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REVIEW OF MIGRATION MANAGEMENT IN THE REPUBLIC OF ARMENIA



ASSESSMENT MISSION REPORT

Yerevan, March 2008

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Publisher: International Organization for Migration
17 Route des Morillons
Geneva 19, CH-1211
Switzerland
Tel: (+41 22) 717 9111
Fax: (+41 22) 798 6150
Email: hq@iom.int
Internet: <http://www.iom.int>

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**International Organization for
Migration**



**Ministry of Foreign Affairs of the
Republic of Armenia**



Swedish Migration Board

REVIEW OF MIGRATION MANAGEMENT IN THE REPUBLIC OF ARMENIA

ASSESSMENT MISSION REPORT

(Assessment Team: Pier Rossi-Longhi, Therése Lindström, and Kristina Galstyan)

The Assessment was conducted within the framework of IOM
“Capacity Building in Migration Management Programme:
Armenia Assessment” Project funded by the **Swedish
Migration Board**.

Yerevan, March 2008

**International Organization for
Migration Headquarters:**

17 Route des Morillons • CH-1211 •
Geneva 19 • Switzerland

Tel: (+41 22) 717 9111 •
Fax: (+41 22) 798 6150 •
Email: hq@iom.int •
<http://www.iom.int>

**Technical Cooperation Centre for
Europe and Central Asia**

13/4 Nibelungengasse • Vienna
1010 • Austria

Tel: (+43 1) 5853322 12 •
Fax: (+43 1) 5853322 30 •
Email: infotccvienna@iom.int •
<http://www.tcc.iom.int>

Mission in Armenia:

UN House • 14 Petros Adamian Street, 1st
floor • Yerevan 0010 • Armenia

Tel: (+374 10) 58 56 92 • 58 37 86 •
Fax: (+374 10) 54 33 65 •
E-mail: iom@iom.am •
<http://www.iom.int/armenia>

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Foreword

The publication you hold in your hands is the first comprehensive attempt to assess the migration management situation in the Republic of Armenia. It is the result of a partnership between Armenia, Sweden and the International Organization for Migration. Upon request by the Government of the Republic of Armenia, the assessment study was carried out by IOM - the intergovernmental lead agency in the field of migration - and the Swedish Migration Board, one of IOM's most important and highly respected partners, which provided practical expertise and the funding.

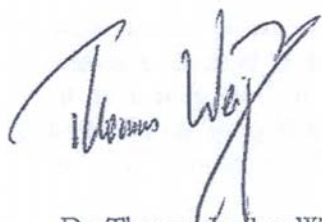
The partnership between Armenia, Sweden and IOM, leading to the publication, was established under the auspices of the *Cluster Process*, an inter-regional migration and asylum management dialogue currently taking place between the three countries of the Southern Caucasus and various EU Member States plus Switzerland within the framework of the European Union Programme for Financial and Technical Assistance to Third Countries in the Areas of Migration and Asylum (AENEAS).

We would like to express our gratitude to the SMB for their financial and practical support by assigning Ms. Therése Lindström as senior migration expert to the assessment, but also to the two other co-authors of the publication: Ms. Kristina Galstyan, from IOM in Yerevan, who brought the Armenian perspective into the study, as well as team leader, Mr. Pier Rossi-Longhi, from IOM Vienna's Technical Cooperation Center for Europe and Central Asia, who injected his expertise of border management and EU and national migration legislations.

The assessment report benefited greatly from input and guidance of Armenian Government officials, representatives of NGOs and the international community present in Armenia. The assessment team could not have efficiently carried out its task without the valuable support from the Armenian Government which provided help and direction in welcoming and guiding the assessment team –particularly the Armenian President's Administration, the National Assembly, the Ministry of Foreign Affairs, the Ministry of Territorial Administration and its Migration Agency, the National Security Service and its Border Guards Troops, the Ministry of Labour and Social Issues and its State Occupation Service, the National Police, the Ministry of Justice, the National Statistics Service, the Ministry of Health, the Ministry of Economics, as well as the Prosecutor General's Office. Finally, the assessment also benefited from input of colleagues at the IOM missions in Armenia and Austria, particularly by Ms. Ilona Ter-Minasyan and Ms. Katarina Lughofer.

The assessment report was prepared at a most opportune time when the Armenian Government started to initiate a reform of migration management in the country. We hope that the main findings and recommendations will help steer the reform in view of the creation of an efficient and comprehensive migration management system in Armenia aiming at the right balance between facilitation and control of migratory flows. This system could include, among others, the creation of the new central body dealing with migration management, the introduction of electronic passports and identification cards with biometric parameters, the setting-up of migrant accommodation centers complying with international best practices and humanitarian standards, and the initiation of integrated border management.

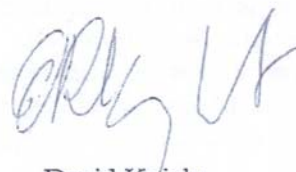
We also hope that the findings of this report will serve as a point of reference for the multi-annual national plan of action for migration and asylum, which is currently being formulated by the Government of the Republic of Armenia within the European Neighbourhood Policy framework.



Dr. Thomas Lothar Weiss
Director, IOM Helsinki / Finland
Regional Representative for the Nordic
and Baltic States and the European
neighbourhood



Dziunik Aghajanian
Director, International Organizations
Department
Ministry of Foreign Affairs of the
Republic of Armenia



David Knight
Director, IOM Geneva / Switzerland
Department Technical Cooperation on Migration

A. *Executive Summary*

At the request of the Government of Armenia, with support from the Swedish Migration Board, and within the scope of the EC funded programme “Informed Migration – An Integrated Approach to Promoting Legal Migration through National Capacity Building and Inter-regional Dialogue between the South Caucasus and the EU”, IOM and the Swedish Migration Board carried out an assessment of the country’s migration management system between the end of 2007 and the beginning of 2008. The primary objective of this assessment was to identify the main gaps and key areas requiring attention in the field of migration management and its legal basis in Armenia. Immigration of foreigners into Armenia was prioritized though emigration of Armenian nationals was also considered. During the Armenian officials’ Study Tour to Sweden at the beginning of April 2008 the Experts were informed of the recent formation of a Working Group to prepare a position paper on the possible re-organization of the administrative structures and duties of the different agencies that currently have a stake in the Migration Management process in Armenia. It is the hope of the Experts that the Migration management Assessment presented here will provide useful suggestions and guidance to the next sessions of the mentioned Working Group.

Ultimately, the Assessment’s recommendations aim to strengthen the Armenian Government’s capacity to develop a realistic and effective migration management system that takes into account the Armenian reality but is also consistent with international standards, not least in view of the European Neighbourhood Policy and other European Union (EU) foreign policy instruments. Additionally, a preliminary review of the existing migration related legislation was also carried out in consideration of its possible approximation to the EU Migration Acquis¹.

The Assessment Team noted that the Government of Armenia faces several challenges in the management of the flows of foreigners across its international borders and their ensuing stay in the country, be it temporary or for longer periods. It is also important to consider Armenia’s rising living standards as well as its geopolitical situation with close ties to the Black Sea region and therefore proximity to the new EU borders of Romania and Bulgaria, which might produce an increase in arrival of migrants aiming in fact to enter the EU, particularly following these countries’ up-coming entry into the Schengen zone². However the overriding factor is that legal migration into Armenia is accessible to such an extent that illegal migration becomes almost a “non-issue”. Some of the more important factors contributing to this are:

- ✘ Armenia’s rather liberal and open policy on entry following its free market policies to promote tourism, investment as well as consolidating its role as an “education service provider”;
- ✘ A very liberal visa regime both in terms of visa categories as well as in relation to visa issuance at the borders – The current list of 73 countries whose nationals may not obtain a visa at the border has now been proposed for reduction to only about 17 countries, which is expected to come in force as of May 2008;

¹ “Acquis” in this case refers to all EU legal framework documents, binding and non-binding, currently applicable to EU member states in relation to migration matters. Specifically, please refer to the EC JLS Consolidated Acquis, sub-chapter “Migration”.

² Currently Frontex research shows that the Black Sea ports of Romania and Bulgaria are not high risk zones for irregular migration, though the entry into Schengen of these countries may well change that pattern. Both Frontex and Europol maintain that high irregular migration passage from, and through, the South Caucasus remains land route based through Turkey and Russia/Ukraine (Europol, Irregular Migration Experts’ Meeting, The Hague March 2008)

- ✘ No proper inter-agency administrative structure nor a clear-cut inter-agency cooperation in place between the various ministries³ and agencies, allocated with competences in different areas of migration management. Ultimately this undermines the objective of dealing with the different immigration issues in a coherent manner;
- ✘ The lack of systematic requirements for the issue of residence permits and their categories as well as length of validity – particularly crucial for the residence permits issued on the basis of employment, in relation also to Armenia’s own un-employed population;
- ✘ There is no specific work permit system for foreigners in place, meaning that there are no limits to the employment of aliens who obtain residence permits simply on presentation of employment contracts, neither are any particular obligations imposed on employers as regards the employment of foreigners;
- ✘ Except for entry and exit no further tracking mechanism for foreigners is in place inside the country to verify “change in status”;
- ✘ There is no system in place that would alert Armenian migration authorities of “over-stayers” (both on visa and residence permit expiration), except upon exit from the country;
- ✘ Overall the existing entry and exit NSS (National Security Service) Management Information System (BMIS) database has excellent potential but is undermined by the lack of inter-connectivity with the Police (DPV, OVIR) data;
- ✘ The assessment team has noted an excessive divergence in the definition of “irregular/illegal migrant” with disproportionately high (criminal) penalties for illegal border crossing, as opposed to limited and lax (administrative) penalties for other immigration offences, such as over-stay;
- ✘ There is a lack of detention facilities for irregular migrants, either around the borders for short stay (48 to 72 hours) or for longer three to six months stay anywhere inside the country; theoretically irregular border crossers may be put in jail⁴;
- ✘ There is a lack of funds to enforce deportations, though the caseload is still relatively small.

Additionally, the current migration realities and trends are at times not adequately covered by the existing legislation of Armenia. Although the legislation addresses the main phenomena of the migration process, it remains quite basic as it contains just general provisions, which do not cover all peculiarities standard to migration processes. Furthermore, the legal provisions need to be defined in a clearer manner, with an enhanced orientation towards EU requirements certainly being advisable.

These issues call for strong leadership and comprehensive policies, supported by appropriate legislation and by-laws, an effective, trained and equipped migration management administration, as well as efficient practices.

³ Agencies involved directly are: The Consular Department of the Ministry of Foreign Affairs, The National Security Service Irregular Migration Section, the Border Guard of the National Security Service, the Passport and Visa Department of the Police, the Ministry of Territorial Administration and the Migration Agency of the same Ministry. Other ministries such as Labour and Social Issues – and in particular its State Occupation Service, Economy, Justice, Health, and Education do not play active roles though they are in practice affected by immigration issues.

⁴ In practice this almost never happens unless the irregular border crossing is associated with smuggling. The penitentiary administration declined that migrants would be jailed in their facilities for the sole crime of irregular border crossing though additional information report about 50 irregular border crossers to be held at Vardashen correctional institution. These 50+ persons are reported to be ethnic Armenians from Cyprus, Iran and Russia.

The experts' assessment of Armenia's migration management capacity identified weaknesses which, unless quickly addressed, are expected to fuel the flow of irregular migrants, transnational crime and other abuses directly and indirectly linked to migration – potentially jeopardising the country's security and interests. These weaknesses in the field of migration include:

- ✘ A lack of overall direction and limited policy development and implementation capability;
- ✘ An insufficient legal framework and a lack of clear criteria for entry and residence;
- ✘ The fact that there is not one single government agency coordinating migration management⁵ nor, alternatively, clear terms of reference for the division of tasks between the existing agencies dealing with the migration process⁶;
- ✘ A lack of a coherent system for migration data collection and analysis and an insufficiently elaborated data exchange mechanism between institutions dealing with migration.

On a positive note, it can be assumed that this rather “young” immigration management scenario presents an opportunity to revise and possibly create or strengthen a structure which is oriented towards EU requirements (as spelled out in the EU Consolidated Acquis, Chapter 24 JLS, sub-chapter Migration). However, this would require a shift in the policy of a twofold nature:

1. Recognize the importance of controlling immigration – facilitating legal migration and investment of foreigners, while attempting to block all forms of irregular migration practices, **not just** illegal border crossing.
2. Empowering one ministry or agency which commands sufficient respect in the inter-agency environment to be an effective coordinator of migration issues across the spectrum of migration management requirements, even if other agencies remain involved in immigration management.

Lastly, relations with the EU play a key role in the potential reform of Armenian migration management. The framework of the European Neighbourhood Policy (ENP), among other issues, foresees the development of a Migration Action Plan, which needs to be based on a coherent migration management strategy.

The Government of Armenia needs to take control of migration management and to articulate a clear vision supported by appropriate policies and legislation to create clear regulations and procedures. In terms of structures, it is important to have a strong coordinating agency, though competencies in the process may require the services of other agencies. International practice suggests that good migration management consists of four essential interdependent tiers:

- ✘ Policy;
- ✘ Legislation and procedures;
- ✘ Administrative structures;
- ✘ Enforcement and operational mechanisms.

Based on this practice the report proposes the following recommendations for the Government of Armenia to consider:

⁵ Like for example Sweden.

⁶ Like for example the Czech Republic.

A.1. Policy

The expert mission took due note of the policy priorities of Armenia in the sphere of immigration and noted that the basis is an “open door policy” in an attempt to foster the following sectors linked to the “in-flow” of foreigners:

- ▶ Develop the attractiveness of Armenia as a tourist destination and therefore increase visitor volume.
- ▶ Attract foreign investment to Armenia, not only of the large investor type but also small and medium enterprises.
- ▶ Continue to be a prominent “education service provider” for the neighbouring countries.

However when thinking about tourism it may be worthwhile to consider increasing the number of “visa free regimes” towards developed countries that are likely to send tourists to Armenia. The presence or not of a visa requirement is often a determining factor in the decision of which country to visit on the next holidays. De facto the simplicity of obtaining a visa at the border is not a pull factor for tourists but rather a potentially high probability for breaches in security and the entry of un-wanted persons into Armenia. It is clear and easily understandable that from an income point of view it is better to turn a visa into an “entry tax” rather than eliminating its requirement altogether. However there should be a careful consideration of the security implications that this de-generation of visa purpose might present for the country.

Similarly, when talking of small and medium entrepreneurs who may wish to consider investing in Armenia much of the above applies. Additionally it is the opinion of the experts that investment is not mainly encouraged by simple entry procedures but rather by other procedures that attract, facilitate and guarantee the investment of the foreigner, particularly when of a small nature. The establishment of an “investment promotion centre” may be advisable, not just for large investment but also for SMEs.⁷ As far as the country’s attractiveness for foreign students, a hard look must be taken at the nationalities that are requesting this type of permit and indeed the percentage of students that are actually completing the education cycle. Currently about 5,000 student permits are granted every year to prospective students of the neighbouring countries, mainly at the university level (Georgia, Russia, Iran, but also Syria and India).⁸ The fact that “agencies” are allowed to process these requests is definitely not a guarantee of correct purpose. It is unclear whether these “students” ever complete their expected cycle of study in Armenia. Furthermore these same nationalities and age-group appear often at the external borders of the EU,⁹ leading the experts to believe that there might be a probable connection and therefore possibly an un-wanted, but legalized, transit.

Based on these considerations the expert team has defined several policy recommendations for **immigration** matters:

1. Develop a more balanced policy on migration, tackling not only the illegal, but also the legal part of the phenomenon and thus balancing control and facilitation.
2. Adapt the new policy to the internal and external migration realities of Armenia aimed to control and manage migratory flows according to national interests, but at the same time in concordance with the commitments assumed towards the EU through the ENP commitments.
3. There is a need of a “key institution”, ideally of a civilian nature, for migration policy development, which has to be identified and formally charged with coordination of the process

⁷ The Ministry of Trade and Economic Development has created a Fund “National Center for Development of Small and Medium Entrepreneurship (NCDSME)” (<http://www.smednc.am/>) in 2002. However, the NCDSME is not geared towards foreigners.

⁸ Among these students there are many who are of Armenian ethnic origin.

⁹ Trend confirmed by Polish Border Guard sources (Europol, Irregular Migration Experts’ Meeting, the Hague March 2008).

understanding that migration is a much wider issue than the influx and accommodation of refugees and tends to move towards increases in both immigration and emigration for economic purposes.

4. Sector policies and strategies implemented by different line ministries (Labour and Social Issues, Health, Education, Trade and Economic Development,¹⁰ etc.) need to be reviewed and streamlined with a view to integrating migration policy aspects into those policies and strategies.
5. Overall the shift in policy needs to move from a “laissez-faire” attitude to the belief that migration needs to be managed and regulated in order to reap its benefits.
6. Though policy should not enter into regulatory details, it may be important that the Government recognize specifically that visa and residence criteria – for issuance, validity and renewal – need to be reviewed.

As far as the “out-flow” of Armenian Nationals the priorities seem to revolve around the following:

- ▶ Attempt to keep track of the Armenian Diaspora abroad in an attempt also to secure the rights of Armenian nationals abroad building up the consular services offered abroad to Armenians. Biometric passports are part of this strategy.
- ▶ Generally attempt to facilitate the free movement of Armenians abroad and in particular to the EU through the negotiation of more facilitated visa regimes possibly leading in future to visa free opportunities.
- ▶ Facilitate the concept of “circular migration”, particularly to the EU in order to maximize economic development from the exchange and build-up of experiences both in terms of financial remittances but also in terms of returning expertise.

Based on these considerations the expert team has defined certain policy recommendations for **emigration** matters:

1. Effective management of migration can only be achieved if policies and strategies are based upon sound knowledge of real migration flows. Thus, the collection and analysis of validated and reliably aggregated data and ensuing production of timely statistics have to be part, and ideally the base, of a comprehensive national migration policy.
2. Develop an implicit or explicit emigration policy taking into account the demographic and economic effects of out-migration on the country as well as the role that migrant remittances and diaspora could play in the future if encouraged in the correct manner.
3. The focus on readmission and reintegration of migrants returning to Armenia, either in a voluntary or forced manner, should continue to figure as prominent issues in Armenia’s foreign policy, but also be considered in migration policy development, potentially including also preventive measures aimed at discouraging irregular emigration.

A.2. Legislation

For effective management of current migration processes in the country and support of the proposed recommendations of the assessment team, it is suggested that the development of existing migration legislation (Law on Aliens primarily, but also other related laws) should be streamlined in the following directions:

¹⁰ Since April 2008 the Ministry of Trade and Economic Development was renamed Ministry of Economy of the Republic of Armenia. Since the Assessment was written in March, throughout the text the old name of the Ministry will be used.

1. *Pre-entry – visa (currently implemented by the Consular Department of the Ministry of Foreign Affairs.)*

Priority areas:

- ✘ Clear distinction between visa and permit. Ultimately a permit is sent or issued at the Embassy before the person enters Armenia. If not possible, then a VERY short visa to enter the country, if the purpose is to settle down for work, family reunification etc should be issued. The visa should only allow the foreigner to enter the country in order to collect the residence permit. Clearly the permit's issuance should already be decided upon AND this should be seen in the database when the visa is issued.
- ✘ Elaboration of more detailed visa categories with a spectrum of aliens who can apply for an “ordinary” visa including the fact that an invitation should not automatically lead to a granted visa;
- ✘ Establishment of new categorization for short and long term visas and transit visas;
- ✘ Establishment of procedures for issuance of visas abroad to citizens of countries that are not entitled to receive a visa at the border;
- ✘ Limiting the possibility to obtain a visa at the border upon arrival to certain categories of travellers (tourist, private visit) and only for certain nationalities.

2. *Entry and Admission (currently partly implemented by the Consular Department of the Ministry of Foreign Affairs, the Police Department of Passports and Visas and the Border Control Detachment)*

Priority areas:

- ✘ Elaboration of clear procedures for obtaining of visa for those who intend to enter for employment/ self-employment, as currently no work permit system exists;
- ✘ Clarification of entry requirements particularly when entry aims at long term stay;
- ✘ Clarification of grounds for refusal of issuance of visa and entry;

3. *Stay and Residence (currently partly implemented by the Police Department of Passports and Visas; Additionally the Ministry of Foreign Affairs registers foreign diplomats)*

Priority areas:

- ✘ Establishment of a clear categorization of residence permits;
- ✘ Clarification of requirements for residence permits based on employment (re-establish links to the Ministry of Labour and Social Issues) or self-employment (create a link to the Ministry of Trade and Economic Development);
- ✘ Introduction of a work permit (or permission) system linked to residence permits;
- ✘ Inclusion of increased details for family reunification as legal provision allowing for residence permit;
- ✘ Inclusion of religious and humanitarian activities carried out by an organisation as legal provisions allowing for residence permit;
- ✘ Issuance of a single document for stay which should also stipulate the purposes for which the respective alien is residing in Armenia;
- ✘ Establishment of procedures for detecting aliens who are residing within Armenia, including those who are overstaying.

4. *Return, readmission and expulsion (currently partly implemented by the National Security Service and the Police)*

Priority areas:

- ✘ Review the criteria for entry ban of deported aliens based on criminal record and length of illegal stay;
- ✘ Define the legal basis for detaining an illegal migrant and the procedural rules surrounding such a decision, including rules of review of the decision and appeal of the same;
- ✘ Create legislation regarding detention facilities and attached procedures for detention of irregular migrants that corresponds somewhat with the EU Acquis and international standards;
- ✘ Define clear rules for extradition and expulsion;
- ✘ Introduce a provision in the state budget for expulsion costs.

5. *Irregular Migration and Trafficking in Persons (currently partly implemented by the Police and the Prosecutor's Office)*

Priority areas:

- ✘ Applying **administrative** law for migration-related offences, including illegal border crossing (when no further criminal intent has been established) and illegal overstay;
- ✘ Introduction of a maximum length of detention (detention to be carried out in separate areas from other criminally charged offenders) for aliens illegally crossing the border and other aliens who have violated immigration rules;
- ✘ Fully implementing the Protocol on Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime.

6. *Migration Data and Statistics*

Priority areas:

- ✘ Creating the legal basis for gathering of “aggregated data” and migration data exchange between agencies taking into account issues of data protection;
- ✘ Empowering the National Statistics Service (ArmStat) to prepare timely statistics on migration flows as requested yearly by EUROSTAT;
- ✘ Creating legislation to establish a unified databank (ideally based on the BMIS) defining also the encoding process, the access process and the data protection.

7. *Institutional Framework for Migration Management (as far as it may require new legislation)*

Priority Areas:

- ✘ Identification and assignment of one key institution in the migration field – definition of its functions and responsibilities;
- ✘ Adjustment of the functions and responsibilities of other agencies dealing with migration with the ones of the central migration management coordinating body to be identified;
- ✘ Concordance with the EU Acquis on migration and established good practice of EU member states.

A.3. Administrative Structures

1. Identify and assign a single, strong coordinating agency in the field of migration (including asylum). Coordination needs to be applied to policy decisions, legislative review, implementation as well as technical support and inter-agency database complementarities.

2. This agency can be an existing institution, but with more competencies added to its mandate. This agency should have the responsibility for the extension of residence permits and residence matters, including asylum processing, but not for border control.
3. The territorial representation of this structure can be assured through the territorial branches of the Police Department of Passports and Visas, which is issuing at present the documents attesting legal residence in Armenia. However in view of Armenia's existing immigration policy, the coordinating body at central level should be preponderantly of a civilian nature though it could certainly be housed in an interior ministry type structure.
4. This institution should have, beside the competencies on legal migration, the necessary competencies for preventing and combating illegal stay of aliens. In this respect, there is a need for cooperation with the national police, which have the necessary capacity for this kind of action on the whole Armenian territory, based on the information received from the other institutions involved (NSS Border Guards, Police, etc.).
5. Setting up a closed accommodation centre for aliens in administrative detention.
6. It is highly recommended to designate an institution managing the necessary procedures for assessing if the alien should be given a work permit in Armenia according to the local employment requirements and to have clear records of work contracts concluded by aliens.

A.4. Operational Mechanisms in Migration Management

1. Identify a leading institution for the coordination of migration management implementation. Strengthen the cooperation between the institutions involved in managing migration by concluding new cooperation protocols or renewing the existing ones.
2. Create a unified migration data management system streamlining data collection, analysis and exchange between agencies involved in migration management based on a common set of migration indicators which have to be agreed and used by all institutions involved. The coordinating role in this process would likewise be assumed by the strengthened "key" migration institution.
3. Ensure that NSS Border Control Detachment has access to the records containing visas issued by the Ministry of Foreign Affairs in advance of travellers reaching the border.
4. It is recommended that the NSS Border Control Detachment and the Police, including Police DPV (OVIR), work in BMIS database and are given access to enough information in the database to manage their task. The practice of dividing border control and police DPV databases should be halted immediately as it presents a serious security risk for Armenia.
5. It is recommended that the competent institutions design a cooperation mechanism in order to establish a common procedure for detecting over-stayers. This includes the creation of a computerized IT-based tracking system and exchange mechanism between the NSS Border Control Detachment and the Police, including Police DPV (OVIR) on data concerning the pre-entry, entry, stay and exit of aliens, i.e. keeping track in one place of the entire immigration process of the foreigner.
6. Strengthen the cooperation with the main countries of origin and destination and conclude readmission agreements with them, especially with neighbouring countries.
7. In order to execute deportations (i.e. forced expulsions as opposed to administrative expulsions) there is a need for establishing a special fund for this issue (including accommodation, transport and medical care for migrants).

B. Background and justification

At the request of the Government of the Republic of Armenia (RA), the International Organization for Migration (IOM) and the Swedish Migration Board (SMB) conducted an Assessment of Migration Management in Armenia (hereinafter, “Assessment”).

The Assessment was conducted as part¹¹ of IOM Armenia “Capacity Building in Migration Management Programme: Armenia Assessment” Project (hereinafter, “Project”) funded by the Swedish Migration Board. The Project is a result of cooperation between South Caucasus and European Union within the framework of the IOM “Informed Migration – An Integrated Approach to Promoting Legal Migration through National Capacity Building and Inter-Regional Dialogue between the South Caucasus and the EU” Regional Project implemented in the three Republics of the South Caucasus under the auspices of the EU Programme for Financial and Technical Assistance to Third Countries in the Areas of Migration and Asylum (AENEAS). Thanks to the Cluster Process Meetings under the AENEAS-funded Informed Migration Project, Armenia and Sweden established a country team to increase cooperation on migration management and return.

The main purpose of the assessment was to develop recommendations for a new management structure capable of dealing more effectively with the issues and challenges facing the country in the area of migration. Additionally a preliminary review of the existing migration related legislation was also carried out. The Project assessed current policies, legislative bases, including the mandates, procedures, structures, technical capacity, and equipment.

The assessment is to be seen as a baseline study providing preliminary findings to legal and administrative aspects of migration management, and enforcement of these aspects in the Republic of Armenia, which will provide guidance for designing parts of the RA National Plan of Action for Migration and Asylum, currently requested by the EU, within the ENP¹² framework.

More specifically the project aims to assess the current set-up and functions of the state bodies involved in migration management in one way or another, namely MoFA, MLSI, Police, and Migration Agency (MA) taking into consideration the recent changes in migration legislation; review technical assistance provided to date and survey need for training and facilities. The preliminary guidelines of this assessment will be used as basis for Armenian authorities and potential donors to identify key areas for action and assistance within the sphere of migration management.

The Project entailed two missions to assess migration management in the country. The first mission took place on October 29 – November 2, 2007, and the second on January 28 – February 01, 2008. The terms of reference for the assessment missions are in Annex 2.

C. Methodology

The methodology for the assessment included consultations with senior government officials in several ministries, the National Assembly, the President Administration, briefings from senior managers in the IOM Mission in Armenia, a review of the current migration-related legislation, and an analysis of migration management structures in several countries considered to be in the forefront of good migration management practices, as well as a number of countries in the region. Members of the team contributed their own global perspectives based on extensive knowledge and

¹¹ The other part of the project was a study tour to Sweden for Armenian officials conducted in March 2008.

¹² European Neighborhood Program.

experience in the field of migration, border management and international, EU and different national migration laws.

The primary objective of this assessment is a demarcation exercise, i.e. to identify the main gaps and key areas requiring attention in the field of migration management and its legal basis in Armenia. Immigration of foreigners into Armenia was prioritized though emigration of Armenian nationals was also considered.

The Assessment Report reflects the migration management situation in Armenia as of March 2008.

In addition to the interviews and consultations in Armenia, the Project entailed a study-tour to Sweden for key personnel of RA state bodies dealing with migration matters. On top of the opportunity to evaluate comparative models of implementation and exchange experience, the study tour entailed discussions on the preliminary findings and conclusions¹³ produced by the international experts during which the agencies represented clarified any missing or incorrect information and gave comments before the presentation of the Assessment to the Armenian Government.

The schedules of interviews with members of the Government are provided in Annex 3.

C.1. Assessment team

The assessment team was comprised of:

- ✘ Mr. Pier Rossi-Longhi, Head of IOM's Technical Cooperation Centre for Europe and Central Asia. Mr Rossi-Longhi, as Team Leader, brought the European Union perspective and ten years of personal experience in EU Accession programmes concerning capacity building and migration management;
- ✘ Ms. Therése Lindström, Head of the SMB Airport and Emergency Unit, Swedish Migration Board. Ms. Lindström has experience in migration-related Twinning projects with Romania and Czech Republic, she has also provided expertise on migration-related matters in Lithuania, Ecuador and Costa Rica.
- ✘ Ms. Kristina Galstyan, Head of Project Development and Implementation Unit, IOM Mission in Armenia. Ms. Galstyan is a lawyer experienced in Armenian legislation and its functioning.

The team worked under the general direction of the IOM Head of Office in Yerevan, Ms. Ilona Ter-Minasyan, and was ably supported by IOM local staff in the Project Development and Implementation Unit and IOM Migration Resource Center.

¹³ A draft executive summary was presented.

Section II – Assessment Mission’s Findings and Recommendations

D. Current Overview of Migration Trends in Armenia

D.1. Geopolitical Situation of Armenia

The RA gained sovereignty from the former USSR in 1991. The state power in RA is administered pursuant to the Constitution and the laws based on the principle of separation of the legislative, executive and judicial branches. The President of the Republic of Armenia is the head of State. Executive power¹⁴ is exercised by RA Government, which is composed of the Prime Minister and Ministers. The single-chambered National Assembly (NA) is the supreme legislative authority of the Republic of Armenia.¹⁵

The Population of Armenia is 3,222,900¹⁶. Ninety six per cent of Armenia’s population are Armenians. Minorities living in Armenia include Yezidis, Russians, Kurds, Assyrians, Greeks, Ukrainians, Jews, Georgians, Germans, Byelorussians, Poles and others.¹⁷

Armenia is a small landlocked country with an area of 29,800 square kilometres (11,490 square miles), with limited natural resources, which relies solely on its borders with Iran and the Republic of Georgia for land access to the rest of the world. Additionally there are established, but more costly, air links. The country remains isolated from neighbouring Turkey and Azerbaijan due to the ongoing conflict over an Armenian-populated region of Nagorno-Karabakh that Azerbaijan controlled during the Soviet era.

Armenia is bordering with four countries – Georgia in the North, Azerbaijan on the East, Iran in the South and Turkey on the West. The total length of the state border is 1,728 km, including 1090 km with Azerbaijan, (this includes 802 km of Azerbaijan-proper and 288 km of Azerbaijan-Nakhijevan exclave), 265 km with the Republic of Georgia, 45 km with Iran and 328 km with Turkey.¹⁸ There are 14 border crossing control points in Armenia. The border with Azerbaijan is closed at present, as is the border with Turkey. With latter there are two (closed) border crossing control points: Margara and Akhurik. With Iran Armenia has one border crossing control point: Meghri Karchevan.

The following border crossing control points are located along the Armenian – Georgian state border: Bavra (Ninotsminda), Gogavan (Guguti), Ayrum Railroad Station (Sadakhlo Railway), Bagratashen (Sadakhlo), Provolnoie (Akhkerpi) and Jiliza. The roads from Privolnoie and Jilizia to Armenia pass through the mountainous areas and are not paved and are used randomly.

¹⁴ Based on consultations held with National Assembly (NA) factions, the President of Republic appoints the person nominated by the parliamentary majority to be Prime Minister or – where- impossible – the person nominated by the largest number of NA membership. The President of the Republic appoints and discharges members of Government on Prime Minister’s proposal. The Prime Minister is directly responsible to the President. He / she also reports to the National Assembly. The Prime Minister presides over the Cabinet.

¹⁵ The National Assembly consists of 131 deputies /75 of which are elected on the basis of proportional representation and 56 - majority representation/. The National Assembly is elected through general elections for a term of four years. Parliamentary elections were last held in 2007.

¹⁶ Data taken from the “2007 Statistical Yearbook of Armenia published by the National Statistics Service of the Republic of Armenia.” See http://www.armstat.am/Arm/StatData/Taregirq_07/TAREGIRQ_07_3.pdf.

¹⁷ Information about ethnic composition of the population from the “2001 Census” is available on <http://docs.armstat.am/census/pdfs/51.pdf>.

¹⁸ The figures reflect the length of the borders of the Armenian Soviet Socialist Republic, not counting the territories de facto under Armenian control now.

Other border crossing control points include Yerevan Zvartnots International Airport, Yerevan Erebuni Airport, Giumri Airport, Stepanavan Airport and Gavar Airport.¹⁹

Border guards subject to the National Security Service patrol Armenia's borders with Georgia and Azerbaijan, while Russian Border Guards continue to monitor its borders with Iran and Turkey.

Tensions were high between Armenians and Azerbaijanis during the final years of the Soviet Union. The Nagorno-Karabakh conflict dominated the region's politics throughout the 1990-s. The border between the two countries remains closed up to this day, and a permanent solution for the conflict has not been reached despite the mediation provided by international bodies.

Turkey has a long history of poor relations with Armenia over the countries' diverging opinions on the Armenian Genocide of 1915. The Nagorno-Karabakh conflict was the apparent reason for Turkey to close its border with Armenia in 1993.

D.2. Migration Trends

Emigration from Armenia stretches back decades as various waves of Armenians have left for political and economic reasons. Sociologist Rogers Brubaker calls the Armenian Diaspora, with its central notion of a conceptual homeland, one of the "classic" diasporas.

Many Armenian Diaspora communities emerged in the beginning of the 20th century after the Genocide of Armenians in Turkey and mass deportations of Armenians from the Ottoman Empire and Turkey.

Armenia's Ministry of Foreign Affairs states that about 60 per cent of an estimated eight million Armenians today live outside of the country's borders, with large clusters in Russia and the United States, and smaller numbers across former Soviet Union countries, Europe, and Latin America.²⁰

The diasporas resulting from historic waves of emigration had perhaps a stronger link with Armenia, with the exception of those originating from lost territories, who do not see modern Armenia as their real homeland. Modern diasporas (economic migrants of the last two decades), and second-generation Armenian migrants are rather cosmopolitan. This Diaspora is both attracted and repelled by the motherland. Emotional, personal and institutional ties with the former homeland exist, but such ties can be very selective and irregular. The Diaspora tends to feel a dual nationality: the Armenian and the host country's. But all in all, to a different extent, the Armenian Diasporas continue their active participation in the political and economic life of their former homeland.

In today's Armenia the phenomenon of migration is closely linked with the lack of job opportunities in the Armenian labour market, which drives many Armenians to look for work elsewhere. Both governmental sources and independent researchers estimate that since 1991 800,000 to 1,000,000 people have migrated from Armenia, either legally or irregularly. The official unemployment rate in the Republic of Armenia is 7.5 per cent,²¹ though other estimates bring this up to over 30 per cent. The average number of officially registered unemployed is 88,900 with

¹⁹ The border crossing control points are decided by the Decision of the Prime Minister of RA # 298 of November 22, 1995 "On Measures Ensuring the Implementation of the RA Law on State Border."

²⁰ See Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, "Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia" Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>

²¹ In Armenia unemployment rate is calculated as ratio of the number of unemployed to the number of economically active population per percent. See "2007 Statistical Yearbook of Armenia", Part on Employment, published by the National Statistics Service of the Republic of Armenia, electronically available on http://www.armstat.am/Arm/StatData/Taregirq_07/TAREGIRQ_07_4.pdf. The Same Yearbook mentions that the unemployment rate by ILO methodology, calculated according to the data on labour force samples carried out by the National Statistics Service in households, is 27.8per cent.

average age of 41.1 (65.2 per cent of the unemployed registered with the state are at the age between 31 and 50).²² 13.8 per cent out of the unemployed have university education, and 81.5 per cent have either college or secondary school education.²³

Nevertheless according to the data of the Migration Agency (under the Ministry of Territorial Administration of the Republic of Armenia), the balance among the number of people leaving the country and that of people returning to Armenia has become positive since 2004.²⁴ According to the Demographic Handbook of Armenia for 2006 published by the National Statistics Service of the Republic of Armenia²⁵, net migration has decreased from -10.4 thousand in 2000 to -7.8 thousand in 2005.

Over the last three 5 year periods the Net Migration rate for Armenia shows improvement: -6.6 for the period of 2000 to 2005; it used to be -14.3 for the period of 1995 to 2000 and -29.5 for 1990 to 1995.²⁶

Migration affects young people in Armenia also. Though most of the young people are receiving higher education at home,²⁷ very many get educated abroad, the combination of graduates and the unemployment rate shows that there is a supply of highly qualified people available today in Armenia, but which is unable to find employment at home and therefore must seek for opportunities abroad.

In addition to the lack of jobs in Armenia, the country has persistently high poverty levels. Based on the data from the annual regions survey by National Statistics Service (ArmStat), 26.5 per cent of the total population, on average, was poor at the end of 2006, down from 34.6 per cent in 2004 and 29.8 per cent in 2005. Poverty estimates are based on consumption patterns and account for basic food and shelter provisions, which averaged around 21,555 Armenian drams in 2006 (USD 52 using the 2006 exchange rate) according to the National Statistics Service (ArmStat) 2007 Social Snapshot and Poverty in Armenia report²⁸.

Labour migration, both temporary and permanent, has been and continues to be a means of coping with poverty and limited job prospects at home. In addition to foreign aid and large one-time investment projects, such as construction projects that Armenia's Diaspora has financed, labour migrants' remittances have become an important source of income. However, the country's dependence on remittances has raised concerns.

²² Data for 2006; taken from the “Statistical Yearbook of Armenia 2007;” available on http://www.armstat.am/Arm/StatData/Taregirq_07/TAREGIRQ_07_4.pdf.

²³ Ibidem.

²⁴ See <http://www.dmr.am/ADMR/IRAVIJAK/2004.htm>

²⁵ Available on http://www.armstat.am/Arm/Publications/2006/Demos_06/indexeng.html

²⁶ Net migration rate is the difference of immigrants and emigrants of an area in a period of time, divided (usually) per 1,000 inhabitants (considered on midterm population). Source of the figures: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2006 Revision and World Urbanization Prospects: The 2005 Revision, available on <http://esa.un.org/unpp>.

²⁷ According to World Bank, the Adult literacy rate in Armenia is 99.4 per cent. See <http://devdata.worldbank.org/edstats/SummaryEducationProfiles/CountryData/GetShowData.asp?sCtry=ARM,Armenia>. According to the “2005 Armenia Demographic and Health Survey” (December 2006), high school attendance ration is 91 per cent for urban areas and 87.5 per cent for rural areas.

²⁸ See “Social Snapshot and Poverty in Armenia. Statistical Analytical Report based on the Results of the 2006 Integrated Living Conditions Survey of Households,” (National Statistics Service with the World Bank, 2007), as referred to in Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia” Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>

D.2.1. Immigration (including Refugees)

Irregular immigration

At the border between Europe and Asia, Armenia used to be traditionally a country of origin of migrants as well as country of transit. MoFA sources maintain that strengthening the visa regulations has helped to close channels for illegal migrants²⁹, but it remains unclear how much Armenia may still be a transit zone and indeed a (new) destination, in fact it remains unclear to the experts how reducing the number of countries who may not receive visas at the border would indeed improve security and reduce irregular migration. In correlation to this, Armenia has recently for the first time achieved a positive balance of entry vs. exit, i.e. the net migration figures mentioned above, and may therefore be in a transition phase out of being solely an origin country³⁰. The measurement of irregular migration to and through Armenia is not really quantifiable with the data currently available, which only gives the numbers of persons caught irregularly crossing the borders of Armenia. It is not really possible to estimate how many persons would be crossing the borders irregularly without being caught. Additionally there is no data to confirm how many migrants, after legally entering Armenia, become irregular through over-stay or other breaches of immigration regulations. However, due to the rather liberal entry conditions to Armenia favoured by the current policy which grants visas and residence permits fairly easily, the experts believe that many migrants enter legally but with an irregular intent of anyway utilising Armenia only as a transit route to other destinations. In fact currently becoming irregular in Armenia could be imaginable only on the basis of refusal of entry followed by illegal border crossing. However, due to the fact that visa and later residence are rather easy to obtain the number of irregulars on the Armenian territory is probably limited, if one excludes CIS citizens, who do not declare themselves after passing three months of stay in the country and are happy just to pay a fine at the moment of exit. Non CIS citizens would also probably not risk an over-stay since obtaining a residence permit is, as already stated, a fairly simple procedure with very few requirements, suffice it to say that the application form for requesting residency status does not even ask for the reason behind the residence request (i.e. work, study, marriage, health and many others)³¹. Again it remains unclear how many of these foreign residents including students are in Armenia for the purposes declared and indeed with intent to stay in Armenia at least for the completion of their declared activity including study. Private university registration in particular may have flaws. Generally the lack of a control and tracking mechanism once inside the country is the underlying problem, i.e. irregular migration is not just a border issue.

Residents

According to data from the RA Police, in 2007 a total of 6,155 foreigners received residence status in Armenia. Among these 30 received permanent residence status, 2,115 received special residence; 142 received ordinary residence status; and 3,868 received temporary residence status, including 2,734 students studying at Armenian universities. In January and February 2008 a total of 675 foreigners received residence status in Armenia. Among these nine have received permanent residence status, 353 have received special residence; 142 have received ordinary residence status; and 313 have received temporary residence status, including 179 students studying at Armenian universities. In 2007, fifty-three criminal cases were charged using Article 329 of the Criminal Code (Illegal state border crossing), however it remains unclear as to where these people would be actually kept after the sentence³². Generally a specialized institution for irregular migrants only does

²⁹ maintained by MoFA sources who claim that all channels are closed since 2005 as risk groups can no longer apply at the border (India, China, Cameroon, Ghana, Egypt, Bangladesh).

³⁰ Though the previous figures do not seem to take into account repeated entry of the same person (BMIS would record total entries) and therefore may be flawed

³¹ Police DPV sources maintain that this info is obtained verbally during the interview process

³² The Ministry of Justice Penitentiary Department was not aware of these cases though. The MoJ informed the Assessment Team that in general there are very few foreigners in the prisons, and among these foreign citizens (from Russia, Georgia, Cyprus, Iran) there are many of those with Armenian origin. Foreign citizens are kept in Vardashen

not exist. In 2007, four criminal cases were charged under Article 132 (trafficking) and four cases under Article 132¹ (Trafficking); one criminal case was charged under Article 261 (Involvement into prostitution) and 25 cases under Article 262 (Maintaining dens of prostitution or pimping). In 2007 143 persons have become victims of trafficking and sexual exploitation, 32 out of these were exploited in UAE, 34 in Turkey (including two victims of labour trafficking). 77 people were exploited in Armenia, three out of these are citizens of Russian Federation.

It should be mentioned that in 2007 sixteen people were transported to UAE via the territory of the Russian Federation, and 29 people via the territory of the Republic of Georgia.³³

Students

According to the 2007 Statistical Yearbook of Armenia, from among 4,239 foreign students in Armenian higher education establishments, 1,175 were from Iran, 1,096 from Georgia, 828 from Russia, 562 from India and 311 from Syria.³⁴ Among these students (especially those from the Republic of Georgia or Russian Federation) many are of Armenian ethnic origin. For 2005 the picture was the following: out of a total of 4,224 foreign students 1,116 were from Iran, 1,122 from Georgia, 680 from Russia, 611 from India and 423 from Syria. In the previous year, in 2004, out of a total of 3,778 foreign students 734 were from Iran, 1,117 from Georgia, 477 from Russia, 536 from India and 624 from Syria.³⁵ It would be interesting to further evaluate how many of these foreign students who sign up for academic courses proceed with completion of their degree. Though there seems to be few reports of “disappearing” students.

Refugees

The Armenian government faces several issues, which hold implications for the management of migration flows across Armenia’s international borders and the stay of foreigners in the country. Since the proclamation of its independence, Armenia has faced a number of waves of migration. Large migration movements arose when the former USSR dismantled and the NIS countries were formed. Population movements originated also after the devastating earthquake of 1988, when about 200,000 victims were evacuated from Armenia. The conflict over Nagorno Karabakh led to 420,000 (360,000 out of these fled from Azerbaijan) refugees as well as 72,000 internally displaced persons, left without shelter as a result of bombing of the Armenian settlements neighbouring with the border of Azerbaijan, and inhabitants from those areas taking refuge in Armenia.³⁶

Armenia’s geographic position in a region, which faces possible instability, has created an imminent threat of flows of refugees and displaced persons across its borders. According to the UNHCR’s Global Report 2006³⁷, Armenia is the second top host country with the largest number of refugees per capita (38 refugees per 1,000 inhabitants) after Jordan. According to the 2005 UNHCR Statistical Yearbook, there were 219,550 refugees and 70 asylum seekers in 2005. 219,324 out of these refugees were from Azerbaijan and 218 from Iraq. There were 140

detention centre, where also those Armenian state officials who are accused of crimes are kept. Foreign citizens, once detained or arrested, enjoy the same rights as the Armenian citizens: legal, social, psychological, medical consultations; short-term or long-term visitations (which are arranged through the Embassies). Transfer of foreign citizens who are accused of a crime in Armenia is being done based on joint agreements, either through the Office of Public Prosecutor, like for Russian Federation, or Ministries of Justice, for most of the other countries.

³³ Source RA Office of Public Prosecutor General.

³⁴ “2007 Statistical Yearbook of Armenia published by the National Statistics Service of the Republic of Armenia.” See http://www.armstat.am/Arm/StatData/Taregirq_07/TAREGIRQ_07_6.pdf, page 115.

³⁵ *ibidem*.

³⁶ See Yeganyan, Gagik, “*Migration Situation in Armenia: Challenges and Solutions*,” in Rios, Roger Rodríguez (ed.), “Migration Perspectives. Eastern Europe and Central Asia. Planning and managing Labour Migration,” IOM, 2006, pp. 17 – 25.

³⁷ See “UNHCR Global Report 2006,” Part 1. UNHCR: An Overview, page 59. Available on <http://www.unhcr.org/gr06/index.html>; <http://www.unhcr.org/publ/PUBL/4666d25b0.pdf>.

applications filed to seek asylum in 2005 (all by people from Iraq).³⁸ In the wake of the Lebanon crisis, over 500 ethnic Armenians from the Middle East sought refuge in Armenia in 2006.³⁹

According to data from the Migration Agency,⁴⁰ 360,000 persons deported from Azerbaijan have received the status of a refugee during 1988 to 1992. From among these refugees more than 80,000 have become citizens of the RA. In addition 22 persons from Sudan, Somalia, Iraq, Iran, Turkey, and Azerbaijan have also been granted refugee status.

The ensuing problems that refugees from Azerbaijan face in Armenia are housing, and occupation. In December 2000 the Law “On the legal and socio-economic guarantees for the persons who had been forcibly displaced from the Republic of Azerbaijan in 1988 to 1992 and have acquired the citizenship of the Republic of Armenia” was adopted. However, it is unclear whether the application of this law has in any way improved the refugee’s daily situation.

Aside from refugees from Azerbaijan other people started seeking asylum in Armenia as of 1993. According to data from the RA Migration Agency, annually around 30 applications are filed with the MA for asylum. Mainly the applications are from Afghanistan, Iraq, Islamic Republic of Iran, Pakistan, African countries, etc.⁴¹ These people leave their countries mainly due to social and economic hardships, and mostly use Armenia as transit to Europe. Out of 140 asylum seekers, eight have been granted a status of a refugee: including five from Iraq, two from Somalia, and one from Sudan.

As of March 2008 a total of 1,396 individuals have sought asylum in Armenia. Out of these 147 have applied for refugee status (from Sudan, Somalia, Iraq, Iran, Turkey, Azerbaijan), and 1249 individuals from Iraq, Lebanon, Cuba, Pakistan, Chechnya, Abkhazia have applied for temporary asylum. There has been no application for political asylum in Armenia as of March 2008.⁴²

In Armenia a special accommodation centre has been created for asylum seekers, where they are placed upon entering RA. The asylum seekers are hosted there in temporary shelters until decisions on their cases are made. In this period they pass a mandatory medical examination, document checks, they receive a “certificate of asylum seeker” (green card), a lump-sum monetary subsidy; they have a right to freely move within RA Territory and select a place of residence, they can use free-of-charge legal and translation services.

During the year of 2007 a procedure has been established for granting asylum, which also includes a non-penalization of illegal entry of an asylum seeker. The actual entry of an asylum seeker to Armenia and the process of seeking asylum already at the border has however proven difficult, mainly due to inexperienced border officials with little training on asylum procedure, whom have often refused them entry without informing either the government or the UNHCR⁴³.

D.2.2. Labour Emigration

Internal labour migration is significant, though largely unmonitored. Labour out-migration continues and there is a substantial Diaspora of Armenians in many countries of Europe and the former Soviet Union, primarily Russia. Many households in Armenia are heavily dependent on remittance flows. Despite an abundance of anecdotal information, the understanding of the

³⁸ See <http://www.unhcr.org/statistics/STATISTICS/4641835e0.pdf>.

³⁹ See “UNHCR Global Report 2006,” Part on Eastern Europe, page 413, available on <http://www.unhcr.org/home/PUBL/4666d24e11.pdf>.

⁴⁰ Source Migration Agency at the Ministry of Territorial Administration, March 12, 2008.

⁴¹ See <http://www.dmr.am/HIMNAX~1/Paxsta~1.htm> (in the Armenian language only).

⁴² Source Migration Agency at the Ministry of Territorial Administration, March 12, 2008.

⁴³ See Country Reports on Human Rights Practices (2007) Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008. Available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100546.htm>

administration of economic aspects of labour migration and the issues of remittances and migration and development are low.

Temporary labour migration continues to bear a considerable impact on the migration situation in the Republic of Armenia. As a rule, both of its components (short-term seasonal labour migration and long-term or indefinite periods of labour migration) are not regulated and flow chaotically in violation of the immigration and labour laws of destination countries, resulting in rather difficult problems, including social, economic, moral, psychological, legal, and political ones.⁴⁴

Official data on Armenian citizens leaving for jobs abroad is not available since the information system for registration of migration flows is not in place yet. Therefore quantitative and qualitative description of labour migration from Armenia is mostly based on various surveys. According to recent study by Advanced Social Technologies NGO,⁴⁵ in 2005 to 2006, 3.0 to 3.8 per cent of Armenia's population or 96000 – 122000 people were involved in labour migration processes. 92.9 per cent of the labour migrants went to Russian Federation, 1.8 per cent sought opportunities in USA, 1.6 per cent in Ukraine, 1.1 per cent in Spain, 0.9 per cent in Kazakhstan, 0.7 per cent in France, 0.4 per cent in Greece, 0.2 per cent in Austria, 0.2 per cent in Georgia and 0.2 per cent in Sudan.

According to data from the IOM Armenia Migration Resource Center (MRC), 27.97 per cent of the potential migrants seeking advice at the MRC, state that they would prefer to migrate to Russia; 11.90 per cent prefer to migrate to the United States; 33.61 per cent prefer to migrate to Europe (including 8.77 per cent to France, 5.22 to Germany and 5.01 to Spain).⁴⁶

According to data of the Russian Federation's Federal Service of State Statistics, In 2000 from a total of 359,330 immigrants to Russia, 15,951 were from Armenia, in 2001 the number of immigrants from Armenia was 5,814 among a total of 193450 immigrants, in 2002 their number was 6,802 among a total of 184,612 immigrants; in 2003 – 5,124 from among a total of 129144 immigrants; in 2004 – 3,057 from among a total of 119,157 immigrants; in 2005 – 7,581 from among a total of 177,230 immigrants; and in 2006 – 12,949 from among a total of 186,380 immigrants to Russia.⁴⁷

According to the data from the Russian Federal Migration Service on legal external labour migration in 2005 – 2006, in 2005 there were 26100 citizens of Armenia working legally in the Russian Federation, and in 2006 their number was 39,800. 56.6 per cent out of these 39,800 people were working in construction, 11.5 per cent in recycling productions and mining, 10.4 per cent in trade services, 4.9 per cent in transportation and communications, 1.8 per cent in agriculture.

According to a 2003 study by Armenia 2020 Project⁴⁸, it was found that approximately 70 per cent of all migrants, based on sample data collected in 2001, leave for countries of the Commonwealth of Independent States (CIS), particularly Russia and Ukraine. Of this sample, roughly 50 per cent of migrants can be classified as temporary labour migrants whose goal is to find a temporary job abroad in order to support their families in Armenia. The rest, approximately one-third of all

⁴⁴ See "Republic of Armenia Concept Paper on State Regulation of Population Migration" adopted as Appendix to the RA Government Session Record Decision # 24 dated June 25, 2004, Section 1 Overview of the Migration Situation.

⁴⁵ Labour Migration from Armenia in 2002-2005: A Sociological Survey of Households (Yerevan 2005). Available at <http://www.osce.org/item/18193.html?ch=531>.

⁴⁶ Source IOM Armenia Migration Resource Center.

⁴⁷ See Russian Statistical Yearbook 2007, Section 4.31 International Migration, available on http://www.gks.ru/bgd/regl/b07_13/IssWWW.exe/Stg/d01/04-31.htm.

⁴⁸ Armenia 2020 is a scenario-building initiative that focuses on the identification of alternative development models for the Republic of Armenia until the year 2020 and the elaboration of development scenarios for the country. Among other research pieces, it commissioned a research on How to reverse emigration – Yeghiazarian, Armen, Avanesian, Vahram, Shahnazaryan, Nelson and America Company, "How to Reverse Emigration?" 2003, available on <http://www.armenia2020.org/index.php/en/activities/researches/16>.

Armenian migrants who did not go to a CIS country, emigrated to either Europe or the United States.⁴⁹

Out of all migrants, men generally leave the country first, and women join them later. According to official ArmStat statistics, the number of women leaving the country due to lack of work is half that of men; about six times the number of women as men tend to reunify with their families.

ArmStat estimates indicate that most emigrants come from Yerevan, Armenia's capital (24 per cent average over 2003 – 2006), the most populous part of the country. They also come from remote and less developed northern regions (Lori, Shirak, and Tavush) bordering the Republic of Georgia although poverty rates are higher elsewhere.

Data from various government surveys indicate that approximately 20,000 Armenians leave the country each year, primarily for economic reasons. The 2007 ArmStat labour migration survey⁵⁰ puts the share of current migrants – those who have engaged in migration over the last 17 years and were working abroad at the time of the survey – at 7.2 to 8.5 per cent of the total population, or approximately 253,000 people. These results, however, do not account for prevalent short-term seasonal absences.⁵¹

Armenians in Europe and the United States generally migrate with families (together or with the rest of the family later joining the breadwinner) in order to establish a permanent residence abroad, the Armenia 2020 report found. The US Department of Homeland Security reports that the number of Armenians obtaining permanent residents status each year has doubled since 1997, reaching 6,317 in 2006.⁵²

Almost 70 per cent of these migrants coming in to the United States permanently are refugees and asylum seekers, and 15 per cent reunite with their immediate relatives who are US citizens; those entering on employment and other visas make up the remainder. However, anecdotal evidence suggests that, although the stated motive is fleeing persecution, a good number of Armenians seeking asylum may be in fact economic migrants seeking better employment opportunities to provide for their families back home.

According to the most recent ArmStat results and data collected by Advanced Social Technologies NGO with OSCE, those with fewer skills who migrate temporarily overwhelmingly go to other former Soviet Union countries, namely Russia, Ukraine, and Kazakhstan, which already host ethnic Armenian populations. Migrants' primary occupations range from construction jobs and street market positions to taxi and bus drivers.⁵³

Russia's booming economy has persistently attracted a greater portion (84.2 per cent) of Armenia's migrants, as evidenced in the recent ArmStat labour migration study.⁵⁴ Although the exact estimate may be disputed, according to the Eurasia Partnership Foundation, about 90 per cent of Armenian migrants work in Russia illegally despite Russia's significant, recent efforts to simplify registration

⁴⁹ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, "Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia" Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

⁵⁰ "Labour Migration in Armenia: the Results of a Pilot Sample Survey." 2007. See http://www.armstat.am/Eng/Publications/2007/Mig_rep_07e/Mig_rep_07e.pdf.

⁵¹ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, "Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia" Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

⁵² http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2006/OIS_2006_Yearbook.pdf.

⁵³ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, "Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia," Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

⁵⁴ "Labour Migration in Armenia: the Results of a Pilot Sample Survey." 2007. See http://www.armstat.am/Eng/Publications/2007/Mig_rep_07e/Mig_rep_07e.pdf.

rules. Increasing cooperation between the Armenian authorities and the Russian Federal Migration Services may go some way to alleviate these problems.⁵⁵

Flow data from the Russian Federation's statistical agency corroborate these findings.⁵⁶ While Armenians make up only a fraction of all immigrants from CIS countries, they form the fifth-largest group of labour migrants in Russia. Available data indicate that 2007 marks a high point for the flow of Armenians to Russia since 1997.⁵⁷

In addition to the strength of the Russian economy, Russia is an attractive destination for Armenians for a number of reasons. First, Armenians can travel to Russia without a visa (and vice versa). Second, its geographical proximity allows migrant workers to travel back and forth easily. Third, most Armenians speak Russian fluently and share a common cultural and educational background with Russians. Fourth, highly integrated within Russian society, the Armenian Diaspora in Russia, descended from Armenians who settled there generations ago, often employs new migrants in various business activities that the Diaspora members own and operate. Finally, thanks to established financial and economic channels, it is relatively easy to transfer earnings from Russia to Armenia.⁵⁸

Labour agencies in Armenia, particularly their licensing and regulations remain a concern as often their activities are un-clear and benefits to their clients questionable, though of course there are among these some agencies, which work transparently and have given very positive results.

Another area of particular concern is the “brain drain” to developed countries, i.e. emigration of highly qualified, competent, and internationally competitive experts, is continuing. It has been weakening the scientific, creative, and economic potential of the country.⁵⁹ Computer scientists are among the highest ranks of “leavers”. According to a World Bank Paper, in the USA there were a total of 44,380 immigrants from Armenia in 2000; 17,975 out of which had secondary education, and 22,590 tertiary (highest) education, meaning that half of Armenian migrants to the US may be highly qualified.⁶⁰

Remittances

The Diaspora's remittances are crucial for Armenia's economy. According to the Central Bank of Armenia,⁶¹ remittances from the Diaspora are 20 per cent of GDP, but in fact the presence of many informal money transfer channels probably makes the real percentage two to three times the Bank's estimate. These remittances insulate many families (about 40 per cent) from abject poverty.

Most remittances to Armenia (70 per cent) are sent from Russia. According to the International Monetary Fund, Armenians mainly send remittances in USD (90 per cent) and through banks (from 55 to 85 per cent; 60 per cent according to a 2007 survey).⁶²

⁵⁵ http://www.epfound.am/index.php?article_id=46&clang=0.

⁵⁶ See Russian Statistical Yearbook 2007, Section 4.31 International Migration, available on http://www.gks.ru/bgd/regl/b07_13/IssWWW.exe/Stg/d01/04-31.htm.

⁵⁷ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia,” Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

⁵⁸ *ibidem*.

⁵⁹ See “Republic of Armenia Concept Paper on State Regulation of Population Migration” adopted as Appendix to the RA Government Session Record Decision # 24 dated June 25, 2004, Section 1 Overview of the Migration Situation.

⁶⁰ See Adams, Jr., Richard H., “International Migration, Remittances, and the Brain Drain. A Study of 24 Labor-Exporting Countries”, World Bank Policy Research Working Paper, June 2003. Available on http://www-wds.worldbank.org/external/default/WDSContentServer/WDS/IB/2003/07/08/000094946_03062104301450/Rendered/PDF/multi0page.pdf.

⁶¹ “Analytical Study Based on the Survey on Money Transfers Received From Abroad by the Households in Armenia in 2005”. Central Bank of Armenia.

⁶² See “The Republic of Armenia Migration Profile,” IOM (January 2008).

According to the Armenian Statistical Service “the presence of migrant members increased household welfare, indicating the importance of remittances in improving households’ standard of living. In 2006, households whose members migrated out of Armenia (for work) had a nine per cent higher consumption, on average, than those with no migrating members. In addition, households with migrant members who have returned from abroad during the last 12 months prior to the survey recorded higher consumption levels than those with no migrants.”⁶³

The International Labour Organization (ILO) data from 2003 suggest that transfers – broken down into remittances (largest component), social security benefits, and other transfers – make up 22 per cent of the average household income. Approximately 47 per cent of income is derived from either paid or self-employment.⁶⁴

The 2007 World Bank report indicates that a rising number of households in Armenia receive remittances. For these households, remittances account for up to 50 per cent of their monetary income. The World Bank report indicates that these funds are used primarily on current consumption, i.e., providing for basic household needs, health care, and, in some cases, even luxury items, with little going into investment. Although recipients save some portion of remittances, there is no precise, reliable data on the amounts saved.⁶⁵

According to the ArmStat labour migration survey,⁶⁶ most remittances are sent to families that have at least one migrant worker abroad.

According to a research on temporary labour migration to Russia, in many cases, especially in the 1990s, increased remittances were also associated with higher emigration rates as families saved money to join the breadwinner abroad.⁶⁷

Poverty levels have slightly decreased in Armenia over the last three to four years according to ArmStat data. Whether this trend is directly related to the impact of remittances is not clear although the World Bank report mentions that external remittances play a complementary role in improving incomes of poor households.

One strong contender for the poverty decrease: growth in private, state employment and other income shares as indicated in the ArmStat 2007 report "Social Snapshot and Poverty in Armenia."⁶⁸ In addition, the government has cooperated with development agencies to consistently implement various poverty-reduction strategies, such as expanding provision of basic health care, education, and other public services, according to the World Bank.⁶⁹

⁶³ See “Social Snapshot and Poverty in Armenia. Statistical Analytical Report based on the Results of the 2006 Integrated Living Conditions Survey of Households,” (National Statistics Service with the World Bank, 2007), Part 1 - Armenia: Economic growth, poverty, and labour market in 2004-2006, Chapter 4, page 41.

⁶⁴ As cited in Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia,” Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

⁶⁵ Mansoor, Ali and Bryce Quillin (eds.), “Migration and Remittances. Eastern Europe and the Former Soviet Union” World Bank 2007. Available on http://siteresources.worldbank.org/INTECA/Resources/257896-1167856389505/Migration_FullReport.pdf.

⁶⁶ “Labour Migration in Armenia: the Results of a Pilot Sample Survey.” 2007. See http://www.armstat.am/Eng/Publications/2007/Mig_rep_07e/Mig_rep_07e.pdf.

⁶⁷ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia,” Migration Policy Institute March 2008. Available on [Managed Temporary Labour Migration: Case of Armenia and Russia](http://www.iet.ru/ru/managed-temporary-labor-migration-case-of-armenia-and-russia.html),” The Institute for the Economy in Transition, 2006. Available on <http://www.iet.ru/ru/managed-temporary-labor-migration-case-of-armenia-and-russia.html>.

⁶⁸ “Social Snapshot and Poverty in Armenia. Statistical Analytical Report based on the Results of the 2006 Integrated Living Conditions Survey of Households,” (National Statistics Service with the World Bank, 2007).

⁶⁹ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labor Migration and Remittances the Norm in Post-Soviet Armenia,” Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

Return of Diaspora

A more recent phenomenon has been return migration of Armenians who left between 1990 and 2006. ArmStat estimates the return migration to be in the range of 8.4 to 9.8 per cent of the total population, or about 300,000 people.⁷⁰

According to a recent study by the National Statistics Service, among those surveyed the highest share of population was recorded for the age group 20 to 29 years, which was 22.8 per cent, (52.1 per cent male and 47.9 per cent female)⁷¹. The young population, aged 16 to 24 and 16 to 30, made up 7.1 per cent and 17.5 per cent, while the elderly (65 years and over) comprised 10.1 per cent of the return migrant population.

Reported return migration is encouraging and may continue to rise as Armenia's economy grows. Translating all these associated labour and income movements into economic and social benefits is bound to remain high on Armenia's agenda in the coming years.

D.3. Existing challenges caused by current Migration Trends

Migration influences not only the economy of a country, but also addresses matters of security and politics. Migration has an impact on all countries and all citizens. It is important to see and focus on the positive effects of Migration and the general notion that the world economy benefits from free movement. Freedom of movement is a source for development not only for the individual, but for society. It is however equally important not to forget that freedom of movement is a matter of national and international security and must be addressed accordingly. In this respect, understanding the migration trends of a region and country is of importance for any community.

The available statistics and information show that the character of migration trends in Armenia is changing. One example is the interest in Armenia as a provider of education, where students from other countries choose Armenia in pursuit of higher education. It is however alarming that Armenian citizens, with higher education, are not able to receive qualified work after they have finished their education. In this lies a complicated balance of supporting and encouraging immigration to Armenia, but at the same time try to promote that Armenia's own nationals stay in Armenia and therefore mitigate the phenomenon of brain-drain.

Due to the instability in the region, Armenia could also face a continued increase of refugees and asylum seekers. The migration trend in this regard is always very hard to predict and could have a huge impact of the number of persons arriving to the country with the intention of settling down. The refugees and asylum seekers are also a very vulnerable group when they arrive, often with little financial means and with no social support. This migration trend must be carefully monitored and there must be a functioning system at a national level that can address and cope with any changes in the region, so that the Government is prepared for an sudden increase of refugees.

⁷⁰ Ibidem.

⁷¹ “Labour Migration in Armenia: the Results of a Pilot Sample Survey.” 2007. See http://www.armstat.am/Eng/Publications/2007/Mig_rep_07e/Mig_rep_07e.pdf.

E. Migration Policy

Recent developments

A short desk study shows that in 2004 the Armenian Department for Migration and Refugees (the predecessor the Migration Agency) adopted a “Concept Paper on State Regulation of Population Migration”⁷². The Concept Paper is a set of positions, objectives, and solutions contemplated by public administration agencies of the Republic of Armenia in order to ensure the development of the migration process in preferred and manageable directions in the short run as well as in the longer perspective. It sets as the goals of the state regulation of migration “ensuring the development of the demographic situation and the population number in line with national security and sustainable human development principles, and enforcing the principles laid down in international documents regarding respect for human rights and interests in the migration process.”⁷³ The priorities of state regulation of migration in RA include the following:⁷⁴

- (1) Manageability of emigration and immigration from and to the RA. In particular: improved border management through clear distinction between bodies involved in border management; unification of the activities of customs and passport and visa departments; and creation of an automated system to take fingerprints.
- (2) Integration of RA with the international labour market; in particular legislative regulation and targeted state supervision of labour emigration; state protection of the rights and lawful interests of labour emigrants through creation of bilateral treaties; as well as encouraging the repatriation of Armenian labour migrants.
- (3) Preventing the emergence of illegal migration from RA and supporting the return and reintegration of Armenian citizens illegally staying abroad through public awareness campaigns; conclusion of readmission treaties; criminalising smuggling by Armenian legislation.
- (4) Preventing smuggling and trafficking of humans and developing victim protection arrangements through public awareness campaigns, social, psychological, and health rehabilitation programmes; cooperation with law-enforcement bodies.
- (5) Improvement of the system of protection to foreign citizens and stateless persons in Armenia on humanitarian grounds, in particular, creating conditions to support the integration (such as state assistance programmes) of refugees and forced migrants who have established long-term residence in RA, including refugees forced out of Azerbaijan during the period from 1988 to 1992.
- (6) Constructive relations with old and new Diaspora communities, and developing and implementing measures to encourage repatriation.
- (7) Developing and implementing measures to predict possible massive flows of forced migrants towards Armenia and preventing such flows of ethnic Armenians through creation of early warning and prediction system for possible massive flows; cooperation with other countries to prevent conflicts that result in massive migration flows; development of a

⁷² “Republic of Armenia Concept Paper on State Regulation of Population Migration” adopted as Appendix to the RA Government Session Record Decision # 24 dated June 25, 2004, which replaced the former “Republic of Armenia Concept Paper on State Regulation of Population Migration”.

⁷³ See “Republic of Armenia Concept Paper on State Regulation of Population Migration” adopted as Appendix to the RA Government Session Record Decision # 24 dated June 25, 2004, Section 2 Goals and Principles of State Regulation of Migration in the Republic of Armenia.

⁷⁴ See “Republic of Armenia Concept Paper on State Regulation of Population Migration” adopted as Appendix to the RA Government Session Record Decision # 24 dated June 25, 2004, Section 3 Priorities of State Regulation of Migration in the Republic of Armenia and Measures to Achieve Them.

comprehensive national programme to prevent the negative consequences of extraordinary migration, including national capacity building and the creation of a nationwide migration management system.

- (8) Creation of a database providing information for monitoring and analysis of the migration situation in Armenia through creation of a system tracking border crossing statistics; development of an administrative register on the migration process; creation of a nationwide system to register Armenian companies and branches and representative offices of foreign companies engaged in job placement of Armenian citizens abroad, or organizing international tourism, or recruiting and employing foreign labour force; creation of a system to account for foreign citizens and labour migrants in RA; and ultimately creation of a consolidated database on migration flows.
- (9) Guiding the internal migration process in line with the national security and sustainable development needs of RA through encouraging resettlement in borderline areas and other strategically important parts of the country; programmes to facilitate the return of individuals displaced from borderline areas to their former places of residence.
- (10) Developing public opinion favouring efficient implementation of a policy of state regulation of migration in RA.

Following the above the “Government Programme for 2007”⁷⁵ addresses the issues of migration and Diaspora in Sections 4.4.7 “Diaspora” and 4.4.8 “Migration.” In particular, the Government will continue the process of integration of refugees. The Programme emphasizes the process of establishing a uniform system of registration of movement directions and numbers of the population. Another priority is “the civilized integration of the Republic of Armenia into international labour markets.” Legislative regulation of labour emigration and issues of protection of emigrants’ rights, on the one hand, and the conformity with international standards of the system of protection of foreign citizens and persons without citizenship, on the other hand, are prioritized also.

The European Union has prioritized cooperation with South Caucasus on regulating the issues of migration. Thus, the “European Neighbourhood Policy Action Plan for Armenia” under its General Objectives and Actions mentions Migration issues (legal and illegal migration, readmission, visa, asylum),⁷⁶ and specifies the actions clustered into the following sub-groups: (a) develop cooperation on migration issues; (b) enhanced dialogue on migration issues including prevention and control of illegal migration and readmission of own nationals, stateless persons and third country nationals; (c) take steps to modernize the national refugee system in line with international standards and an IDP protection system that is self-sustaining and that offers integration opportunities for those who qualify; and (d) facilitate the movement of persons. In particular the ENP Action Plan for Armenia specifies under facilitating the movement of persons exchange of information on visa issues.

In January 2007 the European Commission has presented a Commission Staff Working document on the Implementation of the Council Conclusions on flexibility in issuing visas⁷⁷ to participants in Euro-Mediterranean meetings, where EC has identified as one of the points for discussion in relation to the improvement of the implementation of the Conclusions extending the scope of the Conclusions to countries participating in the ENP, mainly South Caucasus countries.⁷⁸

⁷⁵ Approved by the Decision 695-A of the Government the Republic of Armenia of June 21, 2007, available on http://www.gov.am/enversion/reform_12/books/cragir_eng2007.pdf.

⁷⁶ “European Neighbourhood Policy (ENP) Action Plan for Armenia.” Section 4. Cooperation in the Field of Justice, Freedom and Security. Provision 4.5.2.

⁷⁷ Currently EU has Visa Facilitation Agreements with Albania, Bosnia and Herzegovina, Moldova, FYRoM, Montenegro, Russian Federation, Serbia and Ukraine.

⁷⁸ See Non – Paper Expanding on the Proposals Contained in the Communication to the European Parliament and the Council On “Strengthening The ENP” – COM (2006) 726 Final of 4 December 2006. ENP – Visa Facilitation (http://ec.europa.eu/world/enp/pdf/non_paper Visa_facilitation_en.pdf).

Several other national programmes take migration and related matters into consideration when planning state policy for their respective spheres.

Thus, the “2007 Armenia Youth National Report” also addresses the problems of migration. The Report includes recommendations for reducing unemployment among young people and increasing opportunities for their employment; and for reducing the volumes of emigration and regulating and monitoring migration flows.⁷⁹

The “2004 – 2010 RA National Action Plan on Improving the Status of Women and Enhancing Their Role in Society”⁸⁰ also addressed the labour migration of women and trafficking of girls and women.

The “Poverty Reduction Strategy Paper”⁸¹ and the “Revised version of the Poverty Reduction Strategy Paper”⁸² (still under discussion) for Armenia address among others also the issues of refugees and migration.

In 2003, Armenia adopted an “Anti-Corruption Strategy and Implementation Action Plan,”⁸³ which also addressed corruption in the law-enforcement agencies, public administration, and is ultimately aiming at eliminating the causes and conditions giving rise to and nourishing corruption and at poverty reduction.

“The National Programme on the Response to HIV Epidemic in the Republic of Armenia for 2007 to 2011”⁸⁴ states that a number of Armenians were infected in the Russian Federation and the Ukraine and suggests strategies for developing an HIV prevention approach for the mobile population; implementing HIV prevention projects among them and strengthening capacity for HIV prevention among the mobile population.⁸⁵

During the Armenian officials’ Study Tour to Sweden at the beginning of April 2008, the Experts were informed of the recent formation of a Working Group to prepare a position paper on the possible re-organization of the administrative structures and duties of the different agencies that currently have a stake in the Migration Management process in Armenia.⁸⁶ It is the hope of the Experts that the Migration management Assessment presented here will provide useful suggestions and guidance to the next sessions of the mentioned Working Group.

E.1. Policy-Making

Before beginning a discourse on policy it is important to find a common definition of policy, which is a plan or course of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters. In migration it should indeed be based on a

⁷⁹ “Armenian Youth National Report” (Republic of Armenia Ministry of Culture and Youth Affairs, 2007), Section 2.3. Emigration and Inner Migration, Summary and Recommendations, point 2, page 61.

⁸⁰ Adopted by the Government Decision # 645-N of April 8, 2004 “On Approving the 2004 – 2010 RA National Action Plan on Improving the Status of Women and Enhancing Their Role in Society and its Implementation Schedule.” Available on www.genderpolitics.am/downloads/NAP_Eng.doc.

⁸¹ Adopted by Government Decision # 994-N of August 8, 2003 “On Approving the Poverty Reduction Strategy Paper.” Available on http://www.prsp.am/new/pdf/prsp_en.pdf.

⁸² http://www.prsp.am/new/pdf/PRSP2_eng.pdf.

⁸³ Adopted by Government Decision # 1522-N of November 6, 2003 “On Approving the Republic of Armenia Anti-Corruption Strategy and Implementation Action Plan.” Available on http://www.gov.am/enversion/programms_9/korup_prog.htm.

⁸⁴ Adopted by Government Decision # 398-N of March 1, 2007 “On Approving the National Programme on the Response to HIV Epidemic.” See <http://www.arm aids.am/NationalProgramme.html>.

⁸⁵ Ibidem, p. 7, Objective 5. HIV Prevention among mobile population.

⁸⁶ Order of the President of the Republic of Armenia # NK-53-A of March 15, 2008 “On the Conception for Migration System of the Republic of Armenia and for Introduction of the System of Electronic Passports and Identification Cards with Biometric Parameters in the Republic of Armenia”.

combination of researched trends and statistics with the political will of the electorate. Ideally the national political class of any country should be able to foster appropriate action by thinking beyond purely electoral considerations and rather taking a global and integrated view of immigration policy. In sum, “policy” in this context are overall guidelines as to the direction that legislative, administrative and enforcement reform should take, without specifying in any detail how this should actually happen, i.e. merely an expression of will.

Generally migration policy should not be mistaken as merely dealing with refugee issues. Refugees (asylum seekers) must and should (also) be considered in a migration policy. Similarly when talking of migration it is always important to distinguish between in-migration (immigration) and out-migration (emigration, or diaspora). Separate policy is required for these two very distinct categories.

Additionally it is important to find a common definition of “Migration” so that data defining the phenomenon in and out of one country be relevant, internationally comparable and indeed useful for policy makers. The national definitions of migration often differ from the internationally recommended definition. In addition, the reliability of migration data is sometimes so poor that, even when countries define migration in the same terms, the resulting figures may differ widely. Moreover, unless all sub-populations are identified, it is not certain that the data cover entirely the populations in question. (For example, asylum seekers, students, seasonal workers and even EU citizens are important types of sub-populations that are often *not* included in migration statistics in Europe.) In sum, the development of comparable migration systems requires both the implementation of reliable data collection systems and the coordination of ideas about and definitions of migration.⁸⁷

In this context, Eurostat, the United Nations Economic Commission for Europe (UN/ECE), and other international bodies are working to improve the overall reliability and comparability of the migration data collection. One means of resolving the difficulties of migration measurement is to look to the UN-recommended definitions of long- and short-term migration as a standard upon which to base measurements. This would do much to improve the reliability and comparability of statistics.

There remain, nevertheless, a number of unique challenges that must be overcome if migration statistics are to be truly reliable. According to the UN Recommendations on Statistics of International Migration⁸⁸ (revised in 1998), long-term international immigration is recorded after an individual enters a country and establishes his usual place of residence there for one year or more. UN definitions of short-term immigration state that the period of residence is limited to between three months and one year. Any stay below three months is categorized as a “visitor”.

Several types of sources are currently used to collect migration data, which are more or less useful to meet the UN recommendations:

- ✘ Censuses with questions specific to internal and international mobility;
- ✘ Administrative population registers which record individuals' administrative residence as well as their entries and exits in relation to the national territory;
- ✘ Entry or exit visas and the collection of statistics at the borders;
- ✘ Records that track the granting or renewal of residence permits and management of aliens' registers; and,
- ✘ Surveys specific to international mobility and pertaining to representative samples of the population.

⁸⁷ Poulain, Michel, and Nicolas Perrin, “Can UN Migration Recommendations Be Met in Europe?” University of Louvain 2003. Available on <http://www.migrationinformation.org/Feature/print.cfm?ID=139>.

⁸⁸ <http://unstats.un.org/unsd/demographic/migration/Migration.pdf>.

E.2. Current Immigration Policy

There seems to be some diverging opinions of what is actually current Armenian Immigration policy, corroborated by the fact that as many as 90 per cent of current immigrants may be of Armenian ethnicity. Principally there seems to be two maybe slightly opposing trends: on the one hand, the theory supported by some Parliamentarians underline that they do not wish to give the wrong signal and encourage large amounts of immigration, considering also unemployment levels. On the other hand, the theory presented by some MoFA representatives, which states that Armenia wants an open door policy to encourage investment and economic growth in the country, including tourism.

The Parliament's policy ideas underline that return and re-integration should be encouraged, including social re-integration and education in the Armenian language. There is a tendency to return of young, highly educated Armenians. The law should be comprehensive and the procedure easy to understand and transparent. It is also understood that there is a problematic structure at the moment and that the different agencies directly involved in migration would perhaps benefit if they were all placed under the same ministry with a responsible Minister. This minister/Ministry would also be in charge of drafting the policy in migration and present it to the Parliament.

The President's office policy for immigration underlined the EU-objective, work within the framework of ENP in order to achieve visa facilitation (confirmed by the meeting between President Kocharyan and Commissioner Frattini, which put emphasis on readmission agreements, migration management and biometric documents). Membership of the EU is not official policy, but everything in regard to fulfilling the EU standards (including in the migration field) is official policy. More specific policy guidelines would be to work towards a common visa application centre and Biometric passports to facilitate the travel of Armenians. In order to prepare for this, comparative studies have been made with the Baltic States which have undergone an economic liberalisation process. Additional specific points were made on:

1. Becoming increasingly an education service provider for foreigners.
2. Increasing tourism (electronic visa and visa at the border, list of countries to apply from Embassies decreased). Freedom of movement is of more important than national security.
3. Making the current ministry in charge more relevant and focused on the subject, rather than creating a new ministry⁸⁹.
4. Keeping agencies with different agendas within their own structure, creates competition and a more healthy inter-agency environment.
5. Migration may create a potential risk for stability in Armenia, which indirectly is a risk for the EU⁹⁰.

After reviewing the above the expert mission took due note of the main and recurrent policy priorities of Armenia in the sphere of immigration and noted that the basis is an "open door policy" in an attempt to foster the following sectors linked to the "in-flow" of foreigners:

► Develop the attractiveness of Armenia as a tourist destination and therefore increase visitor volume.

However, when thinking about tourism it may be worthwhile to consider increasing the number of "visa free regimes" towards developed countries that are likely to send tourists to Armenia. The presence or not of a visa requirement is often a determining factor in the decision of which country to visit on the next holidays. The current system of facilitating the issue of visa by providing visas

⁸⁹ It was not clear to the experts which ministry was being referred to, i.e. territorial administration or interior (in Armenia called only "police")

⁹⁰ The experts assume that this meant more immigration to Armenia may also be the precursor of more transit to the EU through Armenia

at the border for almost every nationality will only go some way in encouraging the tourist who is not aware at departure of the possible amount of bureaucracy involved (though in practice it turns out to be a very simple process) and usually also deterred by the cost. De facto the simplicity of obtaining a visa at the border is not a pull factor for tourists but rather a potentially high probability for breaches in security and the entry of unwanted persons into Armenia. It is clear and easily understandable that from an income point of view it is better to turn a visa into an “entry tax” rather than eliminating its requirement all together. The calculation of foreign currency generated by this entry tax is easy to estimate when multiplying the 40-Euro “visa fee” against the number of visas issued annually. However there should be a careful consideration of the security implications that this de-generation of visa purpose might present for the country.

► Attract foreign investment to Armenia, not only of the large investor type but also small and medium enterprises

Similarly when talking of small and medium entrepreneurs, who may wish to consider investing in Armenia, much of the above applies. Additionally it is the opinion of the experts that investment is not mainly encouraged by simple entry procedures but rather by other procedures that attract, facilitate and guarantee the investment of the foreigner, particularly when of a small nature. Non-exhaustively these may include “One stop shop” information and procedural points particularly to assist foreigners in registering new companies. Composition of company “share-holding” rules, i.e. the necessity or not of local partners is often an investment consideration. The opportunity for foreigners to purchase property directly is also an issue. Tax rebates and facilitation may be considered, as well as the opportunity to employ additional foreigners and under which conditions. Currency export rules are also very important. The establishment of an “investment promotion centre” may be advisable, not just for large investment but also for SMEs.⁹¹ All of these are probably much more important considerations for a prospective investor than simplified entry conditions.

► Continue to be a prominent “education service provider” for the neighbouring countries

As far as the country’s attractiveness for foreign students a hard look must be taken at the nationalities that are requesting this type of permit and indeed the percentage of students that are actually completing the education cycle. Currently about 5000 student permits are granted every year to neighbouring country prospective students, mainly at the university level (Georgia, Russia, Iran, but also Syria and India). The fact that “agencies” are allowed to process these requests is definitely not a guarantee of correct purpose. It is unclear whether these “students” ever complete their expected cycle of study in Armenia. Furthermore these same nationalities and age-group appear often at the external borders of the EU (as confirmed by Polish border guard sources) leading the experts to believe that there might be a probable connection and therefore possibly an un-wanted, but legalized, transit. Every applicant has to collect his/ her own permit, except for students (!), whom can obtain the permits through a private agency. In this scenario it is difficult to believe that there would be no abuse of the system.

E.3. Immigration Policy Challenges

Effective migration management can only be achieved if policies and strategies are based upon sound knowledge of the reality of migratory flows. Institutions involved in migration management need to agree on comparative statistical indicators covering a broad range of migration-related issues in order to effectively identify and respond to migration trends and coordinate effectively with other national and international institutions. Thus, the collection of reliable data and its

⁹¹ The Ministry of Trade and Economic Development has created a Fund “National Center for Development of Small and Medium Entrepreneurship” (<http://www.smednc.am/>) in 2002. The Armenian Development Agency also works towards promoting investments.

translation into usable statistics, also for **forecasting** purposes, has to be part of a comprehensive national immigration (but also emigration) policy.

To fill this gap and to acquire a clear understanding of the external migration volumes of the Republic the Migration Agency of Armenia, in co-operation with the RA National Statistical Service, transportation companies and services of the RA border-crossing posts, have initiated the organization of the process of collecting data on persons arriving in Armenia and leaving it. Since 2000 the DMR/MA monthly receives information on number of persons arriving and leaving Armenia from:

- the RA Central Department of Civil Aviation,
- the RA State Customs Committee,
- Armenian Border Guards of the RA National Security Service.

However it remains unclear whether foreigners and/or refugees would be registered in the civil registry allowing it to be a comprehensive data source.

The National Statistical Service would appreciate to have the opportunity to better evaluate tendencies and trends, In fact, by law, statistical analysis must be done on civil registry figures and the same law provides that the ArmStat shall have complete and open access to all data.⁹² However the same ArmStat in practice is not linked nor has access to the BMIS database managed by the Border Guards, nor to the Passport and Residence database managed by Police DPV (OVIR). Effectively administrative accounting of immigration should be introduced, but that opportunity is currently NOT given to the NSS. De facto immigration trends can to date only be expressed in aggregated data terms as no statistical analysis of this data is being done by the NSS.

Focus on aggregated data collection is put on the borders with entry/exit being the objective. There is a complete miss of data regarding migration issues within the country, for example change of status of any kind including revoked permits and registration at university of foreign students.

Generally an awareness of why statistics are collected is missing and maybe linked to the history of statistics in the Soviet era. The concept that statistical information can be a vital aid for policy makers needs to be understood.

As far as the IT support potential to increase data validity it was suggested to the government to synchronize the BMIS and Police DPV (OVIR) databases, a process that would take approximately six months⁹³, in this manner foreigners within the country and their change in status could be turned into aggregated data to be used for statistical analysis.

Based on these considerations the expert team has defined several policy recommendations for **IN migration** matters:

1. Develop a more balanced policy on migration, tackling not only the illegal, but also the legal part of the phenomenon and thus balancing control and facilitation. This would not mean de-liberalization nor in fact additional control but rather it simply means adding a regulatory “water tap” to control the flow, in substance adding the option to restrict entry when so desired – facilitating legal migration and investment of foreigners while attempting to block all forms of irregular migration practices, not just illegal border crossing.
2. Adapt a new policy aimed at regulating in-migration realities aimed to control and manage migratory flows according to national interests, but at the same time in concordance with the commitments assumed towards the EU through the ENP process. This document, among others, calls for the development of a coherent **Migration Strategy and Action Plan**, which would be the first written comprehensive migration policy document in Armenia.

⁹² RA Law on State Statistics of April 26, 2000.

⁹³ Aviainfotel CJSC suggests this.

3. The migration policy has to be elaborated and assumed by all national stakeholders, but there is a need of a “key institution” for migration policy development which has to be identified and formally charged with drafting and coordination of the process understanding that migration is a much wider issue than the influx and accommodation of refugees and tends to move towards increases in both immigration and emigration for economic purposes. The empowered ministry or agency needs to command sufficient respect in the inter-agency environment to be an effective coordinator of migration issues across the spectrum of migration management requirements. This institution has to be identified and formally assigned with this task.
4. Sector policies and strategies implemented by different line ministries (Labour and Social Issues, Health, Education, Trade and Economic Development, etc.) need to be reviewed and streamlined with a view to integrating migration policy aspects into those policies and strategies.
5. Overall the shift in policy needs to move from a “laissez-faire” attitude to the belief that migration needs to be managed in order to reap its benefits. This belief needs to translate into government initiation and support of a reform process with the aim of **regulating** if not controlling migration and therefore empowering government agencies to do so.
6. The national institutions overseeing and contributing to the development and implementation of migration policy should review and streamline sector policies and strategies implemented by the different line ministries (Trade and Economic Development, Finance and Economy, Education and Science, etc) to adequately integrate relevant aspects from those sectors in the future overall migration strategy, particularly focusing on the fact that state financial support must be made available for certain parts of this process.
7. Though policy should not enter into regulatory details it may be important that the Government recognize specifically that visa and residence criteria – for issuance, validity and renewal – need to be reviewed.
8. Effective migration management can only be achieved if policies and strategies are based upon sound knowledge of the reality of migratory flows and trends. Institutions involved in migration management need to agree on comparative statistical indicators covering a broad range of migration-related issues in order to effectively identify and respond to migration trends and coordinate effectively with other national and international institutions. Thus, the collection of reliable data and its translation into usable statistics, i.e. administrative accounting of immigration, also for forecasting purposes has to be part of a comprehensive national migration policy.

E.4. Current Emigration Policy

As we have seen in the previous section policy depends on an overview of migration trends and therefore on statistics. The system for statistics on external migration currently operating in Armenia, is based on population data being registered and de-registered, carried out by the passport services of the territorial divisions of the RA Police, does not reflect the real volume of population movements, since a considerable proportion of population leaves the Republic and resides abroad for a rather long period of time without being struck off the register. In practice, the information regarding only the long-term emigrants and immigrants is collected and processed through this system. Virtually, the population migration statistics in its current form is simply based on registration and de-registration.

As far as the “out-flow” of Armenian Nationals the priorities seem to revolve around the following:

- ▶ **Strive to keep track and contact with the Armenian Diaspora abroad in an attempt also to secure the rights of Armenian nationals abroad building up the consular services offered abroad to Armenians. Biometric passports are part of this strategy.**

However it would be important to understand what is actually offered by the existing 73 Armenian representations abroad. It would be important to strengthen and facilitate services for Armenians particularly in countries of greater destination (e.g. Spain). When talking of return from Russia the Experts were told that forced repatriation is rather common and that Armenians in this situation are mostly returning without Armenian documents but rather with Russian laissez-passer. This would indicate an imperfect cooperation between the Russian authorities and the Armenian Consulate in Russia. The question is whether this is a policy stance or simply a lack of capacity of the Consulate to assist Armenian nationals who remain without documents. Listing Armenian associations abroad may also be helpful including the provision of a government sponsored type “journal for the Armenians abroad.”

► Generally attempt to facilitate the free movement of Armenians abroad and in particular to the EU through the negotiation of more facilitated visa regimes possibly leading in future to visa free opportunities

However the lack of a readmission agreement with the EU, supplemented only with bilateral readmission agreements with some countries is not conducive to re-assuring the EU and its Member States on the willingness of Armenia to take back its nationals. Similarly there seems to be a rule against prolonging a passport or indeed receiving a new passport when it has expired abroad unless approved legal stay in that country is certified. This seems to be the wrong way to combat illegal stay in another country, simply because it will compound the illegal situation of the Armenian citizens abroad even further.

► Facilitate the concept of “circular migration”, particularly to the EU in order to maximize economic development from the exchange and build-up of experiences both in terms of financial remittances but also in terms of returning expertise

Remittance are estimated as representing 20 per cent of Armenia’s GDP according to a World Bank study, however if one adds informal channels for money transfer the figure may in fact be sizeably bigger.⁹⁴ In fact, remittances may account on average for up to one quarter of Armenian household income. However, researchers have expressed concerns about the sustainability of and dependence on remittances. In its overview of Armenia's economy, the Asian Development Bank (ADB) calls for prudence and warns of the dangers of over-relying on easy finance.⁹⁵ Indeed, various observers (including the authors of the 2003 Armenia 2020 study) have noted that remittances to Armenia, despite their large volumes, do not appear to be a sustainable source for funding domestic economic activity⁹⁶. The need for policy to facilitate remittances and channel them out of “hand-to-mouth” and more into investment is clear, but what is less clear are the challenges in integration of returning Diaspora: employment, business, education of minors, re-qualification, health and psychosocial support as confirmed by the Ministry of Trade and Economic Development. It is important to consider how to maximize the positive impact of these returnees and re-cycling their experiences gained abroad. To further facilitate circular migration pre-departure training and bilateral agreements with other countries would be useful. Russia currently attracts about 60,000 – 70,000 Armenian seasonal workers (spring to fall), mostly in construction as the only requirement is a work permit. The EU, on the other hand, due to much stricter regulations, attracts only highly qualified Armenian’s and only through personal invitation. Armenians with lower skill levels are usually employed by the parallel market in the EU and arrive irregularly on EU territory. On this theme

⁹⁴ Mansoor, Ali and Bryce Quillin (eds.), “Migration and Remittances. Eastern Europe and the Former Soviet Union” World Bank 2007. Available on http://siteresources.worldbank.org/INTECA/Resources/257896-1167856389505/Migration_FullReport.pdf.

⁹⁵ See the Asian Development Outlook 2007, Asian Development Bank. Available on <http://www.adb.org/Documents/Books/ADO/2007/default.asp>.

⁹⁶ Gevorkyan, Aleksandr V., Gevorkyan, Arkady and Mashuryan, Karine, “Little Job Growth Makes Labour Migration and Remittances the Norm in Post-Soviet Armenia” Migration Policy Institute March 2008. Available on <http://www.migrationinformation.org/USfocus/print.cfm?ID=676>.

Armenia's Migration Agency has proposed a draft law that aims to manage labour migration flows and protect migrants' rights. The Overseas Employment law would introduce state-coordinated mechanisms, labour contracts with overseas employers, administrative and legal assistance to potential migrant workers, and licensing of overseas employment procuring agencies. The proposal is currently under government review.

E.5. Emigration Policy Challenges

Based on these considerations the expert team has defined several policy recommendations for **OUT migration** matters:

1. Most likely, Armenia will need further substantial and structural reforms to combat high rates of emigration and poverty in order to make itself economy globally competitive. In the interim, a working model is needed to thwart permanent economic emigration and help coordinate temporary or "circular" labour migration flows. The options are many and most likely would include engaging the Diaspora.
2. The Armenian government should consider developing an implicit or explicit emigration policy taking into account the demographic and economic effects of out-migration on the country as well as the role Diasporas could play in the future. Increased attention should also be paid to issues related to migration and development such as brain drain or brain waste as well as to remittance flows from nationals working abroad and their possible development impact.
3. Adapt government policy to the external migration realities of Armenia aimed to control and manage migratory flows according to national interests, but at the same time in concordance with the commitments assumed towards the EU through the ENP commitments. One potential way of doing this are regulated migration quotas with different countries, who accept quotas as part of their immigration policies.
4. Effective management of migration can only be achieved if policies and strategies are based upon sound knowledge of real migration flows. Thus, the collection and analysis of validated and reliable aggregated data and ensuing production of timely statistics have to be part, and ideally the base, of a comprehensive national migration policy.
5. The focus on readmission and reintegration of migrants returning to Armenia, either in a voluntary or forced manner, should continue to figure as a prominent issue in Armenia's foreign policy, but also be considered in migration policy development, potentially including also preventive measures aimed at discouraging irregular emigration, particularly linked to public awareness.
6. For remittances to have a positive impact on Armenia's economy and social well-being, a suitable institutional financial framework is necessary. For example, remittance-backed loans could work in infrastructure development or could help start new small and medium enterprises. Government policy at this level should involve discussion with the banking sector in Armenia.

F. Migration-related legislation

The legislation regulating the field of migration consists of a number of laws and sub-legislative normative acts. It should be noted that the International treaties ratified by the Republic of Armenia become part of domestic legislation and in case of conflict with national law, the international legal norms should prevail. The list of International Treaties related to the sphere of Migration is attached to this Report as Annex 4.

Armenia is a member of IOM,⁹⁷ ILO, UN,⁹⁸ Council of Europe, and other organizations and has ratified various international treaties related to migration. Armenia has ratified 29 ILO Conventions, including “The Migrant Workers (Supplementary Provisions) Convention” of 1975.⁹⁹

Armenia has ratified several important United Nations International Instruments related to migration, including the “United Nations Convention against Transnational Organized Crime” of 2000 and its “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” and “Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime.”¹⁰⁰ Armenia has also ratified the “UN Convention relating to the Status of Refugees” of 1951.¹⁰¹

Armenia has also ratified the following Council of Europe Conventions: the “CoE Convention for the Protection of Human Rights and Fundamental Freedoms” of 1950,¹⁰² “European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment” of 1987,¹⁰³ “European Convention on Extradition” of 1957¹⁰⁴, “European Convention on Mutual Assistance in Criminal Matters” of 1959¹⁰⁵. Armenia has signed but not yet ratified the “Council of Europe Convention on Action against Trafficking in Human Beings” of 2005.¹⁰⁶

Armenia has not signed either the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” of 1990, or the “European Convention on the Legal Status of Migrant Workers” of 1977.

Armenia has signed readmission agreements with the following states: Denmark, Germany, Latvia, Lithuania, Switzerland, and Bulgaria (pending ratification). Draft readmission agreements with the Czech Republic, Cyprus, Estonia, Lebanon, Norway, Poland, Russian Federation, Sweden, Ukraine, and Benelux states are being negotiated.

It should be noted that most of Armenia’s domestic migration-related legislation attempts to regulate the immigration process of foreigners. As far as regulating and assisting the emigration of Armenians, the domestic legislation is predictably rather scarce, however, on this theme Armenia's Migration Agency has proposed a draft law that aims to manage labour migration flows and protect migrants' rights. The Overseas Employment law would introduce state-coordinated mechanisms, labour contracts with overseas employers, administrative and legal assistance to potential migrant workers, and licensing of overseas employment procuring agencies. The proposal is currently under government review.

⁹⁷ Republic of Armenia joined the International Organization for Migration by the Decision of the RA Government # 601 of November 30, 1993 “On Joining the International Organization for Migration.”

⁹⁸ Armenia joined the United Nations on March 2, 1992.

⁹⁹ Ratified in 2006.

¹⁰⁰ Ratified on July 1, 2003.

¹⁰¹ Acceded on July 6, 1993.

¹⁰² Ratified on April 26, 2002.

¹⁰³ Ratified on June 18, 2002.

¹⁰⁴ Acceded on January 25, 2002.

¹⁰⁵ Ratified on January 25, 2002

¹⁰⁶ Signed on May 16, 2005. Ratification is being considered for the near future.

Armenia's domestic legislation related to migration is scattered in various legal acts. The Constitution of the Republic of Armenia of 1995 regulates the issue of citizenship and has an extensive bill of rights. The Amended Constitution¹⁰⁷ left the issue of regulation of citizenship to the Law, thus allowing dual citizenship. The Law on Citizenship of the Republic of Armenia of November 16, 1995 regulates the matters of acquisition, granting, restoration and cessation of citizenship of the Republic of Armenia.

Among the laws regulating the field of migration, the most central is the RA "Law on Foreigners" of January 16, 2007, as it covers entry, stay and residency of foreigners in the Republic of Armenia, their transit through the RA and their exit from the RA, as well as issues related to labour of foreigners in the RA.

The "Law on Foreigners" also covers the issue of registration of foreign citizens. It also regulates labour migration of foreigners to Armenia. The Law also contains provisions on the types of visas, granting, rejecting, invalidating and extension of entry visas and forbidding entry into the country, residence statuses and their acquisition, rejection of granting these, appealing against such rejection, deprivation of a residence status, the work of aliens in Armenia, acquisition of work permits, concluding of employment contracts, voluntary departure and deportation from Armenia, extradition, detention and arrest of foreigners, and protection of personal data of foreigners.

Visas

The following types of entry visas exist: visit entry visa, official entry visa, diplomatic entry visa, transit entry visa.

Visitor visa entitles a foreigner to enter Armenia and stay in the country for up to 120 days¹⁰⁸. A visitor visa may be issued for single or multiple entries (within up to a year period). A single entry visitor visa may be issued to a foreigner for a single visit to the Republic of Armenia during the period of validity of the visa. A multiple entry visitor visa may be issued to a foreigner for the period of one year. A visitor visa is issued when a foreigner intends to enter Armenia for the purposes of tourism, visiting relatives or other persons, business, transportation and other professional interest, medical treatment or other short-term stay. Confirmations for business travellers are received at the Armenian diplomatic mission or consular post via Internet. Private travellers must submit the original invitation form. This provision does not apply to nationals of listed countries with proof of Armenian ethnic origin, members of families of the citizens of the Republic of Armenia and those with proof of Armenian ethnic origin.

Official and Diplomatic visas are issued for official purposes at the Service or Official passports, Diplomatic passports and UN Laissez-Passers upon the official request from Foreign Ministries, foreign diplomatic missions and consular posts, International Organizations. Official and Diplomatic visas may be issued for a single or a multiple entry. General international practices are used.

A transit visa is required if Armenia is a stopping point to travel on to other countries and it may be single or multiple. A foreigner with a transit visa may stay in the Republic of Armenia for no more than three days during each stay. This type of visa can be obtained only in case of having a regular visa for the third country to be reached, if needed.

Visas are issued by the diplomatic representations or consulates of Armenia. The RA "Law on Consular Service" of 1996 regulates the work of the consular corps of Armenia. Visas can be

¹⁰⁷ Article 11.3 of the Constitution. "The citizens of the Republic of Armenia shall be under the protection of the Republic of Armenia within the territory of the Republic of Armenia and beyond its borders. Armenians by birth shall acquire citizenship of the Republic of Armenia through a simplified procedure. The rights and responsibilities of citizens with dual citizenship shall be defined by law."

¹⁰⁸ This is the maximum validity of a visitor's visa to Armenia, but at the border this maximum period is granted on a standardised basis.

obtained electronically, online through the Ministry of Foreign Affairs Virtual Consulate programme. Visa can be also requested at the Representations of the Police Passports and Visa Department at Armenia's border crossing control points. Visa services at the border crossing points do not issue visas to nationals of countries included in the list of countries whose nationals can apply for visitor and transit visa with invitation only. Currently visa services at the border crossing points issue single-entry three day transit visa and 120 day visitor visa only. E-visas are issued for 21 days and are valid for entry at Yerevan International Airport only.

Entry visas should be extended prior to the expiration on the territory of the Republic of Armenia. Official and diplomatic visas are extended at the Consular Department of the Ministry of Foreign Affairs. Visitor and transit visas are extended at the Police Passport and Visa Department. Failure to extend visa on time is considered as an administrative violation and will result in administrative proceedings and fines (50,000 – 100,000 Armenian Drams). Visitor and transit visas are extended at 500 Armenian Drams per extra day.

A foreigner can be refused a visa on the grounds of (a) having provided false information for obtaining visa; (b) existence of reasons to believe that the visa applicant may be engaged in an illegal activity criminalized in Armenia; (c) belonging to the list of foreigners whose entry to Armenia is banned; (d) threat to state security, public order or people's health; (e) having been deported from the territory of Armenia or deprived of a residence status within the past three years; (f) having been subject to administrative liability within the past one year.

Citizens (holding valid passports) of Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Montenegro¹⁰⁹, Russian Federation, Tajikistan, Ukraine, and Uzbekistan are waived of entry visa requirement.¹¹⁰ Holders of diplomatic and official / service passports of the following states can also enter Armenia without an entry visa: Argentina, Brazil, Bulgaria (holders of diplomatic passports only), China, Croatia, Cyprus, Hungary, India (holders of diplomatic passports only), Iran, Latvia, Lithuania, Mexico, Poland (holders of diplomatic passports only), Romania, Serbia, Singapore, Slovak Republic, Turkmenistan, Uruguay. Citizens of the following countries can apply for visa with invitation only: Afghanistan, Algeria, Angola, Bangladesh, Benin, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, except for Special Administrative Regions of Hong Kong and Macao, Comoros, Republic of Congo, Côte d'Ivoire (Ivory Coast), Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Iraq, Jordan, Kenya, People's Democratic Republic of Lao, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Pakistan, Palestine, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tanzania, Taiwan, Togo, Tonga, Tunisia, Tuvalu, Uganda, Viet Nam, Yemen, Zambia, and Zimbabwe.¹¹¹

Usually a visa is processed at the diplomatic missions and consular posts of the Republic of Armenia upon the completion of three working days. In some cases additional checking can be required and processing time can be extended.

Residence Permits

The following residence statuses exist: temporary, permanent and special.

The temporary residence status is granted for the period of one year, with possibility of extension for the same period each time, in the circumstances of schooling; availability of a work permit /

¹⁰⁹ For Montenegro invitation is required though.

¹¹⁰ The visa requirement waiver is practiced on ad hoc basis, and is not formalized by a bilateral agreement.

¹¹¹ Since May 2008 this list will be shortened to the following 17 states: Afghanistan, Bangladesh, Cameroon, China, except for Special Administrative Regions of Hong Kong and Macao, Egypt, India, Iraq, Niger, Nigeria, Pakistan, Palestine, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syria, Viet Nam.

employment authorization; marriage to a citizen of the Republic of Armenia or to an alien living lawfully in the Republic of Armenia; being a close relative (parent, brother, sister, spouse, grandmother, grandfather, grandchild) to a citizen of the Republic of Armenia or to an alien holding a permanent residence status in the Republic of Armenia; and being engaged in entrepreneurship.

The permanent residence status (for a period of five years, with a possible extension for the same period each time) is given to aliens having close relatives (parent, brother, sister, spouse, grandmother, grandfather, grandchild) in the Republic of Armenia; who have dwelled, in the legally stated manner, in the Republic of Armenia for at least three years prior to filing an application on obtaining a permanent residence status, who are provided with an abode and resources for subsistence in the Republic of Armenia; and can also be granted to an alien engaged in entrepreneurship in the Republic of Armenia.

The special residence status (for a period of ten years, renewable) is granted to Armenians by origin as well as aliens evolving economic or cultural activities in the Republic of Armenia.

Recently the RA Government adopted Decision # 134-N of February 7, 2008 “On Approving the List of Documents Presented with the Application for Receiving Temporary and permanent residence status (prolonging the residence status) in the Republic of Armenia, the procedure for discussing the application, the descriptions and forms of temporary residence card, permanent residence card and RA Special Passport.” The Law also states the grounds for forced repatriation from Armenia; they include: reluctance to voluntarily leave Armenia (a) upon expiration of the entry visa or residence status validity period; (b) upon invalidation of the entry visa on the ground of having convicted for committing a serious or especially serious crime in Armenia, on the ground of taking employment without a work permit, or on the ground of having been rejected in visa, visa being invalidated or entry not permitted; (c) upon rejection of one’s application on acquisition or extension of a residence status; and / or (d) upon deprivation of the residence status.

Residence based on work

The Law also regulates aspects of the work of aliens in Armenia though in practice there is still no mechanism to put this part of the law in practice.

Holders of permanent and special residence status, as well as those holding a temporary residence status on the grounds of having close relatives in Armenia are entitled to work in Armenia without a work permit¹¹². Family members of officials of diplomatic representations and consulates accredited in the Republic of Armenia and international organisations and their representations, based on the principle of mutuality, can also work without a work permit. Aliens holding a refugee status and having acquired political asylum in the Republic of Armenia and stateless persons, for a period not exceeding the residence period, also can work without a work permit. There are more categories of aliens who can work without a work permit in Armenia.¹¹³

The employers in Armenia have the right to conclude an employment contract / service contract with the alien employee and use his/her labour based on the work permit/employment authorisation provided to the alien employee by the authorized body. When issuing a work permit to an alien employee, the needs of and the developments in the labour market of Armenia are being taken into account¹¹⁴.

If the employer does not provide the alien, who has legally entered Armenia, with the work the latter has received a work permit for, the employer has to meet the costs of his/her (and his/her family members who were allowed to accompany him/her) return to his/her country of origin and transportation of his/her personal possessions.

¹¹² Work Permits are mentioned in the law however in practice they do not exist as no entity is yet responsible for allowing foreigners to work in Armenia.

¹¹³ See Article 23 (Exceptions for Acquiring a Work Permit) of RA Law on Aliens.

¹¹⁴ In practice no such “labour market test” exists and no institution is yet tasked with it.

F.1. Legislation on Refugees

The issues related to refugees are mainly regulated by the “Law on Refugees” of March 27, 1999, which addresses the issues related to granting or rejecting the refugee status, entry of applicants into the country, rights and responsibilities of persons recognized as refugees, termination of refugee status, acquisition of the citizenship of Armenia by refugees. Amendments to the Law in 2002 clarified the granting of temporary asylum to the foreign citizen or to the person without citizenship. A new, more comprehensive version of the Refugee Law is also being elaborated.

On December 27, 2000, Armenia adopted a “Law on the legal and socio-economic guarantees for the persons who had been forcibly displaced from the Republic of Azerbaijan in 1988 to 1992 and have acquired the citizenship of the Republic of Armenia.” The Procedure for determination of refugee status is spelled out in the Government Decision # 655 of July 19, 2001 “On Refugee Status Determination Procedure.” Government Decision # 11-N of January 25, 2003 “On the procedure for granting temporary asylum to foreign citizens and stateless Persons” contains the detailed procedure for granting temporary asylum. Application for, acquisition, and cessation of political asylum, as well as the status of person enjoying political asylum are stipulated for in the “Law on Political Asylum” of October 19, 2001.

Other pieces of legislation include the Decree # 695 of 20 November 1999 “On Procedure for Issuing Refugee IDs and Travel Documents in the RA and on Approving Their Samples”; the Decree # 52 of 04 February, 2000 “On Movement and Selection of the Residing Place of Applicants for Refugee Status in the Territory of the RA”; the Decree 86 of 23 February, 2000 “On Placing Applicants for Refugee Status in the Territory of the RA in Special and Temporary Dwellings, Subjecting Them to Medical Examination, Providing Them with Free Legal Consultations and Translation Services, with Medical Assistance and Service”; the Decree 82 of 23 February, 2000 “On Allocation of a Lump-Sum Allowance to Applicants for Refugee Status in the Territory of the Republic of Armenia”; and the Decree of July 19, 2001 “On Refugee Status Determination Procedure”.

F.2. Legislation on Border Control and Management

State Border Crossing Rules and State Border Crossings Control are regulated by the RA Law “On the State Border of the Republic of Armenia” of December 17, 2001 and the RA Law “On the Border Guards Troops” of December 17, 2001. Border control is handled by a military service in Armenia. Border control is executed by the Border Control Detachment of the Border Guards Troops under the National Security Service, who administer the passport check. In accordance with the “Treaty on Friendship, Cooperation and Mutual Assistance and the Declaration on the Collaboration towards the 21st Century” of December 29, 1991, Russian Federal Border Guards Troops control Armenia’s borders with Turkey and Iran and are mixed with Armenian border guards also at other borders (e.g., Zvartnots International Airport). Other relevant legislation include: the Decision of the RA Government # 200 of March 24, 1998 “On Approving the Procedure for Realisation of Functions of state authorized bodies in the state border crossing points of Armenia” and the Decision of the Prime Minister of RA # 298 of November 22, 1995 “On Measures Ensuring the Implementation of the RA Law on State Border.” The Government Decision # 884-N of 22 June 2006 “On Creation of the Electronic Border Management Information System, Defining the Procedure for its exploitation and the List of its Users” regulates the electronic management of flows through the state border crossing control points.

The Migration Agency is currently working on a “Draft Law on Entry into and Exit from the Republic of Armenia.”

Related pieces of legislation are also RA Law on Aviation of May 20, 2002 and RA Government Decision # 944-N of May 27, 2004 on Adoption of the Procedure for Organization and Implementation of Aviation of Security Surveillance in the Airports of the Republic of Armenia.

F.3. Legislation on Labour

The “Labour Code” of the Republic of Armenia of November 9, 2004 regulates issues related to employment, labour relations, collective labour relations, duties and rights of employers and employees, labour rights, employments contracts, regulation of collective labour disputes, protection of personal data of employees, working time and rest period, wage, guarantees and compensations, safety and health of employees, labour discipline, etc. According to the Code, the foreign citizens, persons with no citizenship in the Republic of Armenia have the same labour legal capacity, as the citizens of the Republic of Armenia if not otherwise stipulated by the law.¹¹⁵ In fact, according to this law even foreign visitors or tourists may legally work in Armenia during their stay.

Neither the RA “Labour Code” and in the RA Law “On Occupation of Population and Social Security in Case of Unemployment” of November 25, 2005 regulate issues related to Armenian citizens working abroad. The Migration Agency on behalf of the Armenian Government is drafting a Law on “Overseas Employment,” which aims to introduce a licensing scheme for private companies arranging overseas employment.

F.4. Legislation on Irregular Migration

Domestic migration law relies on the norms of legal acts of other branches of law, for instance Administrative or Criminal Law in order to ensure prevention and prosecution of offences and crimes in the area of migration. In particular, three articles in the RA “Criminal Code” of April 29, 2003 are mainly employed when dealing with migration-related breaches by citizens of Armenia: Article 329 (Illegal state border crossing)¹¹⁶, Article 178 (Swindling)¹¹⁷ and Article 325 (Forgery, sale or use of forged documents, stamps, seals, letter-heads, vehicle license plates)¹¹⁸.

¹¹⁵ Article 15. Citizens’ Legal and Labour Capacities.

¹¹⁶ Article 329. Illegal state border crossing.

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

¹¹⁷ Article 178. Swindling.

1. Swindling, i.e. theft in significant amount or appropriation of somebody's property rights by cheating or abuse of confidence, is punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labour for 1-2 years, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years.
2. The same action committed
 - 1) by a group with prior agreement,
 - 2) in large amounts;
 - 3) repeatedly,
 - 4) committed by a person convicted for crimes envisaged in Articles 175-182, 234, 238, 269 of this Code,is punished with a fine in the amount of 400 to 700 minimal salaries, or with imprisonment for the term of 2 to 6 years and with or without a fine for the amount of 50 minimal salaries.
3. Swindling committed:
 - 1) in particularly large amount;
 - 2) by an organized group,
 - 3) committed by a person with two or more convictions for crimes envisaged in Articles 175-182, 222, 234, 238, 269 of this Code,is punished with imprisonment for the term of 4 to 8 years, with or without property confiscation.

¹¹⁸ Article 325. Forgery, sale or use of forged documents, stamps, seals, letter-heads, vehicle license plates.

Since there are no specific shelters or migrant accommodation centres nor irregular migrant specialized facilities illegal border crossers – who are now criminally rather than administratively charged – would have to go to jail with other criminals. As a result of rule-of-law reforms the penitentiary service was transferred to the RA Ministry of Justice. Issues related to detention and arrest, as well as places of pre-trial detention and corrective labour institutions are regulated by the RA “Criminal Code,” the “RA Criminal Procedure Code” of September 1, 1998, the RA “Law on Treatment of Arrestees and Detainees” of March 7, 2002, and RA Law “On Legal Status of the Penitentiary Service of the Republic of Armenia” of October 1, 2001. The Armenian Government adopted the RA Government Decision # 127-N of February 7, 2008 “On Establishing the Procedure for Operation of Special Accommodation Centres in the border Crossing Points and Transit Zones of the Republic of Armenia and for Keeping of Foreigners there,” which will enter into force in April 2008.

F.5. Legislation on Trafficking in Human Beings and Migrant Smuggling

In 2003 Armenia criminalized trafficking in humans in the Criminal Code (Article 132). Later amendments to the Code in 2006 aimed at providing a more clear and comprehensive definition of trafficking offenses render more adequate wording of the term “trafficking” in Armenian and set forth more stringent punishment of offenders. The current, second Strategy and National Plan of Actions to Combat Trafficking was adopted by the RA Government # 1598-N of December 6, 2007 “On Approving the National Plan on Organising Combating Against Human Exploitation (Trafficking) in the Republic of Armenia in 2007 – 2009 and its Implementation Schedule.” Meanwhile, amendments were introduced to the RA Labour Code prohibiting forced labor, violence against workers, employment of children under 14 years of age, as well as articles that ensure public oversight over employers.

Several organisations were working on a Draft Law on Combating Human Trafficking, which would define the legal and organizational grounds of prohibiting, preventing, and combating trafficking in humans, whilst ensuring gender equality; and protecting the legal status of trafficked victims and regulating legal matters concerning the protection and support of the same.

F.6. Legislation on Protection of Data

Another field closely related to migration is data protection, data collection and monitoring. The RA Law on Foreigners has defined mechanisms for the protection of migration-related data as required by the RA Law on Personal Data of November 22, 2002. The law still calls for detailed procedures to particularize the regulation, including the issues of access of various responsible bodies to the Police databases. These should be regulated by sub-legislative normative acts.

The Armenian Government has not signed the European Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

1. Forgery of an official document which grants rights or exempts from liability, or any other official document, by the forger or other person for the purpose of using, or selling such a document or forgery and sale of seals, signs, letter-heads or license plates for the same purpose, as well as, the use of an obviously forged document, is punished with a fine in the amount of 200 to 400 minimal salaries, or correctional labour for the term of up to 1 year, or with imprisonment for the term of up to 2 years.

2. The actions envisaged in parts 1 of this Article committed by a group with prior agreement, is punished with correctional labour for the term of up to 2 years, or with imprisonment for the term of up to 4 years.

F.7. Existing Legislative Challenges

The recommendations proposed below outline an approach for the creation of effective legal frameworks and will require the establishment of an appropriate migration management framework administration to deal with their implementation. To carry this forward, the leading agency in the area of migration might need to adopt new pieces of legislation or, where possible, amend and supplement the existing ones. Towards this end, IOM will be able to assist the government with the fulfilment of this task, by providing technical expertise, advice and training, particularly on issues of EU Acquis alignment in the area of migration.

The recommendations for the further development of **immigration** legislation for Armenia address several main issues: pre-entry procedures and visas, entry and admission, sojourn and residence, return, readmission and expulsion, irregular migration and trafficking in persons, migration data and statistics and the institutional framework for effective migration management. All of these need to follow a shift in the government's orientation to immigration policy, as already stated above. Furthermore, recommendations are made on issues of **emigration** as well as protection of Armenian labour migrants abroad. Those issues are of a high priority and concentrating attention on them will provide immediate responses to existing emigration challenges.

In working on all of these issues it should be of high priority for the government to pay appropriate attention to the European Neighbourhood Programme and therefore streamlining the legal framework towards EU requirements in fields such as asylum and protection of refugees, prevention and prosecution of transnational crime related to migration, protection of victims of migration related to transnational organized crime, stemming of irregular migration, etc. For an efficient legislative framework, the EU Acquis on migration and the expertise of EU Member States should be taken into account and applied where deemed appropriate.

Armenian legislation governing international migration comprises various legal acts and is not consolidated into one piece of law. In addition to that the state mechanism has a split mandate for regulating migration and related matters, with a number of state agencies dealing with various aspects of migration and in certain cases with overlapping responsibilities. The work of these agencies and bodies is regulated by Charters, which are sub-legislative normative acts. In practice there seem to be too many different laws and too many sub-regulations to be able to clearly **identify the primary actors involved in Migration Management**.

On a general note, the assessment team recommends to define more clearly some legal provisions in the Law on Foreigners and related legal norms in order to avoid misinterpretation or inappropriate use in the process of its implementation (for example, the expressions “in accordance with Armenian legislation” and “in accordance with the mandate of the ministry” are sometimes used, and create confusion, especially where mandates of ministries partially overlap). Vague assertions should be eliminated and replaced by clear references to additional rules, operating procedures or corroborative legislation. If this is not sufficient it is recommended to adopt sub-legislative normative acts in support of the newly adopted Law on Foreigners.

Practise is constantly referred to procedural regulations (to be) established by the Government, instead of appointing the development, or at least the drafting, of procedure to the competent implementing authority. It should be noted however that instead procedures and administrative processes are usually left to be defined by subsidiary legislation/ procedures, such as government decisions, presidential decrees or charters establishing different agencies or commissions. In fact in this manner there is a risk that procedures may actually not be “legal” according to the existing acts. It is therefore advised that major important issues are clearly regulated by law and not left to sub-legislative normative acts. But again the procedures should not necessarily be determined by the same entity that determines the law, but rather the same legislative body should benefit from a dialogue on operational requirements. Laws should not change too often, it would be better to structure laws versus procedures in a way that leaves the opportunity for procedures to be modified, if necessary, thereby leaving a certain degree of flexibility to the agency that will implement the

law. The experts maintain that procedures should not be incorporated into the law, but have room for some flexibility. Courts, on the other hand, should focus on interpretation of the law and not of the procedure.

For effective management of current migration processes in the country and support of the proposed recommendations of the assessment team, it is suggested that the development of existing migration legislation (Law on Foreigners primarily, but also other related laws) should be streamlined in the following directions:

F.7.1. Pre-entry Procedures / Visa

Currently partly implemented by the Consular Department under the Ministry of Foreign Affairs and Department for Passports and Visa under the Police.

Priority areas:

- ✘ Clear distinction between visa and permit. Ultimately a permit is sent or issued at the Embassy before the person enters Armenia. If not possible, short visa (see category “C” below) to enter the country, if the purpose is to settle down for work, family reunification etc. The visa should only allow the foreigner to enter the country in order to collect the residence permit. Clearly the permit’s issuance should already be decided upon AND this should be seen in the database when the visa is issued.
- ✘ Elaboration of more detailed visa categories with a spectrum of aliens who can apply for an “ordinary” visa if this category is to be maintained;
- ✘ Establishment of new categorization for short and long term visas and transit visas;
- ✘ Establishment of procedures of visa issuing abroad to citizens of countries that are not entitled to receiving a visa at the border;

It is important to limit the possibility to obtain a visa at the border upon arrival to certain categories of visa (tourist, private visit) and only for certain nationalities.

Pre-entry screening and visa procedures are an important component of migration management mechanisms, which are underdeveloped in Armenia and need urgent attention by the government particularly as regards to security checks made for visas issued at the borders.

A visa is a tool for both facilitation and control. With respect to facilitation, a visa gives the bearer reasonable assurance of gaining entry upon arrival in the country of destination. In some countries, the immigration authorities may refuse entry to visa holders, for instance where the visa was improperly obtained or circumstances subsequent to visa issuance change, rendering the bearer inadmissible. On the control side, the issuing country has an opportunity to deny access to undesirables or to recommend restriction in some manner (e.g. length or purpose of stay) of the status accorded the bearer upon arrival.

Pre-entry screening allows the categorization of non-nationals before they enter the country, the collection of all necessary information, and the identification of the appropriate regime of their entry and stay in the country.

One of the important tools, which would allow Armenian authorities to effectively use pre-entry screening, is further categorization of visas in addition to the existing types of visas provided for by the Armenian legislation. Based on the current migration situation in the country, the following visa (non –exhaustive!!) sub-categories are of an exemplary nature and proposed for consideration:

Issue at border possible

30 to 60 day short term – “A” single entry, → 30 to 60 day extensions possible but not residence permit:

- ✘ tourist/ visitor visa

Issue at border NOT possible

30 to 90 day short term – “B” single or multiple entry, → 30 to 90 day extensions possible but not residence permit:

- ✘ business visa
- ✘ visa for medical treatment

10 to 30 day short term – “C” single, → NO extension possible ONLY residence permit must follow. In general the residence permit is already granted but not physically issued (only necessary when permits can not / have not been issued abroad)

- ✘ employment visa
- ✘ student visa
- ✘ researcher visa
- ✘ family reunification

Up to 180 day long term – “D” multiple entry, → possible residence permit OR new visa

- ✘ investor visa
- ✘ non-profit organisations
- ✘ diplomatic visa
- ✘ other categories of interest to the state

Each visa category should envisage a certain package of documents to be submitted for application. For some categories of visas the visa issuing authority will need to coordinate the issuance decisions with the relevant structures in the country (i.e. for employment visa this would be the Ministry of Labour and Social Issues). Additionally, different categories of visas are to be issued for different lengths of stay and different numbers of entries, and suppose different approaches for admission criteria and border checks. The elaboration of clear procedures for obtaining a visa for those who intend to enter for employment or self-employment needs specific attention as currently no work permit system exists which would normally regulate such procedures.

The new categorisation should contain the distinction between transit visas, short-term visa and long-term visas. The procedures for issuing of visas have to be reflected in the legislation in detail and followed up operationally with the establishment of appropriate application forms, as well as clear indications of how the decision on issuance and non-issuance should be taken. The grounds for refusal of issuing a visa need to be clearly reflected in the legislation. The current forms used for visa application and visa extension require some serious over-hauling if they are to provide sufficient information to the receiving officer. The forms are so basic at the moment that it is even difficult to take them seriously, particularly due to the very bad English translation of the various lines to be filled.

According to the suggested procedures Armenian visas should be predominantly issued abroad. Obtaining a visa at the border point upon entry should only be permitted for a limited scope of visa categories and nationalities and need to be governed by clear procedures. Issuing of visas at the border has to be closely connected with the above-mentioned (or similar) categorization of visas. Certain types of visas should not be issued upon arrival under any circumstances (for instance: employment visa, investor visas, or business visas), while some types of visas could be issued upon arrival (tourist, private visas, etc.). This could be done with the possible involvement of inviting organizations or persons (in case of visitors visa), provided that the applicants have all necessary documents, including supporting documents, and that they are qualified for the requested types of visas.

F.7.2. Entry and Admission

Currently partly implemented by the Consular Department of the Ministry of Foreign Affairs and the Border Guards

Priority areas:

- ✘ Elaboration of clear procedures for obtaining of visa for those who intend to enter for employment/ self-employment as currently no work permit system exists;
- ✘ Clarification of entry requirements particularly when entry aims at long term stay;
- ✘ Clarification of grounds for refusal of issuance of visa;
- ✘ Consider the introduction of an alternative entrance permit system as facilitation and control tool according to a particular status of the bearer but restricting his/her activities in the country, e.g. a special identity card.

Entry procedures should contain clear and coherent rules for making decisions on the admission of non-nationals. The officers admitting persons at the border should consider admission according to the category of visa on which the person is entering the country. At the same time, the officer at the border should have the right to deny admission if a person is not qualified for the issued category of visa, poses a security threat, or appears on the blacklist/alert list, etc. The ground for denials should be specified clearly in the legislation and procedures for making decisions on denials should follow. An appeal procedure for these situations would also need to be instituted.

Clarification of provisions to be followed by Consulates where the issue of an entry visa is of a category (see examples above) not to be issued at the border. In some cases the foreigner will be eligible for a residence permit immediately after entry and the visa will therefore only serve as an entry permit into the country. In particular and according to the EU Acquis, production by the foreigner of documents justifying the purpose and conditions of the intended stay both at the visa request time and at the border entry moment (if requested) should be part of the legislative requirements.

In many countries, the involvement of the inviting organizations (e.g., commercial or academic sector) or private persons proved highly effective where such organizations or persons bear responsibility for invitation, lawful sojourn and departure of foreign nationals and can serve as a source of information on the non-national.

F.7.3. Stay and Residence

Currently partly implemented by the Police Department for Passport and Visa (DPV, OVIR), National Security Service and Office of Acquittals, Citizenship, Awards and Titles under the President's Administration

Priority areas:

- ✘ Establishment of a clear categorization of residence permits;
- ✘ Clarification of requirements for residence permits based on **employment** (establish links to the Ministry of Labour and Social Issues, State Occupation Service Agency) or **self-employment** (create a link to the Ministry of Trade and Economic Development, Department of Proportional Economic Development);
- ✘ Introduction of a work permit system linked to residence permits;
- ✘ Inclusion of increased details for family reunification as legal provision allowing for residence permit;

- ✘ Inclusion of religious and humanitarian activities as legal provisions allowing for residence permit (e.g. religious workers or NGOs);
- ✘ Issuance of a single document for stay, which should also stipulate the purposes for which the respective alien is residing in Armenia;
- ✘ Establishment of procedures for detecting aliens who are residing within Armenia, including those who are overstaying.

Just as the current system for entry into Armenia is characterized by a very limited categorization and overly universal character, the criteria determining eligibility for obtaining residence permits is equally general. Therefore, the establishment of a clear and diversified categorisation of residence permits issued to aliens is of vital importance for the improvement of Armenia's immigration policy and practice, particularly keeping in mind a security angle and avoiding the abuse of these systems for "legalized" irregular migration.

The conditions for sojourn of foreigners on the territory of the country, the scope of rights and obligations to which the non-nationals are entitled, and the duration of stay should depend on the category of visa obtained by the foreigner before entry.

The purposes of stay on the basis of which a residence permit is granted should be the same as for visa categories implying possibly a stay longer than six months. Thus, aliens staying on long-term visas should be able to extend their right to sojourn according to their reasons for admission without having to re-apply on different grounds. A single identification document issued to the alien should – beside the status of residence – also stipulate the purpose for which the respective alien is residing in Armenia. When talking of employment or self-employment it should be understood that a permit is given on the business of a specific employment in a specific company including when the company belongs to the foreigner as self-employed. A change of these statuses must be requested to/ and confirmed by the authorities.

The issue of sojourn of non-nationals in the country is also closely related to issues related to their employment or business activity in Armenia. It is therefore of utmost importance that a Law on Labour Migration is established, which will define rules and procedures for licensing of national and foreign employers for employment of foreign nationals as well as Armenian nationals. Establishing clear procedures for the admission of non-nationals for work purposes should also be in the interest of the Government with a view to regulate and protect the Armenian labour market, i.e. through the Acquis required "labour market test". However for self-employers and investors there seems to be the need to involve an institution such as the Ministry of Trade and Economic Development or of Finance and Economy in order to be able to perform the Acquis required "economic benefits test". The legal provision for the establishment of an "investment promotion centre" to guarantee certain fiscal free periods to investors might also be envisaged.

The introduction of a system of individual work permits for migrant workers is equally vital. In this context it is important to establish different procedures for issuing work permits for various categories of migrant workers (for instance, qualified and non-qualified workers). The procedures of application for work permits should be available for potential migrant workers both outside of the country and inside the country. At the same time, as best practices show, certain categories of temporarily staying foreigners should not be allowed to obtain work permits or change their status (e.g. tourists) while being present in the country, however the current legislation on employment would in fact allow this.

Additionally religious and humanitarian activities are missing from the legislation as legal provisions allowing for residence permits. The assessment team recommends the inclusion of those into an extended categorization of residence permits.

Finally while the system of registration of foreigners through the Police Department for Passport and Visa branches works quite well in Armenia, the establishment of procedures for detecting

aliens, who are overstaying their visas and residence permits, needs to be included in national legislation including the appointment of a law enforcement body mandated to deal with irregular migrants inside the borders of Armenia.

F.7.4. Return, readmission and expulsion of non-nationals

Currently partly implemented by the Consular Department under the Ministry of Foreign Affairs and the Ministry of Justice

Priority areas:

- ✘ Review the criteria for entry ban of deported aliens based on criminal record and length of illegal stay;
- ✘ Introduce a legal regulation for the creation of detention facilities for aliens (including at border crossing control points);
- ✘ Definition of clear rules for extradition and expulsion;
- ✘ Introduce a provision in the state budget for expulsion procedures.

An important aspect of the management of migration processes is the exit of non-nationals, for which the Armenian legislation should establish easy-to-follow and clear procedures.

Some special procedures should be elaborated in order to deal with the violation of migration legislation and the removal of irregular or unwanted foreigners from the country. Such special procedures can include the apprehension, arrest and detention of irregular foreigners; voluntary return of non-nationals to their countries of origin; administrative expulsion of non-nationals as well as forced expulsion (deportation) of non-nationals. While in the course of the latter the relevant authorities physically move an alien from the territory of Armenia to his or her country of origin, usually with the assistance of a readmission agreement, administrative expulsion means that a recorded order from the relevant authority is given – on paper – to the alien requiring this person to leave the territory of the state within a certain date. Legislatively speaking failure of an alien to leave voluntarily would mean becoming eligible for detention and forced expulsion.

All of those procedures, especially apprehension, possible detention, expulsion and deportation, should be stipulated in detail in the legislation with indication of clear and coherent grounds for decision-making, responsible authorities, and conduct and appeal procedures. Expulsion grounds (but not necessarily the procedures) also need to be defined in detail by the law. The legislation should also envisage the categories of non-nationals to whom expulsion and deportation shall not be applicable in any case (e.g. refugees, foreign parents of citizens of Armenia, etc.).

It is furthermore recommended to review the criteria for re-entry bans on repatriated aliens based on the reason for expulsion, their criminal record and the length of illegal stay. For example, the re-entry ban for an alien who committed a crime in Armenia or for an alien with five years of illegal stay should be longer than the re-entry ban for an alien who stayed illegally for a period of six months. It is also necessary to introduce a maximum period for which an alien can be in administrative detention before being deported. Furthermore, it is important to consider what to do in future (from a legislative perspective) with irregulars, who cannot be expelled to their country of origin for security reasons

F.7.5. Irregular migration, migrant smuggling and trafficking in human beings

Currently partly implemented by the Division for Combating Illegal Migration and Division for Combating Trafficking in Human Beings both under the Police, the Ministry of Justice Penitentiary Department, NSS and the Office of Public Prosecutor General

Priority areas:

- ✘ Applying the same administrative law for migration-related offences, including illegal border crossing (when no further criminal intent has been established) and illegal overstay;
- ✘ Introduction of a maximum length of detention (in separate areas from other criminally charged offenders) for aliens illegally crossing the border and other aliens who have violated immigration rules;
- ✘ Fully implementing the Protocol on Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, including introducing an article in criminal law penalizing the smuggling of migrants across international borders of Armenia.

In the current migration law, all aliens, who do not require a visa to enter Armenia, have the right to stay three months in the country without visas, at which time they are obliged to apply for a temporary residence permit. In a similar fashion, aliens who do need to have a visa for entering Armenia are obliged to apply for a residence permit before the validity of their visa expires. When receiving the permit, the aliens are automatically registered according to the place of residence that they indicated in their application. Referring to the above suggested visa categories it should not be legally possible for persons not under visa free regime to obtain a residence permit (i.e. change of status) if their original entry was in the above categories “A” and “B” with the exception of humanitarian grounds of course.

However, there is no control mechanism in place to monitor whether aliens do indeed apply for a residence permit upon expiry of their visa or their visa-free stay, and whether they apply for a renewal of their residence permit once the current permit expires. As a result, no information is available on the number of aliens overstaying their right of stay and hence no action is taken by the government to promote either regularization of foreigners staying in Armenia on an irregular basis or to facilitate their departure from the country with administrative expulsion orders.

The legal basis for the creation of specialized detention facilities for aliens in Armenia who have administratively breached immigration regulations, separate from the penitentiary facilities in place for convicts tried under Armenia’s Criminal Code, should be immediately considered, including the implications on the State budget. At the moment no case law on detention exists at all, with maybe one to two cases per year. Detention of foreigners in practice remains a non-issue.

There is a need for introduction of a maximum length of detention for specific violations of the immigration law, specifying for illegal border crossing, overstay of visas and residence permits, and other violations. Administrative law should be applied to violations of the immigration law, including overstay and illegal border crossing (when no further criminal intent has been established); i.e. the administrative penalties should be harmonized for irregular migration offences and the current criminal charge for irregular border crossers which is not in line with EU practice should be re-considered.

There is a need to fully implement the Protocol on Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime, including introducing an article in the Armenian criminal law penalizing the smuggling of migrants across international borders.

F.7.6. Migration Data and Statistics

Currently partly implemented by the National Statistics Service, Ministry of Labour and Social Issues, Department for Passport and Visa under the Police, National Security Service, and Migration Agency under the Ministry of Territorial Administration

Priority areas:

- ✘ Linking of various state registers, such as the Police databases with the Border Management Information System (already provide for by legislation, but not yet implemented). The law regulating this database should define the encoding process, the access process and the related data protection.
- ✘ Creating the legal basis for gathering of “aggregated data” and migration data exchange between agencies taking into account issues of data protection.
- ✘ Empowering the National Statistics Service (ArmStat) to prepare timely statistics on migration flows as requested yearly by EUROSTAT.

Implement the Decision # 884-N of the Government of the Republic of Armenia of 22 June 2006 on “Creation of the Electronic Border Management Information System, Defining the Procedure for its exploitation and the List of its Users”, combining the high-tech BMIS system with the simpler Police DPV (OVIR) system which, however, contains important data on visa and residence permits. Similarly the system used by the MoFA to register visas given abroad should be also linked to the main system. Missing from the legislation is a separate law to regulate the issue of data protection. It is advisable to enact a separate law on data protection, which would also apply to personal migration data exchange, but not to aggregate data. Legal provisions should indeed be established to guarantee a correct data exchange mechanism between the Police, MoFA, NSS, etc., to keep track not only of entry and exit of foreigners but also of their change in status and on-going residence in Armenia.

Furthermore, it should be legally possible to determine which aggregated data should be made accessible on a regular basis to the National Statistical Service in order to allow them to carry out their work for statistical elaboration, extremely important for the migration policy making of any country, as well as their yearly sharing of statistics on migration with EUROSTAT. The new EC Directive (July 2007)¹¹⁹ defining these statistical requirements calls for the provision of five categories of yearly statistics on:

1. international migration, usually resident population and acquisition of citizenship;
2. international protection;
3. prevention of illegal entry and stay;
4. residence permits and residence of third-country nationals;
5. returns.

F.7.7. Institutional Framework for Migration Management¹²⁰

Priority Areas:

- ✘ Identification and assignment of one key institution in the migration field – definition of its functions and responsibilities;
- ✘ Adjustment of the functions and responsibilities of other agencies dealing with migration with the ones of the central migration management coordinating body to be identified;
- ✘ Concordance with the EU Acquis on migration and expertise of the EU member states.

One of the central recommendations of the assessment team is the identification and assignment of one central key institution for migration management. The definition of its functions and responsibilities has to be reflected in national legislation. In accordance with this, necessary

¹¹⁹ 862/2007/EC: Regulation of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, Official Journal L 199, 31.07.2007, p. 23–29.

¹²⁰ As far as it may require new legislation.

adjustments of the functions and responsibilities of other agencies dealing with migration vis-à-vis the functions and responsibilities of the central migration body need to be included in the legal basis for migration management.

It is advisable to draft or amend relevant legislation on this key issue in concordance with the EU Acquis on migration and with expertise of the EU member states.

F.7.8. Emigration Policy and Protection of Armenian Labour Migrants Abroad

Armenian passports are used as national identification cards and as travel documents at the same time. The difference is marked by a stamp, which validates the passport in foreign states, the “so called” exit visa. This practice is not consistent with international requirements for travel documents. Also, since it can be possible to fake the exit visa, it is suggested that some other solution is given to this issue.

According to current regulations, nationals of Armenia who decide to leave Armenia on a permanent basis need to register this at the Police. However, for various reasons this does not happen to a large extent, which means that the numbers of emigrants registered by the Police are by no means an accurate reflection of the real outward migration movements from Armenia.

The Ministry of Foreign Affairs recommends Armenian nationals living abroad to register with the Armenian embassies in the countries of destination. According to information presented to the assessment team, the consular sections of Armenian embassies register both Armenian nationals residing abroad on a permanent and temporary basis. However until more concrete advantages for registration (e.g., vote abroad or fiscal facilitation at home as foreign resident) are not legally put in place it will be difficult to convince Armenians abroad on the benefits of registering.

As labour migration of nationals is still one of the important aspects of migration for Armenia, it would be recommended to establish a legal framework for managing the aspects of employment of nationals abroad, i.e., possible bi-lateral agreements.

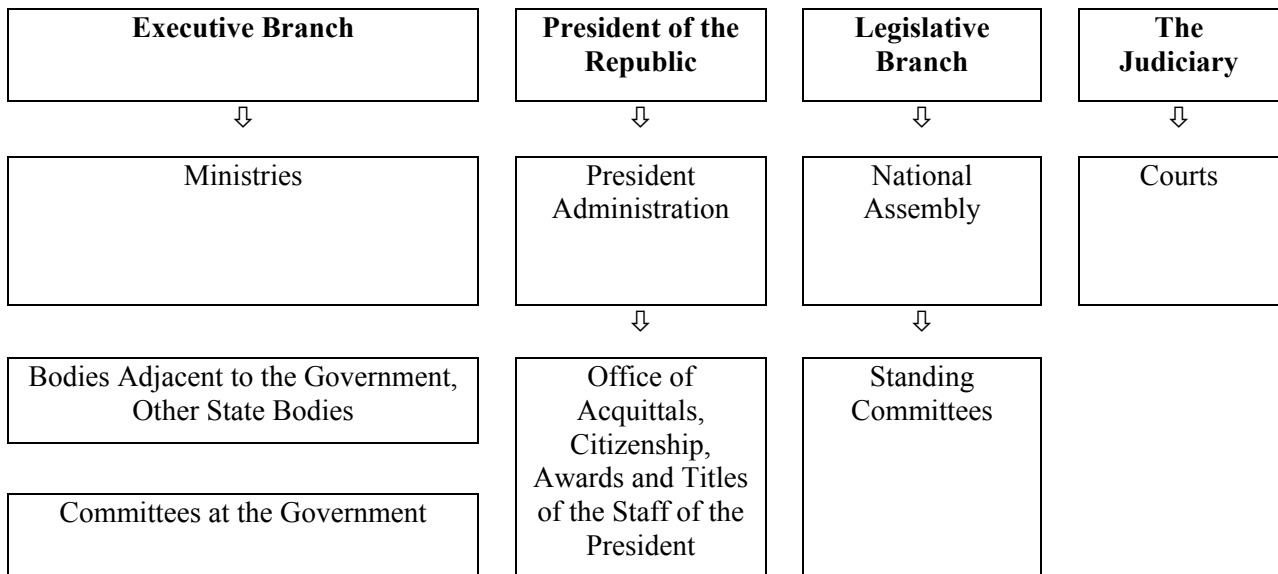
Regulation of the activities of recruitment agencies sending nationals of Armenia for employment abroad should be one priority in this regard, for example through a system of licensing or any other system that is in compliance with best international practices. Equally important is the support and protection of nationals of Armenia during their employment abroad, e.g. through the conclusion of bilateral labour migration agreements with countries of destination that contain specific agreements on protection of migrant workers, the deployment of labour attachés at embassies of Armenia abroad, engaging in mobility partnerships with EU Member States, etc.

Armenians rely a lot on remittances yet a comprehensive policy (and possibly legislation) concerning remittances still needs to be set. This law should include regulation of the requirements for the financial institutions and the migrants, as well as capacity building activities in order to properly enforce the requirements, and formalization of money transfers. However when dealing with this issue the government and the law makers should be extremely careful not to fall into the temptation of taxing this system. Any such action would just encourage the further development of parallel channels. Rather the systems should endeavour to re-ward “regular remittance senders” by providing loans for SMEs to the family members in Armenia guaranteed by the remittances themselves.

G. Administrative structure of Migration Management

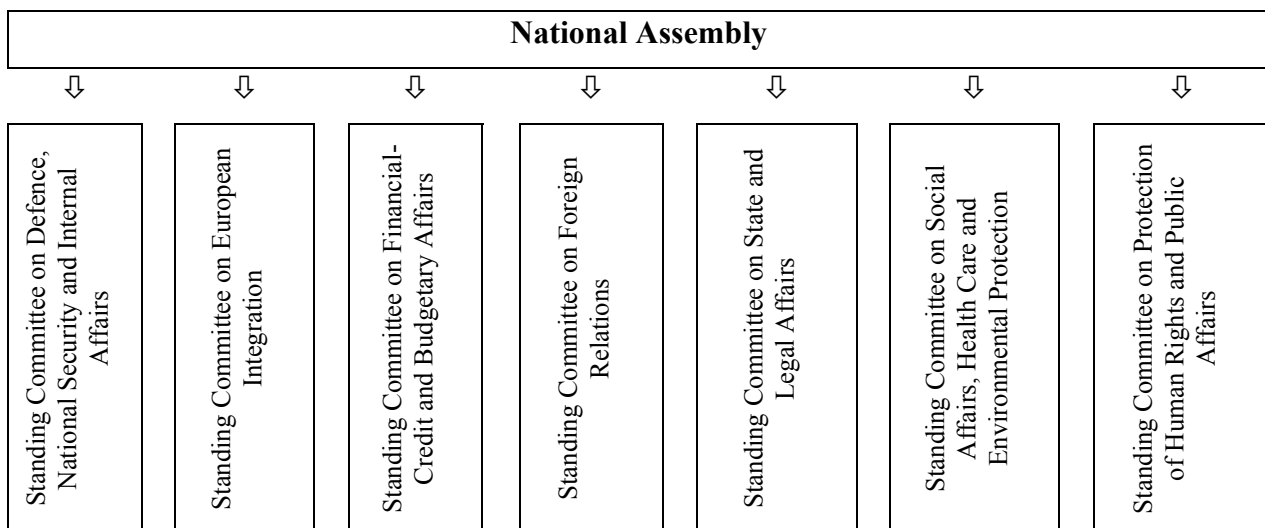
G.1. Overview of the state structures involved in migration management

I. General Overview



II. Overview by Branches:

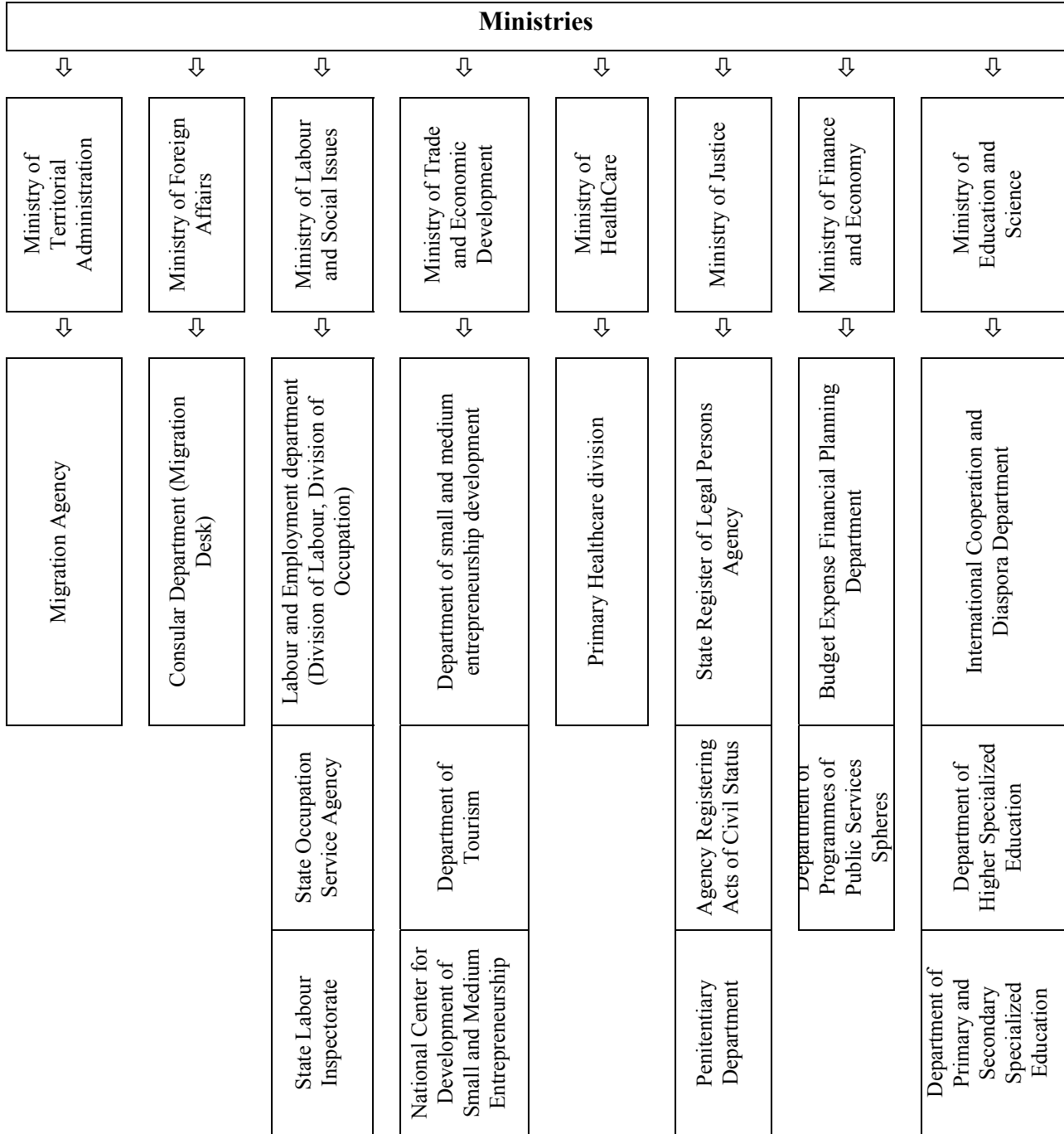
Legislative Branch



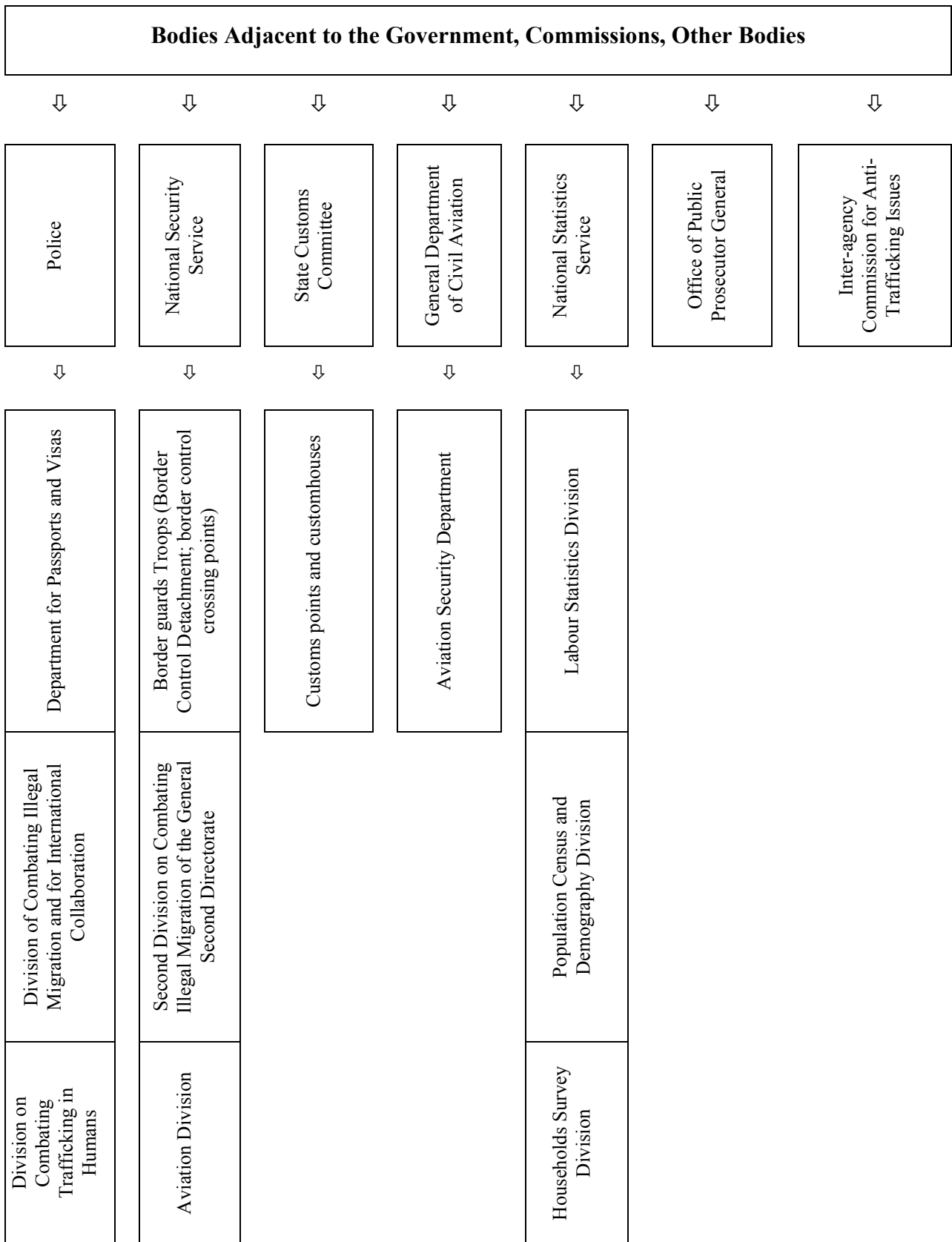
III. Overview by Branches:

Executive Branch

1. Ministries



Other Bodies



G.2. Mandate

During the Armenian officials' Study Tour to Sweden at the beginning of April 2008 the Experts were informed of the recent formation of a Working Group to prepare a position paper on the possible re-organization of the administrative structures and duties of the different agencies that currently have a stake in the Migration Management process in Armenia. It is the hope of the Experts that the Migration management Assessment presented here will provide useful suggestions and guidance to the next sessions of the mentioned Working Group. The experts understand that this is NOT a policy document but rather a written attempt to define a possible organigram and division of tasks for future Migration Management in Armenia.

Currently the administrative structure of migration management in Armenia is particularly complex. Overlapping mandates of different institutions highlight the multifaceted structure of migration management in Armenia. The experts are in favour of a simplification of the system and to this end have taken a look at the (on paper) mandates of the different agencies involved in migration or migration-related issues

The Migration Agency (MA), formerly the Department for Migration and Refugees (DMR).¹²¹

In 2005 DMR was restructured into **Migration Agency (MA)** and placed under Ministry of Territorial Administration (<http://www.mta.gov.am/>) based on Governmental Decision # 633-N of 19 May 2005). The MA designs and implements projects aimed at management of migration and refugee issues. The MA does not deal with every migration-related state responsibility. The MA's first objective was to count passenger flows. The MA receives monthly information from the Central Bank of Armenia on remittance volumes. The MA has however no function in matters of residence permits, visa or border management.

<http://www.dmr.am/ADMR/INDEX.HTML>; <http://www.backtoarmenia.am>

Ministry of Labour and Social Issues (MLSI) [Department of Labour and Employment; State Occupation Service Agency; and State Labour Inspectorate]. The Ministry Department of Labour and Employment deals with issues related to labour migration. It has database of organizations, vacancies and unemployed people and is therefore able to implement unified policy. Previously the Migration Agency used to be a department in MLSI. The ministry conducts thorough analysis of labour market and organizes trainings for persons willing to work abroad, sending them afterwards to countries where high demand of labour force exists. Though not yet enforced, it is expected that MLSI will be responsible for issuance of work permits for foreigners. The Ministry has also separate subdivisions, such as the State Labour Inspectorate and the State Occupation Service Agency. The latter consider themselves the competent authority of work permits, which gives residence status. However the procedure is still missing. The service has 405 employees in 51 territorial offices (including ten in Yerevan). Manages the NORK database through which they also make forecasts on the labour market based on statistical indicators. The procedure is in line with the EU employment strategy however the most serious problem identified is that vacancies cannot be filled due to the missing qualified personnel.

<http://www.mss.am>

¹²¹ DMR was established by governmental decision of April 1999. Until 1999 the Ministry of Labour and Social Welfare was in charge of migration and asylum issues. DMR developed a migration policy, including drafting or amendment of existing legislation; launch of programmes of social assistance for vulnerable groups; statistical records on migration.

Ministry of Foreign Affairs (Consular Department and its Migration Desk, Legal Department) is responsible for visa and passport issuance, relations with Armenians abroad. Its Consulate Department deals with repatriation and readmission issues. The MoFA has furthermore online access to BMIS database and via this the documents of the applicants can be identified electronically.

<http://www.armeniaforeignministry.am/>

National Security Service (Second Division on Combating Illegal Migration of the General Second Directorate and the Border guards Troops) (NSS) deals with border management and control. NSS has data on foreigners granted residence status. In case a foreigner applies for a special residence status, NSS gives its opinion to this issue.

Border Guards Troops have a Border Control Detachment in charge of border management and control. They manage the BMIS database.

In accordance with the Treaty on Friendship, Cooperation and Mutual Assistance and the Declaration on the Collaboration towards the 21st Century of December 29, 1991, Russian Federal Border Guards Troops control Armenia's borders with Turkey and Iran.

<http://www.sns.am>

Police (Division of Combating Illegal Migration and for International Collaboration; Department for Passports and Visas; Division on Combating Trafficking in Humans). The Police **Division of Combating Illegal Migration and for International Collaboration** was established in 2003 and investigates cases of illegal state border crossing; swindling; and forgery, sale or use of forged documents, stamps, seals, letter-heads, vehicle license plates; and deals mostly with RA citizens who become irregular migrants.

The Police **Department of Passports and Visas** (DPV, "AVV" in Armenian and "OVIR – Otdel viz i registracii" in Russian), within the structure of the **Police**, which in its turn reports to the Prime Minister: is responsible for visa issuance at the borders, visa extension, registration of foreigners on the territory, issuance of exit stamps (passport validation) for RA citizens and operates the passport database of the citizens of the Republic of Armenia.

<http://www.police.am>

National Statistical Service of the Republic of Armenia (ArmStat)

ArmStat collects, processes, summarizes, analyses and publishes statistical data, including migration related data, co-ordinates the information and data collection according to the unified classification and coding system based on international standards, organizes statistical surveys, carries out Population censuses. Collects data on remittances (household surveys of 2002 and 2006), on immigrants and emigrants.

<http://www.armstat.am>

Administration of the President of the Republic of Armenia (Office of Acquittals, Citizenship, Awards and Titles of the Staff of the President). The main responsibilities of the Office of Acquittals, Citizenship, Awards and Titles are: to grant pardon to convicted persons; to offer citizenship; to offer political asylum; to bestow orders and medals of the Republic of Armenia; to confer top military and honorary titles, as well as top diplomatic and other ranks. The Office also

fulfils other functions prescribed by the law. Three migration related regulations have passed through president's office recently: visa stamps, unwanted persons-database, list of countries that should receive visa at embassy level. This last one was blocked with a request to reduce it, clearly pointing to the policy direction coming from the highest government body in Armenia.

<http://www.president.am/administration/eng/>

The Ministry of Trade and Economic Development (MinTED)¹²² is responsible for elaboration and implementation of tourism development policy and elaborates the investment policy in the country. It also works out and realizes a state policy for entrepreneurship development, including small and medium enterprises. The Ministry has created a Fund "National Center for Development of Small and Medium Entrepreneurship" (<http://www.smednc.am/>) in 2002.

<http://www.minted.am/en/>

Ministry of Health takes measures to prevent dangerous and infectious diseases.

<http://www.moh.am/>

State Customs Committee under the RA Government manages, organizes and monitors customs activities, controls the entry and exit of goods.

<http://www.customs.am>

The Ministry of Justice (MoJ) oversees the **Penitentiary system**. Since there are no migrant accommodation centres in Armenia, illegal migrants are kept in general penitentiary institutions. The **state register of legal persons** (<http://www.stateregistry.am>) is also a unit under the Ministry of Justice, and it maintains a database of all legal persons and sole entrepreneurs operating in Armenia (except for banks and credit organizations, who are registered with the RA Central Bank, which operates the Credit Registry). The **Bodies of Registering the Civil Status Acts** are situated within the Ministry of Justice.

www.justice.am

Civil Aviation General Department elaborates and implements the state policies in the of aviation sector, as well as administers and supervises aviation services and aviation infrastructures that operate in Armenia.

<http://aviation.am/eng/home.htm>

Office of Public Prosecutor General

Criminal prosecutions are initiated by the Office of Public Prosecutor. The Office of Public Prosecutor also supports the prosecution on criminal cases in courts; controls over the legality of preliminary investigation and inquiry; as well as supervises over the implementation of punishment and other means of enforcement measures, among other functions.

<http://www.genproc.am/>

¹²² In April 2008 the Ministry was renamed the RA Ministry of Economy.

Inter-agency Commission for Anti-Trafficking Issues

In October 2002, the Government of Armenia established the Inter-Agency Commission (IAC) to “study the issues and make suggestions in regard to illegal transfer and trafficking in humans from the Republic of Armenia with the purpose of exploitation”. The following agencies are represented in this body: the Ministry of Foreign Affairs, the Prime Minister’s Office, the Prosecutor General’s Office, the Ministry of Labour and Social Issues, the Ministry of Health, the Ministry of Justice, the National Security Service, the Police, Department for Migration and Refugees (later renamed the Migration Agency and included as part of the Ministry of Territorial Administration), the National Assembly, the National Statistical Service, and the Armenian Red Cross.¹²³

The IAC is officially an advisory body to the government; it is not capacitated to take decisions. Its role is to draft the multi-annual national strategies and action plans on counter-trafficking. According to reports, the IAC unfortunately lacks real coordination, proper records’ management and systematic follow-up on meetings. Currently the IAC is being restructured to include higher-ranking officials and thus have more power to operate.

The **National Assembly** is the body, which adopts law in Armenia. National Assembly has several Standing Committees which in one way or another deal with migration related legislation and matters: on State and Legal Issues; on Defence, National Security and Internal Affairs; Social Affairs, on Health Care and Environmental Protection; on Protection of Human Rights and Public Affairs; as well as on European Integration; on Foreign Relations; on Financial-Credit and Budgetary Affairs.

www.parliament.am

Justice is administered by the **Courts** of the RA. There exist courts of common jurisdiction (1st instance), specialized courts (administrative, civil and criminal), courts of appeal (civil and criminal) and Cassation Court (highest judicial body except from constitutional-justice issues which are under the jurisdiction of the Constitutional Court).

<http://www.judiciary.am/?l=en>

Ministry of Finance and Economy¹²⁴ develops and implements the policy in state revenue formation, state finance management, coordination of social-economic development programmes.

<http://www.mfe.am/mfeengweb/indexeng.htm>

Ministry of Education and Science develops and implements the state policy in the sphere of education and science.

<http://www.edu.am>

In practice, the division of responsibilities between agencies remains unclear. Several actors often claim to have implementing power over various migration issues, which can lead to ineffectiveness. According to an ICMPD report, the greatest confusion lies between MLSI and MoTA, both of whom claim responsibility over labour migration issues. The MoTA’s charter indicates that it is the designated executive body for the implementation of the RA policy on migration, labour migration and refugee matters. Previously, a government-approved concept paper on migration conferred upon the Department for Migration and Refugees (DMR), now MA, the power to articulate an action plan and schedule the implementation of the terms of the concept paper.

¹²³ International and intergovernmental organizations (IOM, UNDP, UNICEF, UNHCR, OSCE, etc.), as well as local NGOs had observer status with the IAC.

¹²⁴ In April 2008 the Ministry was renamed the RA Ministry of Finance.

G.3. Existing Structural Challenges

G.3.1. Overlapping mandates

In this area the most evident gap is the lack of a “main” actor in the field of Migration, see policy maker above. The Migration Agency is de facto today the Refugee and Asylum agency as per its current activities with approximately 350 cases of asylum seekers a year, mostly of Iraqi nationality. The name “Migration” Agency is unfortunately misleading, as both in mandate and in practice the MA does not deal with border, visa or permits issues of any kind excluding ID cards for refugees and asylum seekers.

Currently the following are the agencies involved in migration (on a governmental level), which have been identified by the experts as most obviously playing a role:

Immigration:

Consular department, MoFA

Presidential office

Police DPV (OVIR)

NSS

MA

Ministry of Labour and Social Issues / State Occupation Service Agency

Ministry of Trade and Economic Development (small and medium enterprises)

Ministry of Justice

Indirect involvement:

NA

Ministry of Health

Emigration and return:

MoFA

MA (unclear role)

Ministry of Labour and Social Issues

NSS

G.3.2. Lack of migration oriented technical aid

Currently there is an array of databases or “quasi” databases in Armenia possibly containing different information on the same foreigner. The experts counted BMIS, Police DPV (OVIR), MA, MoFA, and State Occupation Service Agency, as well as MoJ Database for registering legal persons and sole entrepreneurs. However it seems clear to the experts that apart from the BMIS programmer (AIT Systems) there is no or little awareness of the non-existing connection between the different systems and what problems that causes. The lack of information of overstay in the BMIS system absurdly jeopardises security in Armenia. At the moment only NSS officers can access the total of the BMIS data and they only can modify it.

Additionally the issue of BMIS ownership must be raised and though AIT has done a fantastic job at creating a world class IT platform for Migration Management it should not be forgotten that AIT

remains what it is: a private company with private interests. The government must consider this and not be in a position of subordination to a private enterprise.

There seems to be also an excessive “fixation” with the issue of biometric passports. In fact the appraisal of what a biometric passport actually is does not seem to be fully clear to Armenian officials. Before thinking of how to scan fingerprints the Armenian entity dealing with the creation of these passports needs to understand that in order to store fingerprints in a passport there is a need to install an electronic chip on the passport cover, i.e. first modifying the current regular passports into electronic machine readable passports into which then, as a second step, biometric data can be stored.

Technology is an aid, not an aim. It should be developed to assist in enforcement and **not to** dictate procedure. It is a tool, not a secret deposit for information.

Taking into account the above it is recommended to:

- ✘ Identify and assign a single, strong coordinating agency in the field of migration management. Coordination needs to be applied to policy decisions, legislative review, implementation as well as technical support and inter-agency IT complementarities.
- ✘ This agency can be an existing institution, but with more competencies added to its mandate. This agency should have the responsibility for the extension of residence permits and residence matters, including asylum processing, but **not** for border control.
- ✘ The territorial representation of this structure can be assured through the territorial branches of the Police Department for Passport and Visa which is issuing at present the documents attesting the legal residence in Armenia.
- ✘ This institution should have, beside the competencies on legal migration, the necessary competencies for preventing and combating illegal stay of aliens. In this respect, there is a need for cooperation with the national police which have the necessary capacity for this kind of action on the whole Armenian territory, based on the information received from the other institutions involved (Border Guards, Police Department of Passports and Visas, etc.).
- ✘ Setting up a closed accommodation centre for aliens in administrative detention. The centre has to be managed by the agency closest to irregular migrants – which in Armenia’s case would be the Border Guards, the Police or the Ministry of Justice, which currently houses the Penitentiary Department into which this new function could be accommodated.
- ✘ It is highly recommended to designate an institution managing the necessary procedures for allowing aliens to work in Armenia and to have clear records of work contracts concluded by the aliens.

To enable the Armenian government to tackle the above-identified shortcomings in its current migration management, it is strongly recommended to create a central strong institution in the field of migration and asylum guaranteeing the effective institutional framework for migration management. Relevant state authorities will need to appoint one “key institution” currently involved in the migration field, which has to be charged with a central coordination role though would not necessarily take over all the functions done now by others.

This entity can be an existing institution, which will be assigned with more competencies. Its central mission will be leadership and coordination in the formulation of a migration policy and its subsequent implementation as well as in overseeing interagency consultation and cooperation of all relevant agencies in the area of migration. Both Citizenship and Migration issues should be considered ideally under one ministerial roof. The current Migration Agency and the Police DPV may consider taking up these separate departmental roles while belonging to the same ministerial structure.

This institution should have, beside the competencies on legal migration (admission, stay), the necessary competencies for preventing and combating illegal stay of aliens. In this respect, there is a need for cooperation with the national police which have the necessary capacity for this kind of actions on whole Armenian territory, based on the information received from the other institutions involved (Border Guards, the institution in charge with granting the stay right in Armenia, etc.). The central migration agency should have responsibility for visa extensions and residence matters, including asylum processing, but not for controlling the border. This responsibility should stay with the Armenian Border Guards of the NSS. The Consular Department of the Ministry of Foreign Affairs should naturally continue to issue visas outside the country.

Subsequently to the creation of this key migration agency, the functions and responsibilities of other agencies dealing with migration in Armenia will have to be adjusted with the functions and responsibilities of the newly enabled entity. This administrative process also has to be reflected in the legal framework.

Apart from creating a central migration institution, the assessment team believes that it is advisable to set up a closed accommodation centre for illegal aliens in administrative detention. The centre has to be coordinated and supervised by the structure dealing with irregular migration and should be either under management of the Border Guards (as per general practice in many countries) or the Ministry of Justice (which currently coordinates the penitentiary system in Armenia).

Furthermore, it is highly recommended to designate one institution with the task to design and subsequently manage the necessary procedures for introducing and granting work permits to aliens in Armenia which should be issued together with the residence permit if not even be blended into one single residence permit issued for work reasons. This body will also need to have a complete and transparent record of work contracts concluded between employers and foreigners, and assume the function of overseeing employers of aliens. It appears most logical to assign this function to the Ministry of Labour and Social Issues, which will then coordinate day-to-day issues with the central migration institution and which also has an excellent territorial capacity. However for self-employers and investors there seems to be the need to involve an institution such as the Ministry of Trade and Economic Development or of Finance and Economy and possibly the establishment of an “investment promotion center”, in line with Armenia’s current policy of attracting foreign investment.¹²⁵

In general terms, it is recommended that the central migration agency should have the final authority in migration-related matters, subject to the direction of the Government and the provisions of the applicable legislation. The agency’s range of functions and powers should include a strong policy role, capacity to develop and oversee the application of legislation (on entry, exit and stay, legal status of foreigners and labour migration, instructions and regulations, development of legislation relating to administrative structure, etc), and a strong coordinating function to ensure that all relevant agencies contribute to the achievement of government policies and programmes in this important area.

¹²⁵ Note that on this issue the experts have differing opinions. IOM supports what is in the paragraph above maintaining a division between residence permit and work permit issuance. SMB prefers the version where one entity would be responsible for both.

H. Enforcement and Operational Mechanisms

The Assessment Team notes that too much focus is put on mandates and power, rather than on the process of migration. The domestic structure dealing with migration should be recognized as secondary to the respect of the individual actions in migration. The procedure must be created based on the actions taken by migrants and the force of migration must be acknowledged. Emphasis should be put on establishing what type of migration trends are particular to Armenia and how these trends should be dealt with, i.e. what migration is desirable for Armenia and what migration needs to be regulated, controlled or even prevented. An example of possible in-congruencies in this field is making irregular border crossing a crime, but issuing a visa no matter what the reason for entering the country. That is why irregular migration in Armenia is almost a non issue. If everyone is welcome, border management is not as relevant¹²⁶ as the categories wishing to utilise irregular routes diminish drastically. In this sense control inside the country becomes much more important and should certainly be actively strengthened.

Generally focus cannot only be put on one part of the process without considering the consequences in the next steps. In this chapter we would like to focus on the process of migration and what considerations that demands.

H.1. Borders

Since 1996, IOM has been collaborating with the Government of Armenia within the framework of a Capacity Building in Migration Management Programme (CBMMP). Initially CBMMP aimed at establishing a unified migration policy of the Government of Armenia and strengthening the legislative basis for migration management in the country. At the second stage of its development CBMMP focused on strengthening the administrative and operational mechanisms and structures for migration management. IOM is supporting the Armenian Government in expanding its border management reform through expansion of the Border Management Information system to border crossing points.

IOM has done extensive capacity building to bodies involved in Migration management, such as MA / DMR, NSS and its Border Guards Troops (including assistance to establishment of the Training Center of the Border Guards Troops), Interpol Armenia National Central Bureau, Police and its Department of Passports and Visas, Ministry of Foreign Affairs and its Consular Services, Ministry of Labour and Social Issues, etc.

Clearly the experts were not in a position to measure the independence of agencies from political power and influence. The experts were informed that 40 to 50 visas per day are given at Bagratashen, the land border to Georgia, at a cost of about 50 USD per visa. The concerning item was the persistent lack of rejections. The experts were also informed that information is kept in BMIS for seven year by NSS. The Border Guard sources informed that BMIS should be connected to all border posts by the end of 2008 as part of an IOM and GoA Project on Further Expansion of the Border Management Information System. Thus far (March 2008) it was only functioning at the Yerevan Zvartnots airport, Giumri Airport, and Bagratshen border crossing control points at the Georgian border and Meghri Karchevan border crossing control point at the Iranian border. The aforementioned IOM Project is finalizing the connection to BMIS at Airum Railway Station, Bavra and Gogavan border crossing control points with the Republic of Georgia. However registration even at connected borders is still being done manually and then sent to the central database by IP and satellite.

¹²⁶ For example green border patrolling between Armenia and Georgia did not seem to be taken as a very serious issue as their seems to be very little motivation to cross illegally when staying legal is in fact not a difficult proposition.

The Border Management Information System (BMIS) was at first introduced at Yerevan Zvartnots International Airport. BMIS was created by Aviainfotel CJSC. Its further expansion was done with active participation of IOM. Thus, in September 2000, IOM produced an assessment and report on border management in Armenia, which among other issues, looked also at the computer based information system at the Yerevan Zvartnots airport. The Ministry of National Security, predecessor of the National Security Service, proposed that the information system be expanded to the land border crossing points and that networks be established with a central data archive for the storage, analysis and retrieval of information. An independent technical evaluation of the system was commissioned by IOM to Oriental Software Private Ltd., based on whose assessment report to the Government of Armenia and recommendations, the system was expanded to Bagratashen land border with the Republic of Georgia in 2004 – 2005. Recently, as part of an IOM Project funded by the US Government, the BMIS is being expanded to other border crossing control points, namely Gyumri Airport, and Meghri Karchevan (border with Iran), Bavra, Gogavan land borders and Airum railway station (all three borders with the Republic of Georgia). This expansion was in line with the Government Decision¹²⁷ on Electronic Border Management Information System and the Implementation Schedule of the National Security Service of Armenia for reforming the Border Management system in Armenia. The named Decision prescribes that the following bodies should be linked to the BMIS: Office of Public Prosecutor General, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Transport and Communication, Ministry of Defence, NSS, Police, Civil Aviation Department, Statistics Service, Migration Agency, Tax Service and courts.

The remaining border-crossing control points (Yerevan Erebuni Airport, Stepanavan Airport, Privolnoe and Jiliza land borders with Georgia, etc.), are being connected to the BMIS as part of NSS Project, going in parallel with the IOM BMIS Extension Project.

The RA Police has a register of Armenian passport holders and residents of Armenia. Currently this database is not linked with the BMIS.

Ministry of Justice State Register of Legal Persons Agency is responsible for state registration of legal persons¹²⁸ and sole entrepreneurs in Armenia and maintains the State Register of Legal Persons, their subdivisions, representations, branches, and sole entrepreneurs.

Armenia has received technical assistance from various organisations involved in the field of migration management. In line with this it is very important to consider and remember that technical assistance should follow the process and not the other way around.

Although immigration and emigration always start and end at the border it is important to recognize that migration continues after the individual leaves the border. The system at the border must therefore take into consideration the consequences of border actions on the continued migration process. Apart from adapting the technical aid used, another obvious example of this is the need for continued training and education for the officials working at the border, who need to be acquainted with not only border management (incl. control and enforcement), but also with the current migration trends, trafficking, asylum, profiling etc. In this regard the Experts have been informed that due to low salaries for officials at the borders, the staff tend to change jobs after a short period. This frequent rotation leads to inexperienced border officials¹²⁹, which directly influence the migration into and out from the country. Low salaries could also be a source of bribes and corruption. It is noted by the Experts that the Government is acknowledging the need for enhanced

¹²⁷ See Decision # 884-N of the Government of the Republic of Armenia of 22 June 2006 on “Creation of the Electronic Border Management Information System, Defining the Procedure for its exploitation and the List of its Users.”

¹²⁸ Except banks and credit organizations, who are registered with the RA Central Bank, which operates the Credit Registry.

¹²⁹ See Country Reports on Human Rights Practices, 2007, Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008. <http://www.state.gov/g/drl/rls/hrrpt/2007/100546.htm>.

training¹³⁰, but the Expert stress in this regard that the Government also need to consider how to keep the trained staff.

H.2. Monitoring and detecting migrants

There is a misconception of the world “control”. The balance between protection of state interest and crime prevention versus the promotion of investment and free movement should be better analysed promoting a better understanding amongst officials the balance between control and facilitation.

Practically speaking it is unclear who is the competent authority for detecting illegal migrants inside the country, i.e. which is the law enforcement body dealing with irregular migrants inside the territory. Emphasis on border control creates a free-zone away from the borders, inside the country¹³¹. The combination of this with the fact that there are no mechanisms revealing an alien’s change of status, e.g. from tourist to entrepreneur, from student to refugee, etc. and alerting of possible irregularities such as overstay, basically lead to a situation where there is no automatic nor even random control of the status of persons within the country. Looking for a foreigner inside the country would be done ad hoc following the foreigner’s potential involvement in crime and NOT in migration irregularities. This creates concrete possibilities of abuse of the system. Furthermore the current technical system and the use of different databases make it very complicated to find out the persons’ exact legal status in the country. The control of a foreigner for the state official (be it a police man, a border guard or a civil servant), must be simplified. The state official needs to know who to contact to find out the legal status of the immigrant, if that person can not provide proof of his or her legal status in the country. Otherwise it is highly likely that the person without legal status is allowed to continue his stay or that a person with legal status is falsely arrested or detained.

In the case of asylum there is an evident lack of representation of the Refugee agency at the border, particularly at the Iranian border. Their representation would be recommended particularly in terms of the frequent cases of potential asylum seekers in fact simply ending up asking for a visitor visa instead.

The assessment team has identified three important issues.

1. An overview IT-tracking mechanism is missing, it is impossible to determine if the person is actually illegally in the country, without contacting and checking with several authorities. The BMIS database should be extended to other entities dealing with migrants beyond entry and exit. In practice the MFA should be able to input pre-entry data and the Police DVP should also insert visa information as well as changes in status including the issuance (and reasons) for residence permits. The system would then be able to alert on irregularities and overstay.
2. However, beyond the IT capacity there simply seems to be a lack of interest as to monitoring of migrants within the country. The entire process relies on detection of irregularities at exit control and the ensuing payment of a fine. The Experts believe that this is due to the fact that so far migration has not been recognized to create security issues or economic concerns, even if high unemployment is a reality in Armenia.
3. There is a lack of actual logistical facilities to handle the cases of migration irregularity. Firstly there is no law enforcement body directly tasked with the tracking and checking of irregulars inside the territory and therefore tasked with their apprehension. Secondly, it is

¹³⁰ For further details of upcoming activities, see for example the European Commission, European Neighborhood Policy (ENP) paper "Implementation of the European Neighborhood Policy in 2007. Progress Report Armenia, [SEC(2008)392]", dated 03.04.2008 Available at http://ec.europa.eu/world/enp/pdf/progress2008/sec08_392_en.pdf.

¹³¹ The RA law determines that the Border Guard only has a ½ km zone of responsibility away from the borders, after that responsibility belongs to the national Police.

very difficult to determine the legal or illegal status of an individual that is apprehended. Thirdly, there is no specific detention facility for irregular migrants¹³². And fourthly, logistical and financial arrangements for forced expulsion are not in place. All these are serious gaps which impede Armenia's management of irregular migration.

Other gaps are the following.

- ✘ There is an issue as what control there should be, military or civilian. The Police may want to handle exit and entry registration, currently done by the NSS Border Guard. The Experts suggest that the Border Guard should be left to do the job it is currently doing well, and rather the Police should concentrate on its mandate inside the territory and institutionalize the follow-up of migration irregularities done AFTER entry as is the practice in many EU countries. At the border itself there is a need for a closer cooperation between the Border Guards and the Customs.
- ✘ As to the mentioned lack of a unified database the most obvious inherent gap is the lack of an alarm system for expiry of permits / visa and potential overstay. Without such an automated system it is rather difficult to handle irregular migration inside the territory. As it is foreigners already inside the country (and CIS nationals in particular) may be content to enter irregular situations. Indeed the Experts were informed that a fine at exit may in the end be a simpler and cheaper solution than obtaining a residence permit. This lack of overstay alert (or even overstay "concern") also creates a void of aggregated data and statistics on migration irregularities in Armenia.
- ✘ Regarding foreign university students, there is a need for a clear tracking of how many prolong their permits after one year and what exactly happens to the ones who are dismissed. The Experts noted that a more liberal issuance of registration certificates may be pertinent to the private universities existing in Armenia. Abuse in this sector may not be widespread but the possibility of it should certainly be noted.
- ✘ As far as the potential influx of more refugees it may be good to envisage potential future quotas from Iraq and Iran, mainly for ethnic Armenians. Border Guard training in asylum issues at the Iranian border is suggested if not already in process. It should include awareness raising and capacity building (including facilities at the border and inside the country) as well as legal-aid clinics. Currently most cases are referred to the MA by UNHCR
- ✘ Linked to the previous point there are two categories of asylum permits, temporary status, issued to persons with humanitarian grounds or in need of subsidiary protection and permanent status refugee permits. During the investigation of the case the MA informs the NSS and Police DPV (OVIR) and issues a prolonged right to stay in the country for three months. If granted a permission to stay, asylum seekers are given a refugee or temporary asylum status card by MA and must register at Police DPV (OVIR). No information is sent to NSS/BMIS though in fact most asylum seekers (95 per cent) have a passport and Armenian visas. A better link between the procedure to issue a refugee travel document to persons who already hold a passport needs to be established. Additionally the Experts were made aware operates an unclear system dividing "refugee" from "political asylum" permits, issued on political grounds by the President of RA to high profile persons. They are referred to the President's office by officials at MA, that decide if the person is high profile enough. If rejected, the person has five days to exit the country. In case of appeal, the person can remain in the country and any deportation order is suspended. Data from the RA Government shows that no one has applied for political asylum in Armenia so far. The

132 The Police reports of a „correctional institution“, outside Yerevan where about 50 irregular border crossers are held for up to two year together with other criminals. It remains unclear whether such an institution would in fact have a different status to a regular prison.

system of reference of a potential refugee for political reasons to political, rather than judicial, considerations give cause for concern.

- ✘ Free health care is provided by law to citizens and foreigners. Currently there are mandatory health checks of refugees however there seem to be little awareness amongst health officials of the potential budgetary implications of health care administered to migrants. The Ministry of Health should be more involved, especially in the development of new laws. Potentially cooperation with this Ministry may lead to further discovery of migration irregularities.
- ✘ Identifying hidden/ illegal employment is not in compliance with labour codes. Responsibility is put on employers, which is good, but again solved by a fine and by taxation, without any additional focus on the illegal migrant where in fact no difference is made if the hidden person is foreign or Armenian.
- ✘ Last but not least, the Armenian state bodies suffer from staff turnover due to low salaries, which ultimately affects the efficiency of their operation. It would be wise to review staff promotion and incentive policies.

H.3. Employment and entrepreneurship of foreigners

The law refers to both employment and entrepreneurship, without distinction in work permits, but in residence permits. No operational mechanism is in place and no agency has been determined to handle the question.

The MLSI State Occupation Service Agency provides information on job opportunities, and organizes job fairs. Approximately 100,000 employers send vacancies to the agency. This allows MLSI to analyse the work sector and determine the need for foreign workers. As such there is a prime opportunity to give the State Occupation Service a prime role in approving work permits for foreigners. The work permit may in fact be “virtual” in the sense that it is given only as approval to issue a residence permit for work purposes, de facto eliminating the need for two separate documents.

A regularly updated country guide for Armenia, stating main sectors, where there is a need for employees and major employment opportunities will be helpful.

The assessment team was informed by the Police that they would prefer that the assessment of whether a work permit should be or not issued should be passed to the competent authority (Department of Labour or State labour inspector). Police suggested that the foreigner himself or herself applies to the competent authority. The assessment team recommends that this be handled internally (noting that the residence permit must be issued within 30 days of application).

Possibility to be granted a permit (work and residence) before entering the country must be a possibility.

The assessment team was told by the representatives of MoFA that it is not easy to register a company in Armenia. If that is the case, there is a need to make it easier to register a company and harder to get a permit for foreigners. On the other hand, according to UNFPA it takes four days to register a company.

Though a Draft on Overseas Employment is being developed by the MA, the MLSI State Occupation Service agency has disagreements with MA on overseas employment law, and finds the concept outdated. The agency would like to develop programmes to keep specialists in Armenia instead.

Ministry of Trade and Economic Development is interested in getting involved with migration issue relating to entrepreneurs, to promote this idea further and potentially validate foreign entrepreneurs’ request for residence.

H.4. Training of staff

Although IOM in Armenia has been providing training to Border Guards and Police DPV (in travel document security and fraud detection, English language basics and computer fundamentals, migration and asylum legislation and human rights, BMIS operation, etc.), there is a need for continuous training, especially due to a high turnover among the employees of NSS Border Guards and Police. It is also advisable to have border guards specifically trained to deal with migration-related tasks. Such training should be organized after an assessment of training needs and existing capacities.

H.5. Existing Enforcement Challenges

1. Identify a leading institution for the coordination of migration management implementation.
2. Strengthen the cooperation between the institutions involved in managing migration by concluding new cooperation protocols or renewing the existing ones.
3. Create a unified migration data management system streamlining data collection, analysis and exchange between agencies involved in migration management based on a common set of migration indicators, which have to be agreed and used by all involved institutions. The coordinating role in this process would likewise be assumed by the strengthened “key” migration institution.
4. Create an IT-based Unified Migration Databank as stipulated in the RA Law on Foreigners. The establishment of an electronic migration database is also called for in point 4.3.2. of the ENP AP and in the Armenian Law on Foreigners.
5. Ensure that Border Guards should have access to the records containing visas issued by the Ministry of Foreign Affairs in advance of travellers reaching the border.
6. It is recommended to grant the Police DPV (OVIR) access to the Border Guards database and vice versa.
7. It is recommended that the competent institutions design a cooperation mechanism in order to establish a common procedure for detecting over-stayers. This includes the creation of an IT-based tracking system and exchange mechanism between the Armenian Border Guards and the Police DPV (OVIR) on data concerning the entry and exit of aliens.
8. Strengthen the cooperation with the main countries of origin and destination and conclude readmission agreements with them, especially with neighbouring countries.

In order to execute deportations (i.e. forced expulsions as opposed to administrative expulsions) there is a need for establishing a special fund for this issue (including accommodation, transport and medical care for migrants).

The top priority for the Armenian government in improving its capacity to effectively manage migration should be to identify one leading institution for the coordination of migration policy management and implementation. In considering this priority migration issues should in no way be confused with refugee issues only. Similarly immigration (the entry of foreigners into Armenia) should be considered as the current priority for migration management though emigration (the exit of Armenians and their well-being abroad) remains of course also a high priority, but of a completely different nature.

In line with this, the cooperation among all institutions involved in managing immigration needs to be strengthened by concluding new cooperation protocols or renewing the existing ones. The newly assigned “key institution” will assume the coordinating role in this process.

Furthermore, the assessment team believes it is necessary to establish and use an Alert List¹³³ on persons that overstay on the territory of Armenia. Inter-agency cooperation on this issue, in the current structure especially between the Police DPV and the Border Guards, needs to be strengthened. The Border Guards should also have access to the records containing visas issued by the Ministry of Foreign Affairs in advance of travellers reaching the border. It is recommended to give the Police DPV access to the Border Guards database and vice versa.

It is also recommended that the competent institutions design a cooperation mechanism in order to establish a common procedure for detecting over-stayers. This includes the creation of an IT-based tracking system and data exchange mechanism on entry and exit data of aliens among the Armenian Border Guards, the Police, the Ministry of Foreign Affairs. The BMIS database needs to be urgently upgraded to include change of status and monitoring of foreigners continued rights to stay in Armenia. To achieve this, BMIS should include information contained on other MoFA and Police DPV databases and records. The involvement of IT personnel in this discussion is highly advisable. Furthermore the input of the Statistical office is necessary for the IT personnel to understand what type of aggregated data the database would be required to produce.

Sound data on outflows of migrant workers from Armenia and inflows and movements of foreigners, refugees and asylum seekers constitute the key for the creation of a sound migration policy and effective migration management involving the analysis of past and current trends as well as the ability to make short forecasts. Therefore, a unified migration data management system streamlining data collection, analysis and exchange among agencies involved in migration management based on a common set of migration indicators, which have to be agreed and used by all involved institutions, needs to be developed. While the creation of a Unified Migration Databank has been stipulated in the RA Law on Foreigners, the establishment of an electronic migration database is also called for in point 4.3.2. of the ENP Action Plan. In order to implement the requirements foreseen in the RA Law on Foreigners, it is indispensable to implement the following measures to:

1. develop procedures on entry into and update of the unified migration database by governmental agencies. Encoders of data need to be trained for this process to avoid disharmonized encoding;
2. develop procedures on exchange and joint use of migration data at the operational level;
3. develop a system (software) and methodology allowing for correlation, generalization and producing unified statistical reports from the information kept in the unified migration data bank;
4. regulate the public availability of information from the unified migration data bank;
5. develop a regime of limited access to special data of the united migration data bank.

The coordinating role in this data management system would likewise be assumed by the strengthened “key” migration institution.

The assessment team recommends to gradually expand the BMIS database to include all subsequent changes in status of a foreigner after entry and until the moment of exit. In minimalist terms the MFA, the Border Guard and the Police DPV should have encoding rights. As regards the issue of the introduction of biometrics, it is suggested that this is considered after the structural and procedural problems in migration management have been adequately addressed.

Strengthening the cooperation with the main countries of origin and destination is a necessary step in improving migration management in Armenia. Concluding readmission agreements with those

¹³³ A "Blacklist" is generally used in a negative context to mean the exclusion of people whose names are listed. This is sometimes known as a Prohibited Immigrants List. A Watch List is normally used to activate silent alerts and requires careful review of the listed person, or in the case of ongoing criminal investigations, requires a possible action of surveillance of the person.

countries, especially with neighbouring states and EU Members should be one of the top priorities in foreign and migration policy.

In order to execute forced expulsions of aliens who need to be removed from the country, the government needs to establish a special fund designated to financing those procedures, including costs for accommodation, transport and medical care.

In this regard, the government should consider entering into arrangements with airlines and other carriers for the provision of information on arriving passengers to immigration authorities. This would allow checks to be carried out before the arrival of aliens on the Armenian territory.

J. Concluding remarks and next steps

In essence the Assessment Team noted that the Government faces several challenges to its management of the flow of foreigners across its international borders and their ensuing stay in Armenia. Control & facilitation MUST be properly balanced in their respective approaches. Some of the more important issues to be addressed by the Government are:

- ✘ Poor information sharing among different agencies dealing with migration;
- ✘ Lack of computer network joining database of passport and visa department with border crossing points and consulates. The registers of various state bodies are not linked (visa register, passport register, BMIS, and others.);
- ✘ No proper coordination among administrative structures dealing with migration issues;
- ✘ No recognition of visa categories recognising the need to limit border visa issuance to visitors and tourists only;
- ✘ No tracking mechanism for irregular migrants already inside the territory and subsequent lack of law enforcement body to deal with this category;
- ✘ Lack of detention facilities (migrant accommodation centres) for irregular migrants only and not for criminals;
- ✘ Lack of uniform migration policy and strategy with detailed referral mechanism for coordination of activities among several actors; lack of coordination between various bodies involved in the field;
- ✘ The split mandate on migration management with overlapping competences; no single body in charge of migration management;
- ✘ Lack of integrated border management;
- ✘ Labour migration schemes are not in place to offer people legal opportunities for migration and foreign labour;
- ✘ Reintegration issues related to potential return of Armenian migrants from other countries.

Additionally the current migration realities are sometimes not properly covered by the existing legislation of Armenia. Various aspects of migration are administered by different laws and government decisions, often leaving high margin of discretion to the implementing agencies. Furthermore, many procedures and administrative processes are left to be defined by subsidiary legislation such as decrees or charters.

However it must be said that all of these areas of concern are not a result of inefficient administration, but rather the result of rapidly changing migration trends in Armenia and in the South Caucasus as a whole. In particular it can be noted that the standard of living is increasing rapidly and as such the immigration question in Armenia is an agenda item that should not be postponed for much longer. It is important to reap the benefits of immigration rather than – as has happened in many other countries already – simply facing its potential negative repercussions in future, a typical trend in countries where migration has not been properly forecasted nor managed.

The next steps must indeed take into consideration the requirements of the EU Neighbourhood Programme requesting Armenia to prepare a Migration Strategy and Action Plan for 2008 to 2013. It is our hope that this Assessment may indeed be an important contribution to the development of such a Strategy & Action Plan. Our opinion is that such a document should have three distinct parts:

1. Migration Trends in and out of Armenia particularly in the last ten years
2. Current situation in Migration Management (law, administration, & enforcement)
3. Action Plan with short, medium and long term actions including legal, administrative and enforcement recommendations. This section will also include staff, equipment and technology requirements with relative costings.

We stand ready to support the Government of Armenia with the elaboration of such a plan and support in its active implementation.

Additionally the Experts wish to thank all parties in Armenia who have so willingly and kindly contributed to our work and to the elaboration of this document. To You all we say that we have but reviewed and put into context the information that You yourselves have provided us with. We therefore wish to recognize all the contacted parties in Armenia as active contributors to this work and hope to continue this fruitful cooperation.

Stockholm, Vienna and Yerevan, May 2008

Annex 1. Abridged Terms of Reference

TERMS OF REFERENCE FOR THE NEED ASSESSMENT MISSION ON MIGRATION STRUCTURE IN ARMENIA

In March 2007, MA turned to IOM and Swedish Migration Board with a request to conduct a capacity assessment in Migration Management for Armenia in light of the restructuring of migration management system in the Country. A letter from MA specifically expressed the desire to develop comprehensive, integral and balanced programme of national activities on migration and asylum related issues. Elaboration of such programme is envisaged by Action Plan of Armenia in the framework of the European Neighborhood Policy of EU.

History of Cooperation between IOM and Armenian Government on Migration Management. IOM has been assisting the Government of the Republic of Armenia in reforming the migration management sector since 1993.

In 1998 – 2000 at the request of the Government of the Republic of Armenia, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) assisted the Government in developing a unified migration management system through a “Capacity Building in Migration Management Programme – Armenia” Project. The Project was aimed at contributing towards the establishment of a unified system and operational capacity for the management of migration processes and migratory flows in the Republic of Armenia. The approach to the programme was based on a methodology developed in effective capacity building programmes in Armenia and Armenia in 1995 to 1998.

In 2001 – 2002 the Second Phase of the Project was implemented (“Capacity Building in Migration Management Republic of Armenia”). It focused on the following areas recognized as top priorities by the government: (1) border management in order to prevent and control illegal migration and trafficking through Armenia and facilitate business and tourist travel; (2) enhancing migration research and analysis capacity in order to better inform policy and have more accurate information on information flows; and (3) promoting and regulating temporary overseas employment of Armenia citizens including protection of their rights, as an important means of reducing poverty in the country and generating economic growth.

In September 2000, IOM produced an assessment and report on border management in Armenia. Among the issues looked at was the computer based information system at the Yerevan Zvartnots International Airport. The Ministry of National Security proposed that the information system be expanded to the land border crossing points and a network be established with a central data archive for the storage, analysis and retrieval of information.

Before investing into the expansion of the system, IOM decided to do an independent technical evaluation of the system. IOM then contracted Oriental Software Private Ltd. (OSPL) to do such an assessment and submit a report that would provide the Government of Armenia with recommendations for its expansion, including the creation of a central data archive, which would be compatible with best international practices in border control and facilitation.

In 2004 – 2005 IOM implemented the “Expansion of Border Management Information System: Republic of Armenia” Project, as a result of which the Border Management Information System (BMIS), operational at the Yerevan International Airport, was expanded to Bagratashen (Sadakhlo) land border check-point between the Republic of Armenia and the Republic of Armenia. Following the success of the Project, IOM started implementation of a Project entitled “Further Expansion and Establishment of Border Management Information System: Republic of Armenia” since February 2007, by which the BMIS will be expanded to land borders of Meghri (between Armenia and Iran), of Airum, Bavra, Gogavan (between Armenia and Armenia) and the airport of Gyumri.

In 2006 IOM started implementation of a Project entitled “Capacity Building of Armenian Border Guards and Allied Services Personnel.” Building on the IOM previous training programmes implemented since 1999, this project is aimed at improving the border management system of Armenia and reducing illegal migration flows by enhancing the capacity of the border guards and related personnel through building in-house training capacity and training for up to 250 participants among border guard and related services’ personnel in document examination and fraud detection, as well as English language and computer operation.

Since February 2006 IOM has been implementing the “Informed Migration – An Integrated Approach to Promoting Legal Migration through National Capacity Building and Inter-Regional Dialogue between the South Caucasus and the EU” project, funded by the EU Programme for Financial and Technical Assistance to Third Countries in the Areas of Migration and Asylum (AENEAS). The aim of the project is to deepen the benefits of an existing inter-regional migration and asylum management dialogue (the “Cluster” Process) between the sending and transit countries of the South Caucasus and receiving EU Member States, as well as to promote mechanisms and policies to reduce irregular migration while simultaneously strengthening the South Caucasus’ institutional capacity and systems to promote legal migration and sustainable return and reintegration practices and policies. The project is being implemented in the three republics of the South Caucasus. In Armenia, Government counterparts within the scope of the project include the Ministry of Territorial Administration (and its Migration Agency), Ministry of Foreign Affairs, Police, and the Ministry of Labour and Social Issues. Two Cluster Meetings have taken place in 2006 and 2007, as a result of which a Country Team comprised of Sweden and Armenia has been established to increase cooperation on return. The country team is expected to prepare a list of agreed needs and a plan of action, based on which different initiatives and project proposals should come out. The current Project Proposal is an attempt of such an initiative and the subject of the assessment was brought up into the surface during the Cluster Meeting in Tbilisi, Armenia in March 2007. Meanwhile a Readmission Agreement with Sweden has been negotiated and is ready for signature.

1.1.1 Capacity Building for Migration Management Programme (CBMMP)

Based on IOM’s experience within the migration management context, a comprehensive approach to migration management has been adopted. No single part of the control structure can be viewed in isolation; instead a broad approach to any strategy for improvement must be adopted. It is this framework that will be consulted when designing any future CBMMP project for the Republic of Armenia. It is important to note that CBMMP can take many forms; in some countries the focus is on border management, in others it is legislative development etc. Each country chooses its own starting point, setting its own priorities and matching their needs with the interests of a donor. To further explain, the model below breaks down the function of Migration Management into three distinct but inter-related components. Each of these components can be further broken out into a distinct number of elements. The components consist of the Framework Component, the Management Component and the Control Component.

Framework Component:

The elements that make up the Framework Component are as follows:

Policy: The overarching set of national objectives for migration management that, at the highest level, determine the approach of the state. This policy element is usually derived from, and inter-relates with, other elements of public policy such as labour market policy, foreign policy, and demographic policy.

Legislation: The construct of legislation that gives concrete expression to the policy and provides the authority for the measures required to manage migration, such as in-migration, granting of residency, border inspection, response to illegal entry and stay and removal of persons from the territory of the state.

Regulations: The detailed specification of requirements for implementation of the legislation. In some jurisdictions this is often reflected in a more detailed legislative element. In others it is a means of providing authority for actions that are described in general terms by the legislation.

Procedures: The detailed instructions governing the behaviour of officials in regard to the carrying out of the duties prescribed in regulations and authorized by legislation in support of the policies.

Management Component:

The elements that make up the Management Component are those documents that are internationally accepted as a means of managing and facilitating the orderly movement of people. These are:

National Passport:

This is the document issued by the state to its citizens in order to facilitate their movement to and through the territory of other states. It is the internationally accepted instrument for the inspection, recording and identification of persons. As such it is the subject of internationally agreed-upon standards for production and desirable practices for issuance.

National Visa:

This is the document issued by the state to non-citizens who wish to enter the state. It is usually issued outside the territory of the state and, as such, performs the function of screening applicants so as to grant permission only to apparently admissible persons under prescribed conditions. It does not, in international practice, grant absolute right of entry to the state but authorizes the holder to present himself/herself for inspection at a point of entry to the state. Since this document is a universally accepted means of managing the movement of people to a state it is also subject to internationally agreed upon standards for production and desirable practices for issuance.

Official Documents of Identity:

This covers all other types of document issued by a state to its citizens that serves as a means of identifying the person. In many situations, particularly between adjacent like-minded states, this document is, by mutual agreement, used to permit the movement of people across state borders. Examples include a citizenship card, an identity card or an internal passport.

Control Component:

The elements that make up the Control Component are as follows:

Intelligence:

This element consists of an accumulated body of knowledge derived through analysis of collected information that leads to an understanding of the nature and modalities of illegal migration. Control of entry to a state in the current global environment requires increasingly sophisticated

systems of immigration intelligence in order to develop effective strategies to counteract the methods and routes used by smugglers and traffickers.

Monitoring and Detection:

This element consists of the methods and mechanisms needed to monitor the movement of people through regular and irregular channels in order to detect and deter clandestine entry. It includes such activity as offshore interdiction, monitoring and detection of clandestine entry across the land border between the ports of entry, and examination of transportation vehicles (e.g. trucks, containers) to detect concealed migrants.

Inspection:

This element describes the core activity of the migration management process. It links to the use of officially issued documents of identity administered in accordance with the policy objectives of the state and internationally accepted conventions. The inspection process requires that the inspecting official is satisfied as to the authenticity of the document presented and the validity of the link between the document and the person presenting it.

Response:

This element encompasses the range of actions taken in respect of persons identified as a control or law enforcement concern. It includes a quasi-judicial process to determine the person's status or lack of status, removal of persons found to be without status, treatment of the victims of trafficking and the disruption or destruction of criminal networks of migrant exploitation.

The above framework is intended as a brief overview of areas of concern when addressing migration management. The Republic of Armenia has repeatedly emphasized its intentions to assume responsibility for monitoring its borders, and managing migration within its own territory. Armenia, does also have specific interest in developing bilateral labour agreements with neighbouring countries, it is interested in developing a database to track migration flows and also to look at facilitated migration. All these are areas which will be addressed during the course of this assessment. It is important to note that although the point of focus for the assessment will be the MA, time will also be spent with partner agencies dealing with migration-related issues in Armenia. It should also be said that any recommendations made by the experts will take into account the overall needs for Armenia, rather than favouring any particular agency, department or ministry above the other as an executing agency.

EU Aquis

The EU Aquis will be used as a further measurement to set the goals for Armenia's migration management strategy. Furthermore, when making this assessment, the experts will take into account current migration management practises in the region and make an assessment of the current and future needs of Armenia.

1.2 Programme Description

Coordinated from IOM Technical Cooperation Centre in Vienna, two migration experts will conduct a needs assessment of the MA and other relevant migration agencies, such as MoFA, MLSI, Police, which will take place over a period of four to twelve weeks. One expert will be from IOM and the other from the Swedish Migration Board. The assessment will commence with a meeting of the two assigned experts to analyse existing legislation prior to visiting Armenia. It will

be followed by a four-day information-gathering stage to obtain details on the current structure of MA and provide initial observations.

A second visit to discuss the draft assessment and review operational/functional options will follow after two-four weeks.

The assessment will also include a study-tour of key MA personnel to either an EU or EU candidate country to evaluate comparative models of implementation.

A final trip will present the draft for the road map on possible models for a migration department to meet Armenia's present and perceived future needs.

The assessment is expected to come up with preliminary findings on legal and administrative fronts of migration management and will also check the enforcement on these two sides in the Republic of Armenia. The preliminary findings should be grouped with relation to each of the bodies involved in migration management. They should also provide guidance for designing the Migration Part of the RA National Plan of Action for Migration and Asylum, which a requirement of the ENP.

2.0. Overall Objective

This assessment will strengthen the government's capacity to develop a migration management system that takes into account the Armenian reality, is consistent with international standards and with the EU action plan for Armenia. The overall objective is to develop guidelines on what should be done next in regard to developing effective migration management strategy for the Republic of Armenia.

3.0. Programme Purposes

The project purpose is to assess the current set-up and functions of the MA as well as other state bodies involved in migration management in one way or another, namely MoFA, MLSI, Police under the recent changes in migration legislation; review technical assistance provided to date and survey need for training and facilities. The preliminary guidelines of this assessment will be used as basis for Armenian authorities and potential donors to identify key areas for action and assistance within the sphere of migration management.

4.0. Results

The project will result in the following:

- Gaps analysis on legislation relating to migration management provided;
- Assessment and preliminary findings on the structure, mandate and personnel capacities of migration management agencies (assessment of the organogram) made available;
- Preliminary findings on options and models for better organising the migration management authorities delivered;
- Assessment of the enforcement of tasks of different migration authorities provided, including review on how they are fulfilling their tasks;
- Specific guidelines provided on coordination and collaboration between different migration management bodies provided;
- Capacity of Armenian migration authorities enhanced through study-tours;
- Preliminary findings and guidance provided for designing the Migration Part of the RA National Plan of Action for Migration and Asylum, which is a requirement of the ENP.

5.0 Activities

5.1 Review of Available Data

- Prior to their first visit to Yerevan, Armenia the two migration experts will review, analyse, and process all provided and available written material on MA and Armenia's migration management frameworks.

5.2 Gaps Analysis and Needs Assessment of the Migration Related Bodies (two visits to Yerevan)

The two experts will conduct three four-day visits in Yerevan to obtain information on the structure of the MA and relevant divisions in the MoFA, MLSI, police and prepare the assessment. The first visit will consist of information gathering and initial consultations. After a period of two to four weeks, in which the results from the first visit will have been reviewed and analysed, the two experts will return to Yerevan for another series of consultations to discuss the draft assessment and review operational/functional options. The visits will consist of:

- Meetings with MA, MoFA, MLSI, Police authorities and department heads
- Review/analysis of the present structures
- Meetings with local international organizations
- Presentation and discussion of potential global, EU, and regional migration management models

The final visit will include a presentation of the findings and recommendations of the migration experts as well as a draft road map on possible models for a migration department.

5.3 Presentation of Options

Presentation of options in Yerevan

- Presentation and discussion on options/choices for the MA and other agencies
- Determination of the direction for the MA and other agencies and mapping of next steps
- Case-flow

5.4 Study-Tour

- Study-tour by relevant officials to EU or EU candidate country to study implementation of structures and procedures.

6.0 Inputs

6.1 IOM

The project will be managed out of the IOM Mission in Armenia, Yerevan, in cooperation with the IOM Technical Cooperation Centre in Vienna, Austria.

6.2 Donors

Donor governments can contribute with funding, in-kind contributions, and by providing experts from their migration services.

6.3 Armenian Migration Agency

The Head of the MA has consistently requested the need for this project (reference letter attached) and has promised IOM his personal support and active participation in this project, including any assistance that he can provide to facilitate the implementation of the project. MA will give access to all relevant information and will provide an overview of its legal base, current structure, and proposals for agency restructuring. Our main counterparts at the MA will be Mr. Gagik Yeganyan, Head, and Ms. Lialia Aslanyan, the Deputy Head with active support from the Deputy Minister of Territorial Administration, Mr. Vache Terterian.

6.4 Other Government Counterparts

Government counterparts will make their staff available and cover most or part of their travel expenses to the programme implementation sites.

6.4.1. Ministry of Labour and Social Issues

The relevant divisions and officials of the Ministry have promised IOM their support and active participation in the assessment. The relevant divisions will give access to relevant information and will provide an overview of their legal base, current structure, and gaps in coordination.

6.4.2. Ministry of Foreign Affairs

The relevant divisions and officials of the Ministry have promised IOM their support and active participation in the assessment. The relevant divisions will give access to relevant information and will provide an overview of their legal base, current structure, and gaps in coordination.

6.4.3. Police

The relevant divisions and officials of the Police will participate in the assessment. The relevant divisions will give access to relevant information and will provide an overview of their legal base, current structure, and gaps in coordination.

Annex 2. Schedules of Meetings

Agenda

1st Assessment Visit

“Capacity Building in Migration Management Programme Armenia Assessment” Project

Friday, 26 October 2007

13:30 – 14:30	Meeting with the Mission Staff Head of Office, Project Development and Implementation Unit and Migration Resource Center staff	IOM Mission in Armenia Main Office, 14 Petros Adamian St., 1 st Floor
14:30 – 16:30	US Embassy Export Control and Related Border Security Assistance Programme Mr. Paul Shott, Adviser	US Embassy, 1 Americai Ave. <i>at IOM Office</i>
16:30 – 19:00	Meeting with the Mission Staff	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor

Sunday, 28 October 2007

15:00 – 17:00	Experts Meet and Discuss the Assessment Mission	Hotel Golden Tulip Yerevan
17:00 – 22:00	Meeting with the Mission Staff Head of Office and Acting Head of PDIU	Hotel Golden Tulip Yerevan

Day 1. Monday, 29 October 2007

09:30 – 11:00	Meeting with the Mission Staff Head of Office, Project Development and Implementation Unit and Migration Resource Center staff	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor
11:00 – 12:00	Meeting with the International Organizations Department at the Ministry of Foreign Affairs Ms. Dziunik Aghajanian, Head of Department	Ministry of Foreign Affairs, 2 Government Building, Republic Square
12:00 – 13:00	Meeting with the Consular Department at the Ministry of Foreign Affairs Mr. Tigran Seyranyan, Head of	Ministry of Foreign Affairs, 2 Government Building, Republic Square

	Department, and Mr. Aram Khachatryan, Head of Migration Division	
14:30 – 17:45	Meeting at the Migration Agency at the Ministry of Territorial Administration Mr. Gagik Yeganyan, Head, and Mr. Davit Hakobyan, Deputy Head	4 Hrachia Kochar Street

Day 2. Tuesday, 30 October 2007

09:30 – 12:00	Meeting at the Ministry of Labour and Social Issues, Department of Employment and Occupation Mr. Vahan Simonyan, Head of Department, Mr. Gagik Bleyan, Head of Labour Division	Ministry of Labour and Social Issues, 3 Government Building, 3 rd floor, Room 318
12:00 – 13:00	Meeting with International Labour Organization Ms. Nune Hovhannisyan, National Correspondent, and Mr. Nver Sargsyan, Project Coordinator	Ministry of Labour and Social Issues, 3 Government Building
14:00 – 16:00	Meeting at the Police Division of Combating Illegal Migration and for International Collaboration Mr. Stepan Vardaniants, Head of Division	RA Police, 130 Nalbandian Street <i>at IOM Office</i>
16:00 – 17:00	Meeting with the European Commission Delegation to Armenia Mr. Raul de Luzenberger, Charge d'Affaires; Mr. Davit Avakian, Project Manager	34 Sayat Nova Avenue

17:00 – 18:00	<p>Meeting with the International Center for Human Development NGO, implementing (in consortium with the British Council and Migration Agency of Armenia) “Support to Migration Policy Development and Relevant Capacity Building in Armenia” Project with EC funding and British Council</p> <p>Mr. Tevan Poghosan, Executive Director, ICHD,</p> <p>Mr. Ashot Khurshudian, Head of Training Unit, ICHD,</p> <p>Mr. Armen Galstyan, Head of Project Management Unit, ICHD,</p> <p>Mr. Paruir Amirjanian, Head of Project Implementation Unit, ICHD; and</p> <p>Mr. Narek Tovmasyan, Programme Coordinator, British Council Armenia</p>	Ani Plaza Hotel, 19 Sayat Nova Avenue, Business Floor
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Day 3. Wednesday, 31 October 2007

09:30 – 11:30	Debrief at IOM Armenia	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor
11:30 – 13:30	<p>Meeting at the Police Department of Passports and Visas</p> <p>Mr. Samvel Aghajanyan, Deputy Head of Department</p>	Police Passport and Visa Department, 13 Mashtots Avenue
14:30 – 17:00	<p>National Security Service</p> <p>Colonel Ruben Abrahamian, Head of the Second Division on Combatting Illegal Migration of the General Second Directorate,</p> <p>Colonel Shavarsh Mikaelyan, Head of the Border Control Detachment of the Border Guards Troops; and</p> <p>Ms. Nana Saghatelian; International Relations Department;</p>	National Security Service, 104 Nalbandian Street
17:00 – 17:45	<p>United Nations High Commissioner for Refugees</p> <p>Ms. Bushra Halepota, Resident Representative</p>	UNHCR, 14 Petros Adamian Street, 2 nd Floor

Day 4. Thursday, 1 November 2007

10:00 – 11:00	Organization for Security and Co-operation in Europe Yerevan Office Ms. Silvia Pogolsha, Human Rights Officer, Mr. Sven Holdar, Democratization Officer	OSCE Yerevan Office, 89 Vahan Terian Street
11:00 – 12:00	United Nations Fund for Population Activities Armenia Office Mr. Garik Hayrapetyan, Assistant Representative, Ms. Arpine Korekryan, National Programme Officer	14 Petros Adamian Street, 3 rd Floor
12:00 – 13:00	Visit to IOM Migration Resource Center	IOM MRC, 9A Marshall Baghramian Avenue 1 st Lane
14:00 – 15:00	Debrief at IOM Armenia	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor, Room 126
15:00 – 16:00	National Statistics Service Mr. Stepan Mnatsakanyan, Director, Mr. Gagik Gevorgayn, Member of State Statistics Council, Ms. Lusine Kalantarian, Head, Labour Statistics Division	National Statistics Service; 3 Government Building
16:00 – 17:00	Office of Public Prosecutor General Division for Combating Trafficking in Humans and Illegal Migration Mr. Vahagn Harutiunyan, Senior Prosecutor, Mr. Ashot Nadeyan, Prosecutor	Prosecutor General's Office; 5 Vazgen Sargisian Street
17:00 – 18:00	Ministry of Health Mr. Haik Grigorian, Head Foreign Relations Department, and Ms. Ruzanna Yuzbashian, Head, Department for Primary Health Care	3 Government Building

Day 5. Friday, 2 November 2007

10:00 – 10:30	United Nations Development Programme Yerevan Office Ms. Consuelo Vidal Bruce, Resident Representative	UNDP, 14 Petros Adamian Street
10:30 – 12:00	Debrief at IOM Armenia	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor
12:00 – 13:00	Meeting at the Ministry of Justice	MoJ Penitentiary Department; 63

	Mr. Ashot Martirosyan, Head, Penitentiary Department; Mr. Vardanyan, former Head of the Department on Supervision over the Implementation of Punishment and other Means of Enforcement Measures of the Prosecutor General's Office	Arshakuniats Avenue
14:30 – 15:30	State Labour Inspectorate of the Ministry of Labour and Social Issues Mr. Gevorg Gevorgyan, Head, Labour Conditions Oversight Division	State Labour Inspectorate, Nork Massive, 129 Armenakian Street
15:30 – 17:00	State Occupation Service of the Ministry of Labour and Social Issues Ms. Sona Harutiunyan, Head, Mr. Artak Simonyan, Deputy; and Ms. Liza Ghiasyan, Leading Specialist, Division for Employment Advice and Information	State Occupation Service Agency, 68 K. Ulnetsi Street, 5 th floor

Conducted by Ms. Therese Lindstrom and Mr. Pier Rossi-Longhi
Funded by the Swedish Migration Board

Note: Interpretation from/into English arranged

Interpreter: Mr. Artur Arustamov

Driver: Mr. Hrair Annikyan

IOM Mission in Armenia: (Tel.: 585692)

Ms. Ilona Ter-Minasyan, Head of Office

Ms. Kristina Galstyan, Head of PDIU

Mr. Robert Gasparyan, MRC Director, PDIU

Ms. Nune Asatryan, Project Coordinator, PDIU

Agenda
2nd Assessment Visit

“Capacity Building in Migration Management Programme Armenia Assessment” Project

Day 1. Monday, 28 January 2008

Trip to Bagratashen (Tavush Region) Border Crossing Point (with Georgia), and Actual Border Crossing Review

14:00 – 17:30	Actual Border Crossing Review at Bagratashen Mr. Hayrapet Hakobyan, Deputy Head of Bagratashen Border Control Crossing Point, Border Control Detachment of the Border Guards Troops; Mr. Ashot Ghalachian, Inspector, Bagratashen Passport and Visa Division of Police	National Security Service Border Guards Troops
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Day 2. Tuesday, 29 January 2008

09:00 – 13:00	Experts Work on the Report	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st floor
14:30 – 16:30	Actual Border Crossing Review at Yerevan Zvartnots International Airport Colonel Shavarsh Mikaelyan, Head of the Border Control Detachment of the Border Guards Troops; Mr. Armen Mkrtychyan, Head of Zvartnots Airport Border Control Division; Mr. Armen Aznavurian, Security Manager, Armenia International Airports (Concessionaire of Yerevan Zvartnots International and Giumri Airports) Ms. Gohar Hambarzumian, Police DPV Inspector	Zvartnots International Airport Border Guards Troops Police Passport and Visa Department
17:00 – 19:30	Meeting with AviaInfoTel CJSC (developers of the Border Management Information System) Mr. Samvel Muradyan, Chair	AIA Administrative Building Zvartnots International Airport

Day 3. Wednesday, 30 January 2008

10:15 – 10:45	Experts Work on the Report	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor
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11:00 – 13:00	Meeting at the Police Department of Passports and Visas Mr. Samvel Aghajanian, Deputy Head	Police Passport and Visa Department, 13 Mashtots Avenue
14:30 – 16:00	Meeting at the Migration Agency at the Ministry of Territorial Administration Mr. Davit Hakobyan, Deputy Head; Mr. Petros Aghababyan, Head of the Asylum Seekers Division, and Ms. Irina Davtyan, Head of the Migration Programmes Division	4 Hrachia Kochar Street
16:00 – 17:30	Ministry of Trade and Economic Development and Economic Development Mr. Haik Mirzoyan, Head, Department of Branch and Regional Economic Development, Mr. Aram Tshmarityan, Head of Department for Development of Small and Medium Enterprises; Mr. Gnel Mailian, Head, Department of Investment Policy and Market Substructure Development; Mr. Ashot Sarshughyan, Leading Specialist, Department for Development of Small and Medium Enterprises; and Dr. Ishkhan Karapetyan, Executive Director, Small and Medium Entrepreneurship Development National Center of Armenia Fund	5 Mher Mkrтчian Street
17:30 – 18:30	Experts Work on the Report	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor

Day 4. Thursday, January 31, 2008

10:00 – 11:30	Meeting with the Parliament Standing Committee on State and Legal Issues Mr. David Harutiunyan, Chair	RA Parliament; 19 Marshall Baghramian Avenue
12:00 – 13:00	Meeting at the Office of Supervision Services at the RA President Administration Mr. Vigen Sargsyan, Assistant to the President	26 Marshall Baghramian Avenue
14:00 – 15:00	Experts Work on the Report	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor
15:00 – 16:00	Meeting with the International Organizations	Ministry of Foreign

	Department at the Ministry of Foreign Affairs Ms. Dziunik Aghajanian, Head of Department	Affairs, 2 Government Building
16:00 – 18:00	Experts Work on the Report	IOM Mission in Armenia Main Office, 14 Petros Adamian Street, 1 st Floor

Conducted by Ms. Therese Lindstrom and Mr. Pier Rossi-Longhi
Funded by the Swedish Migration Board

Driver: Mr. Hrair Annikyan

IOM Mission in Armenia: (Tel.: 585692)
Ms. Iona Ter-Minasyan, Head of Office
Ms. Kristina Galstyan, Acting Head of PDIU
Ms. Nune Asatryan, Project Coordinator

Agenda Study Visit

“Capacity Building in Migration Management Programme Armenia Assessment” Project

Day 1. Tuesday, 1 April 2008

09:30 – 11:30	Ministry of Justice	Division for Migration and Asylum Policy, Head of Department, Deputy Director General Niklas Kebbon and Director Eva Åkerman Börje and the Division for Management of Migration Affairs, Director Jan Erlandsson, Malm Morgsgatan 3, Stockholm
13:00 – 14:00	Departure to Arlanda Airport	
14:30 – 15:30	The Swedish Border Police	Head of Section, Patrik Pettersson, Deputy Head of Section, Bengt Lindgren, Inspector John Cole Arlanda International Airport
15:30 – 18:00	The Swedish Migration Board’s Airport and Emergency Unit - the Board’s mandate and policy - the Board’s work at the border	Head of Arlanda Unit, Therese Lindström Principal Migration Officer Maria Ljunggren Arlanda International Airport

Day 2. Wednesday, 2 April 2008

09:30 – 11:00	Swedish Police Authority (illegal stay, forced return)	Inspector Per-Arne Kaati and Police assistant Natalia Karlsson Pyramidvägen 2A, Solna
11:00 – 12:00	Swedish Migration Unit -ID-Unit	Expert Bengt Hellström and Expert Fred Forsberg Pyramidvägen 2A, Solna
13:00 – 14:30	The Swedish Migration Board - Permits	Head of Unit, Carl Ingels Pyramidvägen 2A, Solna
14:30 – 15:30	The Swedish Migration Board - Return	Migration Officer Per Karlsson Pyramidvägen 2A, Solna
15:30 – 16:30	The Swedish Migration Board - Liaison officers	Expert Kristina Rännar Pyramidvägen 2A, Solna

Day 3. Thursday, 3 April 2008

10:00 – 11:30	Detention Centre	Head of Unit Per Sörensen, Migration Officer Alexandra Limont and Aram Barseghyan Maskingatan, Märsta
11:30 – 13:00	The Swedish Migration Board, the Asylum Unit - Reception Centre - Asylum Unit	Principal Migration Officer Magnus Karlsson Maskingatan, Märsta
15:00 – 16:30	Migration Court	Chief Judge Marie Andersson, Senior Judge Peter Enander, Judge Ann-Jeanette Eriksson, Legal officers Anna Bengtsson, Josefine Carlsson, Katarina Svedelius and Victoria Hoff. Tegeluddsvägen 1, Stockholm

Day 4. Friday, 4 April 2008

09:00 – 13:00	Presentation of conclusions and recommendations	Pyramidvägen 2A, Solna
13:00 – 14:00	Closure	Head of Division, Lars Pålsson, representing the General Director Dan Eliasson, Head of Staff, Division for European and International Cooperation Ulrik Åshuvud, Head of Unit for international strategies Claudia Morner Pyramidvägen 2A, Solna

Organizer:

Swedish Migration Board, Ms. Therése Lindström, Head of the Airport and Emergency Unit, Swedish Migration Board

Participants:

Mr. Tigran Seyranian, Head of the Consular Department, Ministry of Foreign Affairs of the Republic of Armenia

Mr. Garik Sahakyan, Deputy Head of the State Occupation Service Agency, Ministry of Labor and Social Issues of the Republic of Armenia

Mr. Arsen Hasasyan, Head, Legal Department, Ministry of Territorial Administration of the Republic of Armenia

Mr. Gagik Yeganyan, Head of the Migration Agency, Ministry of Territorial Administration of the Republic of Armenia

Colonel Shavarsh Mikaelyan, Head of the Border Control Detachment, National Security Service of the Republic of Armenia, Border Guards Troops

Lieutenant Colonel Hovhannes Kocharyan, Deputy Head of Department for Legal Security Police of the Republic of Armenia

Mr. Pier Rossi-Longhi, Director of IOM's Technical Cooperation Specialist for Europe and Central Asia.

Ms. Kristina Galstyan, Head of Project Development and Implementation Unit, IOM Mission in Armenia.

Annex 3. List of International Treaties on Migration-Related Issues

Republic of Armenia has ratified the following international legal documents:

CIS Treaties:

Agreement on Cooperation between the CIS Countries against Illegal Migration of March 6, 1998 (in force since August 13, 1999)

“Treaty on Friendship, Cooperation and Mutual Assistance and the Declaration on the Collaboration towards the 21st Century” of December 29, 1991

Agreement on cooperation in the field of labour migration and the social protection of migrant workers of 1994 (in force since February 26, 1996)

Agreement on Reciprocal Recognition of Visas between the CIS Countries of October 9, 1992;

CIS Collective Security Treaty of May 15, 1992¹³⁴

United Nations Treaties:¹³⁵

United Nations Convention against Transnational Organized Crime of 2000 (ratified on July 1, 2003)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (ratified on July 1, 2003)

Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (ratified on July 1, 2003)

“UN Convention relating to the Status of Refugees” of 1951 (acceded on July 6, 1993)

United Nations Human Rights Treaties¹³⁶

CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (acceded on September 13, 1993)

CAT-OP Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 2002 (acceded on September 14, 2006)

CCPR International Covenant on Civil and Political Rights of 1966 (acceded on June 23, 1999)

CCPR-OP1 Optional Protocol to the International Covenant on Civil and Political Rights (acceded on June 23, 1999)

¹³⁴ <http://www.dkb.gov.ru>. The CIS Collective Security Treaty was signed in on May 15, 1992, by Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. In 1993 Georgia, Belarus and Azerbaijan signed the treaty, which came into effect on April 20, 1994 and was set to last for a 5-year period unless extended. In 1999 Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, signed a protocol renewing the treaty for another five year period, while however Azerbaijan, Georgia and Uzbekistan withdrew from the treaty instead (now Azerbaijan, Georgia, Moldova, Ukraine and Uzbekistan are members of GUAM / GUUAM Organization for Democracy and Economic Development (established in 1997 in Strasbourg, <http://www.guam.org.ua/en.phtml>).

¹³⁵ Source: <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

¹³⁶ Source: <http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet>.

CEDAW Convention on the Elimination of All Forms of Discrimination against Women of 1979 (acceded on September 13, 1993)

CEDAW OP Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 1999 (acceded on September 14, 2006)

CERD International Convention on the Elimination of All Forms of Racial Discrimination of 1966 (acceded on June 23, 1993)

CESCR International Covenant on Economic, Social and Cultural Rights of 1966 (acceded on September 13, 1993)

CRC Convention on the Rights of the Child of 1989 (acceded on July 23, 1993)

CRC-OP-AC Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 2000 (Ratified on September 30, 2005)

CRC-OP-SC Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography of (Ratified on September 30, 2005)

CED - International Convention for the Protection of All Persons from Enforced Disappearance of 2006 (signed on April 10, 2007, not ratified yet)

ILO Conventions:¹³⁷

C14 Weekly Rest (Industry) Convention, 1921 (ratified on January 27, 2006)

C17 Workmen's Compensation (Accidents) Convention, 1925 (ratified on December 17, 2004)

C18 Workmen's Compensation (Occupational Diseases) Convention, 1925 (ratified on May 18, 2005)

C26 Minimum Wage-Fixing Machinery Convention, 1928 (ratified on January 27, 2006)

C29 Forced Labour Convention, 1930 (ratified on December 17, 2004)

C81 Labour Inspection Convention, 1947 (ratified on December 17, 2004)

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (ratified on January 2, 2006)

C94 Labour Clauses (Public Contracts) Convention, 1949 (ratified on May 18, 2005)

C95 Protection of Wages Convention, 1949 (ratified on December 17, 2004)

C97 Migration for Employment Convention (Revised), 1949 (ratified on January 27, 2006)

C98 Right to Organise and Collective Bargaining Convention, 1949 (ratified on November 12, 2003)

C100 Equal Remuneration Convention, 1951 (ratified on July 29, 1994)

C105 Abolition of Forced Labour Convention, 1957 (ratified on December 17, 2004)

C111 Discrimination (Employment and Occupation) Convention, 1958 (ratified on July 29, 1994)

C122 Employment Policy Convention, 1964 (ratified on July 29, 1994)

C131 Minimum Wage Fixing Convention, 1970

C132 Holidays with Pay Convention (Revised), 1970 (ratified on January 27, 2006)

C135 Workers' Representatives Convention, 1971 (ratified on July 29, 1994)

¹³⁷ Source: <http://www.ilo.org/ilolex/english/newcountryframeE.htm>

- C138 Minimum Age Convention, 1973 (ratified on January 27, 2006)
- C143 Migrant Workers (Supplementary Provisions) Convention, 1975 (ratified on January 27, 2006)
- C144 Tripartite Consultation (International Labour Standards) Convention, 1976 (ratified on April 29, 2005)
- C150 Labour Administration Convention, 1978 (ratified on May 18, 2005)
- C151 Labour Relations (Public Service) Convention, 1978 (ratified on July 29, 1994)
- C154 Collective Bargaining Convention, 1981 (ratified on April 29, 2005)
- C160 Labour Statistics Convention, 1985 (ratified on April 29, 2005)
- C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (ratified on May 18, 2005)
- C174 Prevention of Major Industrial Accidents Convention, 1993 (ratified on January 3, 1996)
- C176 Safety and Health in Mines Convention, 1995 (ratified on April 27, 1999)
- C182 Worst Forms of Child Labour Convention, 1999 (ratified on January 2, 2006)

Council of Europe Treaties¹³⁸

- 005 Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (ratified on April 26, 2002)
- 009 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1952 (ratified on April 26, 2002)
- 044 Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions of 1963 (ratified on April 26, 2002)
- 173 Criminal Law Convention on Corruption of 1999 (ratified on January 9, 2006)
- 191 Additional Protocol to the Criminal Law Convention on Corruption (ratified on January 9, 2006)
- 174 Civil Law Convention on Corruption of 1999 (ratified on January 7, 2005)
- 045 Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention of 1963 (ratified on April 26, 2002)
- 046 Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto of 1963 (ratified on April 26, 2002)
- 055 Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention of 1966 (ratified on April 26, 2002)
- 114 Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty of 1983 (ratified on September 29, 2003)
- 117 Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1984 (ratified on April 26, 2002)

¹³⁸ Source: <http://conventions.coe.int/Treaty/Commun/ChercheMembres.asp?CM=3&CL=ENG>. Treaties signed and ratified or having been the subject of an accession as of 29/2/2008

118 Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1985 (ratified on April 26, 2002)

155 Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby of 1994 (ratified on April 26, 2002)

177 Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 2000 (Ratified on December 17, 2004)

194 Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention of 2004 (ratified on January 7, 2005)

126 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987 (ratified on June 18, 2002)

151 Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1993 (ratified on June 18, 2002)

152 Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1993 (ratified on June 18, 2002)

148 European Charter for Regional or Minority Languages of 1992 (ratified on January 25, 2002)

157 Framework Convention for the Protection of National Minorities of 1995 (ratified on July 20, 1998)

163 European Social Charter (revised) of 1996 (ratified on January 21, 2004)

024 European Convention on Extradition of 1957 (ratified on January 25, 2002)

086 Additional Protocol to the European Convention on Extradition of 1975 (ratified on December 18, 2003)

098 Second Additional Protocol to the European Convention on Extradition of 1978 (ratified on December 18, 2003)

030 European Convention on Mutual Assistance in Criminal Matters of 1959 (ratified on January 25, 2002)

099 Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 1978 (ratified on March 23, 2004)

073 European Convention on the Transfer of Proceedings in Criminal Matters of 1972 (ratified on December 17, 2004)

090 European Convention on the Suppression of Terrorism of 1977 (ratified on March 23, 2004)

190 Protocol amending the European Convention on the Suppression of Terrorism of 2003 (ratified on March 23, 2004)

112 Convention on the Transfer of Sentenced Persons of 1983 (ratified on May 11, 2001)

141 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ratified on November 24, 2003)

185 Convention on Cyber Crime of 2001 (ratified on October 12, 2006)

189 Additional Protocol to the Convention on Cyber Crime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems of 2003 (ratified on October 12, 2006)

Convention on Action against Trafficking in Human Beings of May 16, 2005 (signed, not ratified yet, ratification expected soon)

Readmission Agreements Signed by the Republic of Armenia¹³⁹

Agreement between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark on the Readmission of Persons with Unauthorized Stay of 2003 (ratified on August 2, 2003)

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

Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on the Readmission of Persons with Unauthorized Stay of 2003 (ratified on December 13, 2003)

Agreement between the Government of the Republic of Armenia and the Swiss Federal Council on the Readmission of Persons with Unauthorized Stay of 2003 (ratified on April 27, 2004)

Agreement between the Government of the Republic of Armenia and the German Federal Republic on the Readmission of Persons with Unauthorized Stay of 2006 (ratified on February 25, 2008)

Agreement between the Government of the Republic of Armenia and the Government of the Republic of Bulgaria on the Readmission of Persons with Unauthorized Stay of 2007 (ratification is pending)

¹³⁹ Source: Ministry of Foreign Affairs of the Republic of Armenia.

Annex 4. Acronyms used

ADB	Asian Development Bank
AIA	Armenia International Airports
ArmStat	RA National Statistics Service
BMIS	Border Management Information System
CBMMP	Capacity Building in Migration Management Programme
CIS	Commonwealth of Independent States
DMR	Department for Migration and Refugees
DPV	Republic of Armenia Police Department for Passports and Visas
ENP	European Neighbourhood Policy
EU	European Union
GoA	Government of the Republic of Armenia
HIV	Human immunodeficiency virus
ICHD	International Center for Human Development NGO
ILO	International Labour Organization
IOM	International Organization for Migration
MA	Migration Agency at the Republic of Armenia Ministry of Territorial Administration
MinTED	RA Ministry of Trade and Economic Development
MLSI	Republic of Armenia Ministry of Labour and Social Issues
MoFA	Republic of Armenia Ministry of Foreign Affairs
MoTA	Republic of Armenia Ministry of Territorial Administration
MPP	Migration Policy Paper
MRC	Migration Resource Center
NA	Republic of Armenia National Assembly
NPA	National Plan of Action
NSS	Republic of Armenia National Security Service
ODKB	Collective Security Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
PDIU	Project Development and Implementation Unit, IOM Mission in Armenia
RA	Republic of Armenia
RF	Russian Federation
SMB	Swedish Migration Board
TCC	IOM Technical Cooperation Centre for Europe and Central Asia
UN	United Nations
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commissioner for Refugees
US	United States