhance security, safety and privacy for travellers around the world. The dedicated doctrine of ICAO is for the facilitation of travel while ensuring safe and security travel. Recently, all the signatories of Chicago Convention use Machine Readable Travel Documents (MRTD) containing eye and machine readable data as international travel documents (i.e. a passport or visa). Each type of MRTD contains, in a standard format, the holder's identification details, including a photograph or digital image, with mandatory identity elements reflected in a two-line machine readable zone(MRZ). This "global inter-operability" of MRTDs facilitates inspection of international travellers at borders and generally enhances security. MRTDs include Machine Readable Passports (MRP), electronic Machine Readable Passports (eMRP) or ePassport,[75] Machine Readable Visas (MRVs) and Machine Readable Official Travel Documents (TDs). Their specifications are published in ICAO Doc 9303.

A trustworthy MRTD facilitates international travel and technology has made border management more and more efficient and effective. In the past decade, the fast development of RFID[76] and IC[77] chip technologies has transformed document security and application systems and processes. By incorporating a RFID or IC chip into the document, the modern electronic identication document can now store much more digital information as well as perform more functions and applications. Chips, biometrics, facial image in particular, has become a standard feature of eMRID with the promotion of the ICAO. Biometrics is a more reliable personal characteristic and hence, is a more trusted means for verifying the identity of the bearer of the document.

The introduction of the electronic passport (ePassport) in 2005 advanced border management to a new era by fully exploiting of technology. The microprocessor card has revolutionized the travel document in terms of applications and security capabilities, making the document more versatile. It is able to execute encryption algorithms, process data, perform calculations, and manage data, files and records. The storage of the biometric information of the bearer in the ePassport has made the document more secure and a   more dynamic device for border management.

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[75] Electronically enabled machine readable passport (ePassport) id described in the ICAO's Doc 9303.

[76] Radio-frequency identification (R ID) is the wireless non-contact use of radio-frequency to transfer data for the purposes of automatically identi ying and tracking tags a ached to objects.

[77] An integrated circuit or monolithic integrated circuit (also referred to as an IC, a chip, or a microchip) is a set of electronic circuits on one small plate ("chip").

To counter the significant problem of identity fraud that has been steadily growing over the last 20 years, the ICAO together with passport designers have established new standards for the integration of biometric information electronically within passports. The objective is to minimize the possibility of someone substitutin an identity associated with a passport. In the past, this meant simply photo-substitutin a passport. With the inclusion of biometric elements, this means accessing and modifying electronic data within an electronic chip integrated within the passport, as well as substituting the photo which is protected by security features that continue to increase their ability to protect passports from forgery.

It is important to note, that even though biometrics is not quite yet the standard, many countries are already utilizig biometric solutions in their national passports – as per the agreed standards. The biometric characteristics of choice in the passport industry are the face, fingerprints, and the iris. The facial image serves as the primary identified using standardized digitally-stored facial images as the globally interoperable biometric.

In recent years, machine readable documents, including smart ID cards, eID cards and ePassports, have enabled the development of the Automated Border Control (ABC) system.

The ABC system caters for self-service immigration clearance by passengers holding MRTD, including ePassports, smart identity card, documents with the MR zone, etc. The system employs document reading devices and makes use of biometrics technology (either by means of a pre-registration system or making use of biometric information stored in the eMRTD) for identity verification or identification.

The whole process is simple and efficient. The passenger merely places the document in the reading device. The reading device will retrieve the personal information, including biometrics, either from the document direct or using the information as retrieval key for data in the backend system. The passenger then places a finger in the scanner, or looks at the camera or iris scanner, for live capture of the biometrics for comparison with the stored biometrics. Once matched, the clearance is complete and the passenger can leave.

ABC systems have been fast developing in the past ten years. It has been widely installed in Asia, the EU and African countries. It provides a cheap and reliable way for clearance of passengers, especially low risks group.

With increasing number of eMRTD in circulation in coming years, the development of ABC systems will be even faster and its functions and designs will become more sophisticated.

Empowered by hi-tech equipment and application systems, the immigration officer is now able to focus on areas requiring his professional expertise such as observation, questioning, human judgement, etc. and to make a considered decision within a short while. Technologies have turned the immigration office into a "superman" unthinkable by his predecessors, being able to work faster, achieve better results, and even managing several channels at the same time by one office, like the Automated Border Control (ABC) system.

With the high mobility of people and rising passenger volume at checkpoints, there has been a high demand for quickly establishing   the identity of travellers. The trustworthiness of the travel document held by the traveller is a major challenge. Issues include whether or not the travel document was issued by a competent authority and if the identity of the person is questionable.

It is now well recognized that false identity generates security threats and other illegal activities and that a trusted identification document nowadays is regarded as of paramount importance. Globalization, political turmoil, economic growth, tourism, freedom and ease of movement have made the mobility of persons an international concern. It is necessary to establish the true identity of a person to guarantee that "travel is facilitated while also ensuring that it is safe and secure".

Previously, the examination of passengers was primarily conducted by a visual inspection of the person and the travel document held by this person in front of the inspector. There are certain basic steps in this process:

- The officer has to check the authenticity of the travel document held by the person;
- Check the photograph against the person in front of him or her to establish that the person is the rightful holder of the document and the identity of this person;
- Check the stamps in the travel document and relevant visa, if necessary, to establish the purpose of the visit;
- Ask simple yet leading questions to help establish the intention of the traveller;
- Check relevant records to see if this person is a wanted person or has any adverse travel records previously;
- Enter relevant records in the computer system for recording of the movement;
- Make a decision if the person can be admitted or allowed to leave and to put the immigration stamp on the passport with an appropriate condition of stay (e.g. whether as a visitor or on business purpose) and the limitation of stay (number of days).

Customized application systems now performs most auxiliary functions of the immigration offices such as related background check about the holder of the document; provide useful advice to the immigration officee (for example, verification of relevant records, identity verification by means of biometrics, preliminary check on security features of the document, etc.).

Identity documents

The main purpose of identity documents, used for international travel, is to prove identity of their bearer and to prove nationality.

Document	Use in Armenia	Authorities involved
Passport A document issued by the competent authority in a State identifying a person as a national of the issuing State, which is evidence of the bearer's right to return to that State. In Western tradition, passports have been used for foreign travel purposes, and not as domestic identity documents. The passport is the accepted international certificate or evidence of nationality, although its evidential value is prima facie only. 	The document attesting the citizenship of the Republic of Armenia is the passport. The passport, as per a number of commonly used definitions is a government-issued travel document that certifies the identity and nationality of its bearer for the purpose of international travel. Armenian legislation provides for both of these principle characteristics. Passport – an internationally recognized travel document verifying identity, which is issued by a foreign State or an international organization and entitles the bearer to cross the State border (Law on foreigners, 2006). At the same time, a passport is the document confirming citizenship of the Republic of Armenia (Law of the Republic of Armenia on Citizenship of the Republic of Armenia, 1995). There are three types of passports now used in Armenia for international travel. (1) The old Armenian passport (serving both as national identifications card and as travel document) should be stamped by the Directorate for Passports and Visas of the Armenian police to be validated as an international travel document. (2) The new biometric passport was introduced in 2012, resulting in work started in 2007 (Government, 2007). It provides the right to international travel to its bearer. However, since it is not mandatory to change from the old to the new passport, many Armenian nationals holding the old passport are still required to receive the validation stamp prior to travelling (Mária Temesvári, 2013). (3) The Diplomatic Passport of the Republic of Armenia. In 2012, Armenia introduced biometrics in its passport. The passport contains biometric data, which is personal data describing the citizen's physiological characteristics and makes it possible to identify the citizen (photo, signature and fingerprints).	**The RA Police** is responsible for issuing passports **Border Guards** conduct passport and visa checks at the border check points. They check the exit and entry documents of persons, make relevant notes in them, and if necessary temporarily confiscate them.

Document	Use in Armenia	Authorities involved
Visa An endorsement by the competent authorities of a State in a passport or a certificate of identity of a non-national who wishes to enter, leave, or transit the territory of the State that indicates that the authority, at the time of issuance, believes the bearer to fall within a category of non-nationals who can enter, leave or transit the State under the State's laws. A visa establishes the criteria of admission into a State. International practice is moving towards issuance of machine-readable visas which comply with ICAO 105. Glossary on Migration (International Civil Aviation Organization). Standards, printed on labels with security features. 	An entry visa is an authorization by the authorized State institution of the Republic of Armenia, which entitles a foreigner to enter the Republic of Armenia, transit through the territory of the Republic of Armenia stay in the Republic of Armenia and exit from the Republic of Armenia, for the purposes, under the conditions, and within the terms indicated therein (Law of the Republic of Armenia on Foreigners, 2006). There are four types of entry visa in Armenia: visitor visas, official visas, diplomatic visas and transit visas. The entry visa is not required for citizens of certain States including those of the EU. The peculiarities are regulated by regulations, in particular Government decisions providing details of visa procedures and determining lists of States needed to obtain visa with invitations. In addition to visa waiver programs introduced for States that Armenia considers as safe or friendly, the facilitated visa policy is addressed also to certain categories of persons. For example, persons of Armenian origin enjoy privileges if they fall into the category of foreign nationals who are not eligible to get a visa at the border checkpoints and an invitation is required to grant them an entry visa.	The entry visas can be issued by: (1) Ministry of Foreign Affairs (diplomatic representations or consular offices*) for the official and diplomatic entry visas, for electronic entry visas, at border crossing points. (2) Police for visitor and transit entry visas, on the border or in the territory of the Republic of Armenia.
ID card National identification document. 	The National Identification Card is used as an internal domestic identification document. The identity card is valid for 10 years and can be issued for every Armenian citizen over 16 years old (voluntarily). In 2012 Armenia introduced biometrics in identity cards.	**The RA Police** is responsible for issuing ID cards

Document	Use in Armenia	Authorities involved
Birth certificate Original document certifying the circumstances of the birth	A birth certificate (BC) is the document confirming citizenship of the Republic of Armenia before attaining the age of 16. At the same time, the birth certificate is a record of a birth at a known time and place.	BCs are typically produced as paper documents incorporating security features intended to protect them against counterfeiting and against falsification of the personal data. The RA Birth Certificate is issued by Civil Acts Registration Office of the Ministry of Justice of the Republic of Armenia.

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

Proof of nationality and presumption of nationality

Proof of nationality is considered the most crucial and complicated procedure in the process of the implementation of readmission agreements. The rule and standard procedure of the readmission process is that the requesting State provides evidence that the person subject to readmission is indeed a citizen of the requested State. A requirement of proof of nationality is mandatory and included in any readmission agreement. The most obvious evidence is an identity document furnished with migrant data and constituting his/her nationality. The list of documents establishing the identity or furnishing prima facie evidence of nationality of a person typically is agreed upon during the negotiations and a ached to the readmission agreement or listed in the implementing protocol. Taking into account the main categories of migrants to be returned under readmission agreements, the following types of evidence can be used:

Own nationals

Armenia shall readmit, upon application by a Member State and without further formalities other than those provided for in this Agreement, all persons who do not, or who no longer fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State *provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of Armenia.*

Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Article 3 (1)

The question is how this can be proved or assumed, and who is going to prove or assume. The readmission agreement includes an attachment listing those documents that are considered proof of nationality. In other words, the process of identification is carried out by the authorities of the

Requesting State. Later, they attach the evidence to the readmission application and the authorities of the Requested State check it to make a positive or negative decision.

> Proof of nationality can be specifically furnished through the documents listed in *Annex 1* to this Agreement. If such documents are presented, the Member States and Armenia shall mutually recognize the nationality without further investigation being required.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 9 (1)

> Common list of documents, the presentation of which is considered as proof of nationality:
> - passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports);
> - identity cards of any kind (including temporary and provisional ones);
> - citizenship certificates and other official documents that mention or clearly indicate citizenship.[78]
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Annex 1

Prima facie[79] evidence of nationality can be particularly furnished through the documents included as the second most important list of documents attached to a standard readmission agreement. If such documents are presented, the contracting parties deem the nationality to be established.

> Common list of documents, the presentation of which is considered as prima facie evidence of nationality
> - documents listed in Annex 1, the validity of which has expired by more than six months;
> - photocopies of any of the documents listed in Annex 1 to this Agreement;
> - driving licenses or photocopies thereof;
> - birth certificates or photocopies thereof;
> - company identity cards or photocopies thereof;
> - statements by witnesses;
> - statements made by the person concerned and language spoken by him or her, including by means of an official test result.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Annex 2

Third-country nationals

In the case of the readmission of third-country nationals the Requesting State does not have to identify the person who is going to be readmitted. It is sufficiant to prove that the person has come from the territory of the Requested State (or transited through the territory) and that the return complies with the conditions for readmission. The duty for identification and subsequent removal to the country of origin (if possible) lies with the Requested State.[80] The said conditions are determined in the agreements

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[78] Birth certificates are rarely a secure document, and the case of adding it to principle list is an exception.

[79] Prima facie (Latin for "at first view") - Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted or in other words presumption of nationality.

[80] "The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person

and, for example, in case of the RA-EU readmission agreement, meaning that the person subject to readmission should (a) hold a valid visa or residence permit issued by Armenia or (b) illegally and directly entered the EU territory after having stayed on, or transited through, the territory of Armenia. Proof or assumption of the condition for the readmission of third-country nationals are established on the basis of the documents listed in   annexes 3 and 4 and represent common standard evidence used for such purposes.

> Common list of documents which are considered as proof of the conditions for the readmission of third-country nationals and stateless persons:
> - visa and/or residence permit issued by the Requested State;
> - entry/departure stamps or similar endorsement in the travel document of the person concerned or other evidence of entry/departure (e.g. photographic).
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Annex 3*
>
> - description   issued by the relevant authorities of the Requesting State, of place and circumstances under which the person concerned has been intercepted after entering the territory of that State;
> - information related to the identity and/or stay of a person which has been provided by an international organization (e.g. UNHCR);
> - reports/confirmation of information   by family members, travelling companions, etc.;
> - statement by the person concerned;
> - fingerprints.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization, Annex 4*

Undocumented persons

The readmission process is the tool for managing irregular migration and, in many cases, the person is undocumented or withholds ID documents. Sometimes documents can be destroyed by smugglers or traffickers or the migrants themselves to hide their identity. In such cases there are other means to prove nationality or entry, and these means are also provided by agreements. The most common problems for the proper identification of returnees when implementing readmission are:

- that identity documents are destroyed;
- that false information of nationality and route is provided, which in turn leads to difficulties in procuring travel documents;
- that persons claim, in order avoid return, to come from a country to which return cannot be enforced,   or they can also actually come from these countries.

Of course, this is the most complicated and, at the same time, highly recurrent case when no documents can be presented. In such situations, the problem is not only the absence of agreed upon evidence but also because the person explicitly refuses to provide valid personal information, and consequently, to

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concerned in which the necessary visa or other residence permit for the territory of the Requesting State are missing. A statement by the Requesting State that the person concerned has been found not having the necessary travel documents, visa or residence permit shall likewise provide *prima facie* evidence of the unlawful entry, presence or residence." RA-EU readmission agreement, Article 10.

cooperate with the authorities of the Requesting State. In similar situations, it appears difficult if not impossible, to find any evidence that would provide grounds for submitting a readmission application to the State of the person's alleged nationality. In such cases the mechanism is established by readmission agreements that allow the Requesting States to apply to the diplomatic or consular representation of Armenia with a claim to conduct an interview with the person to establish the person's nationality.

> If none of the documents listed in Annexes 1 or 2 can be presented, the competent diplomatic or consular representations of the Requested State concerned shall, upon a request from the Requesting State which is to be included in the readmission application, interview the person to be readmitted, without undue delay, in order to establish his or her nationality. The procedure for such interviews may be established in the implementing Protocols provided for in Article 20 of this Agreement.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 9

In the case where nationality is proved, corresponding documents should be provided for readmitting the person to ensure his/her crossing the State border of Armenia. Issuance of travel documents required for the return is among the key mechanisms of ensuring the implementation of readmission agreements. For these reasons, travel documents should be issued by diplomatic or consular authorities of Armenia.

> After Armenia has given a positive reply to the readmission application, the competent diplomatic or consular representation of Armenia shall, irrespective of the will of the person to be readmitted, immediately, free of charge and not later than within three working days, issue the travel document required for the return of the person to be readmitted with a period of validity of 120 days. If Armenia has not, within three working days, issued the new travel document, it shall be deemed to accept the use of the EU standard travel document for expulsion purposes.
>
> *Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorization*, Article 3 (4)

The mentioned travel document is a standard laissez-passer or Return Certificate used for different categories of returnees to Armenia. This is a single-use travel document that provides an opportunity of urgent return to Armenia in case of a missing legal document authorizing to cross the State border.

There also can be some circumstances when Armenian diplomats cannot assist in documenting the person to be readmitted. Currently, Armenia has 73 diplomatic and consular posts throughout the world. In some instances, the territorial competence of a single post covers several countries. The personnel in the diplomatic representations and consular posts are limited and work under intense pressure. Often the diplomatic representation located in one State provides services in several States. Therefore, consular services sometimes do not have enough staff to conduct punctual personal interviews for citizenship identification (Brunarska, 2013). For such situations, the EU has adopted a standardized "one way" document for the return of undocumented persons. The Council Recommendation "Concerning the Adoption of a Standard Travel Document for the Expulsion of Third-

country Nationals" was adopted on 30 November 1994. The Document is valid for a single journey, shall be established in the language of the Member State executing the expulsion order and, where appropriate, shall be translated into both French and English (SMS-IOM, 2013).

Activity

Please answer the following questions:[81]

1. Do you think taking fingerprints is an invasion of privacy? Explain:

2. What if you took the prints from a glass you gave them, without actually asking to take samples of their prints. Would you consider this an invasion of privacy? Explain:

Key message

Please formulate the key message of the Module and compare it with the one presented in the "T" Module of the Manual.

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[81] The questions are taken from the IOM Essentials in migration practice.

-T-
TRAINING

Introduction and objective

The purpose of this module is to support SMS staff and others who will deliver facilitated sessions on Readmission. The materials offered are supposed to be delivered as facilitated inter-agency Training for Trainers within one or two days depending the time assigned for practical exercises.

Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other agencies. Joint training activities should involve staff from all agencies involved in migration management. Such skills allow for the delivery of targeted topics to a broad audience providing more efficient use of resources and, in the same time, plays a confidence-building and information exchange function. This training not only targets new recruits, but forms part of continuous, in-service training and incorporates operational as well as management levels of all agencies.

Principles of adult learning

Learning in general can be defined as the act, process, or experience of gaining knowledge or skills. We gain our knowledge about the main concepts of our surrounding world during our childhood. All we learn as an adult is normally built on those concepts. These are two different processes; in other words children and adults learn differently.

Andragogy[82] (adult learning) is a theory that holds a set of assumptions about how adults learn. The term was originally used by Alexander Kapp (a German educator) in 1833, and was developed into a theory of adult education by Malcolm Knowles, (24 April 1913 – 27 November1997). He determined the following postulates listed below.

- Adults need to be involved in the planning and evaluation of their instruction (Self-concept and Motivation to learn);
- Experience (including mistakes) provides the basis for learning activities (Experience);
- Adults are most interested in learning subjects that have immediate relevance to their job or personal life (Readiness to learn);
- Adult learning is problem-centred rather than content-oriented (Orientation to learning).

In general, the essence of principles for adult learning is that for its success and effectiveness, the information provided during adult training sessions should be useful for their professional or social activities and coincide with their experience. If this is guaranteed, the trainees most likely will actively participate in the training.

In this case the trainer or instructor becomes more a facilitator who addresses the topic of the exercise and moderates discussion. Andragogy emphasizes the value of the process of learning. It uses approaches to learning that are **problem-based and collaborative** rather than didactic, and also emphasizes more **equality between   teacher and learner.**

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[82] From the Greek words meaning "man-leading".

The role of facilitator in the training

The facilitator must look in two directions during a delivery: at process and at content. An effective session will strike a balance between presenting content and enabling interaction that connects the content with what learners need, want, and can do. When this balance is achieved, a group learns from its members as well as from the material, and a learning community develops. Adults like to be provided the opportunity to use their existing foundation of knowledge and experience, gained from life, and applies it to their new learning experience. This is even more relevant while the inter-agency training takes place. Migration is multifaceted area and very often offices implementing their task on day-to-day basis and facing different situations, know some aspects of the subject much better than the instructor. In such situation the instructor is switching into facilitator and should with respect and gratitude use the expertise of the learners.

Since the offered training is supposed to be very short (one day or two as maximum), it is extremely difficult to transform a group into a learning community. In such circumstances it is very important to find the opportunity of participating in the sessions as a colleague with facilitation responsibilities. The interaction with learners should be an interaction with peers and colleagues who share an interest in learning about migration. Everyone's expertise is welcome, and the role of the facilitator is to serve as a "master of ceremonies". At the same time, as a master, the facilitator has the authority for moderating functions, and the first task is timekeeping.

Presentation - Delivery

Delivery is an "art form" because creativity is an essential part of good instruction. Any delivery must not only be true to the content and learning objectives, but must also be ethical, respectful, and attractive to people who learn in different ways. The most appropriate method for the training is facilitated sessions using the presentation as a core with a high level of audience interactivity. The presentations should be visual in the form of Power Point slides. This tool provides a narrative structure for a presentation, condensing the main points to be discussed. PowerPoint slides are personal and should be prepared accordingly in that they represent one person's approach to organizing and identifying key pieces of information, themes, conclusions, and observations.

PowerPoint consists of the following elements of composition allowing transforming tedious narratives into an amazing interactive medium. A typical presentation structure combines all of these elements:

- Text
- Background, images, and info-graphics
- Shapes
- Fills, lines, and effects
- Sound and video
- Animations and transition

Text is the essential of a presentation and relates directly to the content. The text could be shaped in the form of titles, subtitles, bullets, phrases, captions, and even sentences. Too much text is like too much of any good thing — it can be harmful. For example, a slide with 20 lines of teeny-weeny text just doesn't work. The audience can't read it, and explaining that much content will limit the time for discussion. At the same time, cramming so much text on a slide will result in losing the focus of the presentation

PowerPoint uses three types of graphical elements:

- **Backgrounds:** The backdrop for slides. Backgrounds need to be understated. Artistic backgrounds are a great way to bring a presentation to life, but taking into account that the audience might be unknown and there might be no time in the training to be spent for team building, it is recommended to create presentations with a plain white background.
- **Pictures:** Images that can be inserted into slides.
- **Info-graphics:** Images that combine visuals and text to make complex informationand statistics easier to understand. Info-graphics include charts, tables, maps, graphs, diagrams, organization charts, timelines and flowcharts.

Images and text always work together — collectively, they achieve more than the sum of each other's potential. However, images need to be relevant to the subject and focused. Using an unsuitable visual is worse than using no visual at all. The same rules apply to info-graphics as well. PowerPoint provides many ways to present images; from recolored styles, effects, and outlines to animations and builds.

Simple objects such as circles, rectangles, and squares can help explain concepts so much better. The shapes within the Shapes gallery are very adaptable in editing and creation. Shapes can also function as building blocks and form the basis of complex diagrams and illustrations.

Shapes, pictures, and even info-graphics in PowerPoint can stand out from the slide by using an assortment of fill, line, and effect styles. Most styles are found in the galleries on the Ribbon tabs.

PowerPoint provides many ways to incorporate sound: *inserted sounds, event sounds, transition sounds, background scores*, and *narrations and can* work with some sorts of video formats. But it is dangerous to rely on such opportunities. Video can work slowly, and some technical skills are needed to use it properly.

Animations and transitions fulfil an important objective: introducing several elements one at a time in a logical fashion to make it easier for the audience to understand a concept. However, the animation should be used for a purpose. If the use of animation is without purpose, the presentation might end up looking like an assortment of objects that appear and exit without any relevance. The word structure and workflow might sound a littl intimidating, but they are merely a way of ensuring that your presentation elements are working together.

The presentation should follow the content of the module it represents. They all have a general structure.

- Introduction and objective
- Essentials in selected area of activities
- Application of the subject to readmission procedure
- Activity

Questioning techniques

Facilitated training is characterized by very extensive dialog and discussion. Taking into account a very limited timeframe of the proposed one, the role of facilitator is to lead the discussion. Questioning techniques are to be used for effective moderation.

Asking the right questions is at the heart of effective communications and information exchange. By using the right questions in a particular situation, you can improve a whole range of communication

skills. For example, you can gather better information and learn more; you can build stronger relationships, manage people more effectively, and help others to learn too.

Open and Closed Questions

A closed question usually receives a single word or very short, factual answer. For example, "Are you a border guard officer" The answer is "Yes" or "No"; "Where do you live?" The answer is generally the name of your town or your address. Open questions elicit longer answers. They usually begin with what, why, how. An open question asks the respondent for his or her knowledge, opinion or feelings. "Tell me" and "describe" can also be used in the same way as open questions. Here are some examples:

- What happened during your shift

- How was the training?

- Describe the circumstances in more detail.

Open questions are good for:	Closed questions are good for:
● Developing an open conversation: "What can you tell us about your responsibilities within readmission agreement?" ● Finding out more detail: "What else does SMS need to be prepared for readmission process?" ● Finding out the other person's opinion or issues: "What do you think about those changes?"	● Testing understanding of trainees: "Did you understand the topic?" ● Concluding a discussion or making a decision: "Now that we know the facts, are we all agreed that this is the right course of action." ● Frame setting: "Is your agency ready for new tasks?"

A misplaced closed question, on the other hand, can kill the conversation and lead to awkward silences, and are best avoided when a conversation is in full flow.

Funnel Questions

This technique involves starting with general questions, noting a point in each answer, and asking for more detail at each level. It's often used by detectives taking a statement from a witness:

"How many people were in your group?"
"Five."
"Were they kids or adults?"
"Mostly kids."
"What sort of ages were they?"
"About fourteen or fifteen."
"Did they have their documents or were they included in your passport?"
"Yes, two of them had their documents."
"Can you remember what their passports were like? Can you remind the inscriptions or emblem?" *"Now you come to mention it, yes, I remember they had…"*

Using this technique, the witness is pushed to relive the scene and gradually focus on a useful detail. It is unlikely he would have offered this information if he was simply asked an open question such as, "Are there any details you can give me about what you saw?" The same holds true in the discussion on the learning topic.

When using funnel questioning, it's better to start with closed questions. Within the progress through the closed questions, using more open questions will be applicable. Funnel questions are good for gaining   interest or increasing   confidence: "Have you used the learning materials provided by IOM?", "Did they solve your problem?", and "What was the attitude of the person who took your call?"

Probing Questions

Asking probing questions is another strategy for finding out more details. Sometimes it is as simple as asking the respondent for an example, to help understand a statement, to provide additional information or clarification. "When do you need this report by, and do you want to see a draft before I give you my final version?", or to investigate whether there is proof for what has been said, "How do you know that the new database can't be used by other agencies?" Probing questions are good for:

- Gaining clarification to ensure thorough understanding.
- Drawing information out of people who are trying to avoid telling you something.

Leading Questions

Leading questions try to lead the respondent to certain way of thinking. They can do this in several ways:

- With an assumption: "How effective do you think readmission is for return of Armenians?" This assumes that the project will certainly not be completed on time.
- By adding a personal appeal to agree at the end: "Readmission looks to be very efficient, don't you think?"
- Phrasing the question so that the "easiest" response is "yes" (our natural tendency to prefer to say "yes" than "no" plays an important part in the phrasing of referendum questions): "Shall we all agree that readmission is effective tool?", is more likely to get a positive response than "Do you think readmission is effective or not?"
- Giving people a choice between two options, both of which you would be happy with, rather than the choice of one option or not doing anything at all. Strictly speaking, the choice of "neither" is still available when you ask "Which would you prefer of A or B", but most people will be caught up in deciding between two preferences.

Leading questions tend to be closed and they are good for getting the needed answer, while at the same time leaving the other person feeling that they have had a choice. However, the use leading questions needs care. Asking in a self-serving way or one that harms the interests of the other person,   can, quite rightly be seen as manipulative and dishonest.

Rhetorical Questions

Rhetorical questions aren't really questions at all, in that they don't expect an answer but are used to engage the listener. They're really just statements phrased in question form: "Isn't readmission so effective?"

Questioning Process

Adults like to talk about their experience and about the topics that relate to their profession, and therefore there shouldn't be problems with the organization of active discussion. However, the process needs to be controlled. It is better to use directed questions and to avoid asking a group open questions.

In very fast group arrangements it will help to use pairs, small groups, and the method of interviewing one person at a time, to provide fair and considerate participation opportunities. For example, each person can be asked to make one comment about how an issue affects them in their situation. The questions should be asked in ways that allow each person to participate, and the responses that require attention should be recorded later and treated accordingly.

At the same time, all questions asked by trainees should be respected and it is unacceptable to ignore comments because they do not address a need or expectation of the instructor or are beyond the instructor's expertise. In this situation the instructor again becomes a facilitator and readdresses the question to the audience.

Killer phrases

"Killer phrases" are typical conversation stoppers that halt the flow of ideas and somehow block further development of the discussion. Typical killer phrases that should be avoided are:

- We can't go through with this.
- This may be possible in your unit, but not in ours!
- All this is already well-known!
- We've always done it like this!
- Once you've been here a few years...
- This is not our job.

- This may be all right in theory, but...
- Where are you coming from?
- Being an expert, I can tell you...
- Are you taking responsibility for this?
- This is wishful thinking.
- There's nothing you can do about it!

Listening

Listening and reflection are also important ways to participate in a learning experience. Some participants may be introverted or lack discussion experience. Asking questions should be matched by the great art of listening. The ancient Chinese hieroglyph describes the right way of active listening.

Modules represented

N		Description
1	-R-	*Return and Readmission* The module describes the essentials of return migration and the main approaches for its management. It provides and reviews international practices in procedures applied by different States to return management and give grounds and bases of introducing the readmission model into the migration framework of Armenia. Key message – readmission is a special case and technical tool in the management of involuntary return.
2	-E-	*English language as useful tool of migration management* The module concentrates on the wording used for readmission agreements, terminology of migration and essentials of linguistic analysis. The presented tools should help in preparing trainees for further analysis of the clouds of readmission agreements and at the same time contributes to overall development of staff involved into migration management. Key message – linguistics skills in general and English language, in particular, are useful tools of migration management.
3	-A-	*Agreements on readmission* The module provides detailed analysis of two of the most relevant readmission agreements concluded by the Republic of Armenia – with the European Union and with the Russian Federation. At the same time, the module provides trainees with a general theory of international relations within the context of international treaties. Key Message – readmission agreements are standard bilateral contracts on the international level.

N		Description
4	-D-	*Detention of migrants and special accommodation facilities* The module examines the international standards applied for detention of migrants. It also provides an overview of facilities that can be used for accommodation of migrants and existing institution and procedures in the Republic of Armenia. Key message – the apprehension of migrants needs special facilities and special treatment.
5	-M-	*Management of readmission procedure* The module considers the introduction of the readmission model into the migration management system as a project. It reviews the overall framework of migration management and modern approaches to project development and implementation. It also describes, in detail, the algorithm of readmission cases processing in Armenia. Key message – project development and implementation methodology can be effectively applied in migration management.
6	-I-	*Identity management* The module provides the essentials of identity management and analyses the main documents used as proof of nationality within the readmission procedure. Key message – travel documents are an important part of migration management.
7	-T-	*Training* The module describes modern approaches to adults learning methodology and provides practical instruction how to use the Manual for the design and delivery of training and training for trainers' activities.

Demo case of the session on Management of return and readmission

-M-
MANAGEMENT OF READMISSION PROCEDURE

Time	Plan
5 min	Introduction of learning objectives
5 min	Essentials in migration management
10 min	RA migration management framework
15 min	Readmission - Administrative framework - Algorithm
15 min	IOM Project cycle and M&E
10 min	Indicators
20 min	Activity
5 min	Conclusion

Learning objectives

- Understand the interrelated nature of the components in a migration management system
- Understand the project management approach and project cycle
- Review main points of readmission algorithm
- Increase analytical capacity of participants

Readmission within the framework of migration management	
Slides:	Narrative:
	Begin with a definition of migration management. Explain the three elements of migration management. Stress that the principle of the three main sectors is applicable for every sphere of public administration
	Group discussion: ask participants how the Armenia migration management framework is reflected in the conceptual model of migration management. Put focus on the readmission mechanism: what is the legal basis for readmission and what administrative structures participate in the implementation of readmission.
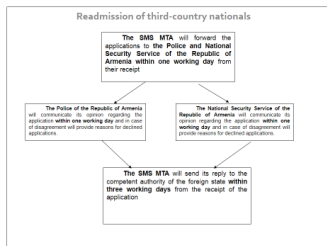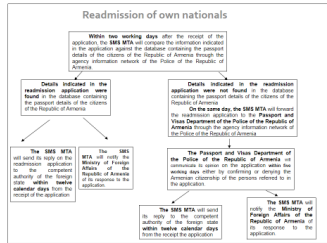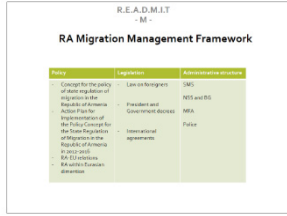
Readmission within the framework of migration management	
Slides:	Narrative:
	Group work. Form groups from representati es of different agencies. Ask them to prepare a three minute presentation on the:
	Group 1 – readmission algorithm for own nationals
	Group 2 – third-country nationals

Project management approach in migration management	
Slides:	Narrative:
	Describe the project cycle and note how incorporation of the readmission procedure into the migration management framework can be presented as a project.
	Provide definitions of monitoring and evaluation
	Provide a definition of indicators and stress their importance for planning and monitoring. Review characteristics of indicators.

Project management approach in migration management	
Slides:	Narrative:
	Activity – Ask participants to elaborate on indicators for implementation of readmission procedure. The activity can be conducted in groups or individually.
	Ask participants to formulate a key message for the section.

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