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## **CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION**

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# ***Integration of Aliens and Reintegration of Returnees in the Republic of Armenia: Legal Aspects***

**Petros Aghababyan**

CARIM-East Research Report 2013/27



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**CARIM-East**  
**Creating an Observatory of Migration East of Europe**

**Research Report**  
**CARIM-East RR 2013/27**

**Integration of Aliens and Reintegration  
of Returnees in the Republic of Armenia:  
Legal Aspects**

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The project's two main themes are:

- (1) migration from the region to the European Union (EU) focusing in particular on countries of emigration and transit on the EU's eastern border; and
- (2) intraregional migration in the post-Soviet space.

The project started on 1 April 2011 as a joint initiative of the European University Institute (EUI), Florence, Italy (the lead institution), and the Centre of Migration Research (CMR) at the University of Warsaw, Poland (the partner institution).

CARIM researchers undertake comprehensive and policy-oriented analyses of very diverse aspects of human mobility and related labour market developments east of the EU and discuss their likely impacts on the fast evolving socio-economic fabric of the six Eastern Partners and Russia, as well as that of the European Union.

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- develops a comprehensive database to monitor migration stocks and flows in the region, relevant legislative developments and national policy initiatives;
- undertakes, jointly with researchers from the region, systematic and *ad hoc* studies of emerging migration issues at regional and national levels.
- provides opportunities for scholars from the region to participate in workshops organized by the EUI and CMR, including academic exchange opportunities for PhD candidates;
- provides forums for national and international experts to interact with policymakers and other stakeholders in the countries concerned.

Results of the above activities are made available for public consultation through the website of the project: <http://www.carim-east.eu/>

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## Introduction

The integration of migrants is a complex and lengthy process, and it depends on a number of factors: socio-economic, psychological, legal and political. Research covering this issue, conducted in Armenia, mainly relate to the local integration of the refugees forcibly displaced from Azerbaijan in 1988-1992 and especially to socio-economic aspects of that process<sup>1</sup>. This is due to the fact that since independence refugees were the most important numerically, and their socio-economic issues were acute.

Research has covered a wide range of integration issues with special emphasis on legal acts ensuring the implementation of this process/procedure. In particular, the issues related to the integration of foreign nationals (who are ethnically Armenian) arriving in Armenia from the Diaspora, as well as new refugees, who have found asylum in Armenia since 2000, not to mention the refugees who arrived 1988-1992, were examined. The RA citizens returning from foreign states to Armenia have been considered as a separate migration flow and the issues related to their reintegration are also touched upon.

Relevant legal acts have been analyzed in the light of challenges faced in their implementation. Some institutional decisions, case-law, findings of the International organizations, NGOs, etc. have been included in the paper.

## I. Integration of refugees forcibly displaced from Azerbaijan during 1988-1992

Over 360,000 ethnic Armenians were forcibly displaced from Azerbaijan to Armenia in 1988-1992 due to the Nagorno-Karabakh conflict. The –relevant state body, the Committee on Refugee Issues under the Government of Armenia registered them as refugees. Armenia started dealing with refugees without any relevant legislation. The Government adopted about 150 Decisions aimed at resolving urgent refugee problems (accommodation, financial and social assistance, etc.). In the mid 1990s, when it became obvious that the voluntary return of refugees to their previous residence was not realistic, the Government of Armenia attempted to integrate these refugees from Azerbaijan. Legal normative acts adopted over the past ten years are directed towards this goal.

Issues related to the integration of refugees were given new attention especially 3 March , 1999 with the adoption of the RA Law<sup>2</sup> “On refugees”. There were also the efforts of governmental, non-governmental organizations and especially the Armenian branch office of UNHCR in informing refugees about the provisions of the law.

Adoption of the RA Law<sup>3</sup> “On legal and socio-economic guarantees of the refugees from the Republic of Azerbaijan from 1988-1992 who acquired the citizenship of the Republic of Armenia” played an important role in overcoming refugee concerns. There were also large-scale programs on public awareness and explanatory activities. So the number of refugees who acquired RA citizenship rose drastically. Thus living for 10 years in Armenia and having the right to acquire RA citizenship through simplified procedures only 6000 refugees gained the RA citizenship before 2000. Then, after

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<sup>1</sup>See for example: 1. Alexandra Fielden, NEW ISSUES IN REFUGEE RESEARCH, Research Paper No. 158, Local integration: an under-reported solution to protracted refugee situations, page 17, <http://www.unhcr.org/486cc99f2.pdf>, 2. J.Ghazaryan, American University of Armenia , Department of Political Science and International Affairs, Center for Policy Analysis ,<http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan005595.pdf>

<sup>2</sup>Adopted on 27.11.2008, entered into force on 24.01.2009, RA State Bulletin, 2009.0114/2(668)

<sup>3</sup>Adopted on 06.12.2000, entered into force on 30.12.2000, RA State Bulletin 2000.12.30/33 (131)

the adoption of the law and a large-scale information campaign 16,000 people gained RA citizenship in 2001. Since 2002 70,000 refugees have acquired RA citizenship<sup>4</sup>.

The RA Law “On legal and socio-economic guarantees of the refugees from the Republic of Azerbaijan from 1988-1992 who acquired the citizenship of the Republic of Armenia” helped to bring about change. After it was passed, the number of complaints gradually decreased. Although the main obstacle is related to the socio-economic integration of refugees, nevertheless, in our opinion, the problem is related more to the necessity of legal regulation, in this case, the regulation of issues through law.

Besides the psychological problems related to the integration of refugees, the obstacles connected with socio-economic barriers remain. This is despite the efforts<sup>5</sup> rendered by the RA Government, as well as support<sup>6</sup> provided by other states and international organizations. Refugees, as a rule, have more vulnerable characteristics compared with locals. In particular, the density of those without permanent shelter is very high. Poverty is more acute and the unemployment rate is some 2-3 times as high.

There are also institutional factors hindering integration. As a rule, institutions dealing with migration, are, in the EU, set up to include work on integration. This is not available at the State Migration Service (hereafter: SMS) or any other governmental institution in Armenia. Currently, there is no need for an integration service, as the number of recognized refugees is not large. But were the number to grow, then it would become necessary.

Below legal acts are listed which are directly connected with the issues related to integration of refugees forcibly displaced from Azerbaijan.

Facilitated procedures for RA citizenship are available for refugees forcibly displaced from Azerbaijan. According to point 2 of article 10 of the RA Law “*On the citizenship of the Republic of Armenia*”<sup>7</sup> stateless persons or former citizens of other USSR republics who are not foreign citizens and who permanently reside in the RA and who have applied for the acquisition of RA citizenship before 31 December, 2012 are considered citizens of the RA. The mentioned time limit can be prolonged several times<sup>8</sup>. When refugees from Azerbaijan came to Armenia, there was no refugee related legislation in Armenia. These people could reside in Armenia like former citizens of other USSR republics without a residence permit. It should be mentioned that refugees from Azerbaijan were considered to be de-jure stateless persons as they fled from Azerbaijan after independence. According to the Law of Azerbaijan “On citizenship” (Article 5) these people are not recognized as citizens of Azerbaijan. They are recognized as RA citizens in the same way that former citizens of other USSR republics, who did not acquire citizenship of any state. The naturalization of refugees of Armenian origin is facilitated. The person applies to the relevant passport division of the RA Police, submits his/her Convention Travel Document and, on having paid the state duty of 1000 AMD (2,0 EURO), they receive a RA passport within 5 working days<sup>9</sup>. The naturalization of refugees from Azerbaijan will be ensured in the case of removing time-limit restriction from the law for acquiring RA citizenship and this will be the main precondition of their integration into society.

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<sup>4</sup> There is no reference to the number refugees from Azerbaijan without citizenship as there is no data based on official sources and researches,

<sup>5</sup> Refugees were chosen as a target group in the poverty reduction and in the future sustainable development strategy approved by the RA Government.

<sup>6</sup> Since 1994 approximately 5000 flats and cottages were built through the means allocated by Armenian branch office of the UNHCR, Norwegian Refugee Council, German Government and other states and organizations.

<sup>7</sup> Adopted on 06.11.1995, entered into force on 28.11.1995, The Bulletin of the RA National Assembly 1995/8

<sup>8</sup> See 12.10.1999 # HO-5, 20.03.02 # HO-313, 18.11.03 #HO-33-N laws

<sup>9</sup> The State Migration Service of the RA Ministry of Territorial Administration has worked out the RA Draft Law on making changes in the RA Law “On the citizenship of the RA”, according to which it was suggested that the time limit be prolonged for applying for RA citizenship.

The RA National Assembly adopted the *Law “On legal and socio-economic guarantees of the persons forcibly displaced from the Republic of Azerbaijan from 1988-1992 who acquired the citizenship of the Republic of Armenia”* in December 2002. This is the main legal normative act directed towards integration. At first glance it seems that the law applies to those refugees who have become the RA citizens. But the law basically applies to the people having refugee status in the RA, and for whom the state guarantees protection against a number of socio-economic problems if they acquire the RA citizenship. This law stipulates the legal and socio-economic guarantees of the realization of the rights and legal interests of persons forcibly displaced from the Republic of Azerbaijan from 1988-1992 who later acquired the citizenship of the Republic of Armenia (Article 1). According to the law if refugees acquire RA citizenship, he or she:

- Can be registered as a beneficiary for the improvement of housing conditions and can receive a flat in the apartment buildings built with the state budget (Article 2),
- Can be recognized as a resident after have been in State Housing Resources for more than three years, if other persons have no tenancy or other rights to these units (Article 3). Three-years residence is not substantiated at all.
- Can privatize residential housing premises (dormitory one) under the state budget institutions, after living there for more than three years. Moreover, the RA Government defined the privatization order<sup>10</sup> and the list of dormitories subject to privatization. The problem lies in the fact that the law does not enable refugees living in the dormitories, owned by closed joint-stock companies with 100 percent of state participation, to privatize the premises occupied by them. And here there is also a legislative gap.

Those who live in temporary dwellings (hotels, dormitories, rest houses, sanatoriums etc.) are exempted from the established payment for housing, except for electricity and public utilities. Any expenditures accumulated during their stay at temporary dwellings are paid for by the state budget of the Republic of Armenia in accordance with regulations established by the Government of the Republic of Armenia (Article 5).

There is the possibility that compensation for the property abandoned by refugees from the Republic of Azerbaijan will be forthcoming. In that case, then, persons who have acquired RA citizenship will also receive compensation (Article 6). The aim of this article is the following: refugees are given the guarantee that they will not lose any compensation even if they have acquired RA citizenship. Moreover, according to official data, 1000 refugees have already applied to the European Court. In conclusion it should be mentioned that the law provides a very good opportunity for the integration of refugees from Azerbaijan. The importance of the law lies in the fact that the housing problems of people are solved at the legislative level, as the law provides guarantees for compensation for any property left in Azerbaijan, without discussing the origin of this compensation. The essence of the law is that it provides a number of advantages/benefits to such individuals, encouraging them to become full society members.

*The RA Government Decision N 404<sup>11</sup> from 14 May 2001* defines the privatization order of the residential dormitory premises under the state budget institutions by persons forcibly displaced from the Republic of Azerbaijan and having acquired the citizenship of the Republic of Armenia. According to this decision if the refugee lives in the dormitory for more than three years and acquires the RA citizenship, then he/she can privatize premises occupied by him/her. According to SMS information more than 1,200 families have taken advantage of this right<sup>12</sup>. Though according to this decision refugees privatize dormitory rooms free of charge, they still have to pay for notary records and certificates issued by the Real Estate Cadaster..

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<sup>10</sup> See the RA Government Decision N 404 from 14.05.2001

<sup>11</sup> Adopted on 14.05.2001, entered into force 10.06.2001, The RA State Bulletin 2001.05.31/15(147)

<sup>12</sup> [www.smsmta.am](http://www.smsmta.am)

***The RA Law<sup>13</sup> “On allocating the apartments built for the refugees displaced from the Republic of Azerbaijan in 1988-1992 to the refugees with ownership right”***. This law regulates the allocation of residential apartments and cottage-type houses, built in the territory of the Republic of Armenia, through the RA state budget, by foreign states and international organizations, for persons forcibly displaced from the Republic of Azerbaijan in 1988-1992, including those, who acquired RA citizenship with ownership right.

The refugees, who received the apartments before 30 June 2009, could submit applications on request of allocation of the apartment with ownership until December 31 2013 (Article 6).

The apartments of refugees, who did not submit the application within the defined period of time, are considered apartments of the state housing fund and the SMS dealing with migration issues manages them. But the management of these apartments by the SMS is not yet defined. So here we also have legislative gap. What is more, allocation of the land of cottage-type houses as well as the lands adjacent to these cottages are not yet regulated by the law.

***The RA Law “On State Duty”<sup>14</sup>*** exempts refugees from state duty when appealing to the court with the applications and complaints on restoring their infringed rights of housing (Article 22). These duties while appealing to the RA Administrative Court, Court of Appeal, and Cassation court amount to 4,000 AMD (approx. 8 EURO), 10,000 AMD (approx. 10 EURO) and 20,000 AMD (approx. 40 EURO).

***The RA Government Decision N747-N dated 20 May 2004 “On priority housing program for the people forcibly displaced from the Republic of Azerbaijan”<sup>15</sup>*** was aimed at resolving the housing issue of 3,470 refugee families residing in buildings of public importance. In 2005-2009 considerable amounts of money (815 million AMD annually) were allocated to the most needy refugee families for housing from the RA state budget in order to provide the families included in the program with “Housing Purchase Certificates”. 1065 families were provided with certificates, of whom 779 were able to use them and purchase flats.

Due to the global economic and financial crisis the allocation of this money has not been included in the state budget since 2010 and the housing issue of 1,172 project beneficiaries (of whom 857 are from Yerevan, and 315 from the regions) remains unsolved. 45 million USD is necessary in order to resolve this issue. They continue to live in public buildings which have not been classed as housing for more than twenty years and that have not been renovated for thirty years. 17 March 2011 an international donor conference was organized in Yerevan, aimed at giving solution to the housing issue of the beneficiary refugee families in the priority project. United Nations High Commissioner for Refugees (UNHCR) António Guterres also took part in the conference. The conference was aimed at combining the efforts of the RA Government and international donors. Governments of more than 40 states, representatives of 30 international organizations and 20 pan-Armenian institutions were invited to the conference. The only result of the conference though was 50,000 USD dollar received from the Government of Brazil.

In December 2011 the RA Government adopted the Action Plan for the implementation of state migration regulation 2012-2016<sup>16</sup>, the 10th chapter of which is entirely devoted to the integration of refugees from Azerbaijan. This includes programs for improving the housing conditions of refugee families (point 10.1.2) and state programs of social protection with stakeholder state bodies, NGOs and international organizations dealing with protection of refugees’ rights and interests (point 10.1.3).

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<sup>13</sup> Adopted on 20.11.2002, entered into force on 18.12.2002, The RA State Bulletin 2002.12.17/55 (230)

<sup>14</sup> Adopted on 27.12.1997, entered into force on 11.01.1998, The RA State Bulletin 1998.01.11/1

<sup>15</sup> Adopted on 20.05.2004, entered into force on 26.06.2004, Official source the RA State Bulletin 2004.06.16/31(330)

<sup>16</sup> Adopted on 10.11.2011, entered into force on 24.11.2011, Official source the RA State Bulletin 2011.11.23/63(866)

## **II. Integration of persons who were recognized as refugees through Refugee Status Determination Procedure (RSD)**

There are two groups of refugees in Armenia:

- Refugees of Armenian origin from Azerbaijan (1988-1992);
- Foreigners and stateless people, who were recognized as refugees, through RSD procedure (since 1999). Refugees of both groups have the same legal status according to the RA Law “On refugees and Asylum”.

The issues related to the integration process of the persons recognized through RSD procedure as refugees in the RA, particularly those connected with basic human rights and freedoms (right to movement, right to religion) are analyzed in this part.

Armenia provides protection to persons having a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion in the countries of their citizenship or former residence. This is done on the basis of the 1951 Geneva Convention Relating to the Status of Refugees, the RA Law on Refugees and Asylum adopted in 2008 and a number of Governmental Decisions. These persons are mainly from Iran, Iraq, Turkey, Syria and African countries<sup>17</sup>. Recognizing them as refugees Armenia undertakes to protect them. According to SMS statistics, around 2,395 foreign citizens sought asylum in Armenia since 1999<sup>18</sup>, out of which 1,280 have been recognized as refugees. Recognized refugees enjoy the same socio-economic and cultural rights as RA citizens, but they do not have political rights except the right to participate in the election of the local self –government bodies. Migrants have a number of needs like learning Armenian; familiarizing themselves with Armenian traditions, labor market conditions and cultural values; and housing, *inter alia*, all of which are very important in the process of their integration.

Though the RA Law “On Refugees and Asylum” does not have any provision on refugee integration, but a number of provisions are directed towards integration issues. The Law stipulates that in a number of issues the persons recognized as refugees have the same rights as RA citizens, e.g. the right of freedom of movement (Article 27), the right to be engaged in entrepreneurship (Article 22), the right to public education (Article 25), the right to employment (Article 21), the rights to movable and intellectual properties (Article 19 and 20), and the right to social security and medical care (Article 23). In our opinion this legislative approach is a good condition for integration.

The Action Plan for the implementation of migration policy in the Republic of Armenia 2012-2016 anticipates revealing gaps and obstacles during the integration of refugees (point 9.4.).

The ninth chapter “Ensuring effective integration of foreign nations within RA society once they are granted a refugee status” of the Policy Concept for the state regulation of migration in the Republic of Armenia<sup>19</sup> anticipates the elaboration and implementation of integration projects once foreign citizens are recognized as refugees.

### **Right of freedom of religion**

The 1951 Convention guarantees refugees the right of freedom of religion equal to the rights enjoyed by its citizens. Guarantees of freedom of religion stipulated in international human rights legislation strictly demand the protection of freedom of religion. These documents basically protect:

- freedom of religion and having/or not having beliefs/
- accepting freedom of religion

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<sup>17</sup> See smsmta.am

<sup>18</sup> Statistical data is taken from the State Migration Service of the RA MTA

<sup>19</sup> Adopted by the RA Government Protocol Decision N 51 dated 30 December 2010

- freedom of practicing his/her religion and beliefs through religious ceremonies or preaching/sermons<sup>20</sup> either individually or in community with others.

According to the RA Law “Freedom of Conscience and religious Organizations”<sup>21</sup> the Republic of Armenia ensures the freedom of conscience and religion for citizens. Every citizen is free to decide his/her attitude towards religion and every citizen has the right to practice or to not practice any religion and to practice religious ceremonies

### **Right to freedom of assembly, opinion, expression and association**

Freedom of assembly assumes any group of people in private or public places aimed at sharing opinions or launching dialogue. In other words the assemblies are aimed at the formation of opinions.<sup>22</sup> There are dozens of NGOs, organized by refugees and these NGOs play an important role in the integration of refugees.

As this right is considered as part of the right of freedom of speech and opinion, it is a human not a citizen right and this means that this right is reserved for foreigners (including refugees).

Article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that nothing can be regarded as preventing member states from imposing restrictions on the political activity of aliens with regard to freedom of assembly. The relevant provision of the Convention shows that the foreigners’ right to participate in rallies, processions and demonstrations can be limited by the law. RA legislation does not restrict refugees’ right to assembly. Article 29 of the RA Constitution stipulates that no one may be prohibited or hindered from assembling unarmed in peaceful meetings.

This right is closely connected to the right of freedom of thought and expression. Realization mechanisms of the right of assembly is stipulated by the RA Law “On conducting meetings, assemblies, rallies and demonstrations” adopted by the RA National Assembly 4 May 2004.

### **Right to education**

According to Article 25 of the RA Law “On Refugees and Asylum” asylum seekers and refugees have the right to basic general education equal to citizens of the Republic of Armenia. Refugees granted asylum in the Republic of Armenia are treated as favorably as other foreign citizens with regard to access to studies, recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

The general principles of legislation in the tertiary sector are determined in the framework of the Law on Education (LE) adopted April 1999 and in the Law on Higher and Postgraduate Professional Education adopted in 2004. According to the Law on Higher and Postgraduate Professional Education (LHPPE) and subsequent Government Decrees the two-cycle system (Bachelor 4 year and Master 2 year) was introduced in Armenia at the system level from 2005-2006 academic year. LHPPE envisaged “Mandatory implementation of credit system into the higher education system shall start from 2006/07 academic year”. Nevertheless, due to the unreadiness of HEIs, the Ministry of Education and Science shifted the start of introduction of the credit system to the 2007/08 academic year.<sup>23</sup>

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<sup>20</sup>See Article 18 of the International Covenant “On Civil and Political Rights”

<sup>21</sup>Adopted on 17.06.1991, entered into force on 06.07.1991, the RA Supreme Council Official Bulletin 1991/12

<sup>22</sup>See constitutional right of the Republic of Armenia, text book for higher educational institutions, Yerevan, 2008, page 257

<sup>23</sup> [http://www.tempus.am/index.php?option=com\\_content&view=article&id=1273&Itemid=555&lang=en](http://www.tempus.am/index.php?option=com_content&view=article&id=1273&Itemid=555&lang=en)

At present the following main professional educational programmes are implemented in the Republic of Armenia: preliminary professional (vocational) education; middle level professional education; higher professional education; post-graduate professional education.

In 2004, the government approved the “Preliminary and Middle Level Professional Education and Teaching Strategy”, which has served as a basis for implementation of reforms in preliminary and middle level professional education (PMLPE). Adoption of the RA Law on “Preliminary Professional (Vocational) and Middle Level Professional Education” by the National Assembly in 2005 was a significant step forward in the implementation of professional education reforms. The Law regulates the state policy principles, organizational-legal and financial-economic grounds and rights and liabilities of legal and physical entities in the PMLPE system. Based on the provisions policy defined in both the Strategy and the Law, and with the assistance of international organizations, the "Priorities of Professional Education and Training in Armenia and 2005-2008 Plan of Action" document was developed and approved by the Ministry of Education and Science. As a result, more than 20 legal normative documents regulating PMLPE were developed and approved: these included governmental decrees, policy papers, decisions of the RA Prime Minister and decrees of the RA Minister of Education and Science.<sup>24</sup>

In 2005 Armenia ratified the Lisbon Convention on the Recognition of Qualifications Concerning Higher Education in which staff and students can move easily and can have fair recognition of their qualifications.<sup>25</sup>

The RA Law “On Education”<sup>26</sup> stipulates the right to education of all people in the RA without any discrimination (Article 6, point 1). The RA Law “On higher and postgraduate education”<sup>27</sup> guarantees the right of higher and postgraduate professional education for all people (Article 4(1)).

### **Right to work**

According to Article 21 of the RA Law “On Refugees and Asylum” asylum seekers and refugees granted asylum in the Republic of Armenia have the right to seek and to find employment within the territory of the Republic of Armenia. They can do so under the same conditions as citizens of the Republic of Armenia, unless the law provides otherwise.

The RA Labor Code<sup>28</sup> does not stipulate any discrimination in employment relations. The Code stipulates that foreigners have the same employment legal rights as RA citizens unless the law provides otherwise (Articles 3 and 15).

Point “j” of article 23 of the RA Law “On Foreigners”<sup>29</sup> stipulates that persons granted refugee status can work in the Republic of Armenia without a work permit not exceeding their residence time validity. Refugee documentation means that a given person is automatically granted a work permit. He/she has the right to seek and work in the same conditions as RA citizens, except the cases when the law demands RA citizenship: e.g. in order to work in state and local self-government bodies the person must be a citizen. This enables the refugee to enter the RA labor market, which is the best guarantee of integration.

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<sup>24</sup> <http://www.armenic.am/?laid=1&com=module&module=menu&id=100>

<sup>25</sup> In 2005 Armenia ratified the Lisbon Convention on Recognition of Qualifications Concerning Higher Education Area in which staff and students can move easily and can have fair recognition of their qualifications.

<sup>26</sup> Adopted on 14.12.2004, entered into force on 02.03.2005. RA State Bulletin 2005.01.31/8(380)

<sup>27</sup> Adopted on 14.04.1999, entered into force on 14.05.1999, RA State Bulletin 1999.05.14/12 (78)

<sup>28</sup> Adopted on 09.11.2004, entered into force on 21.06.2005, RA State Bulletin 2004.12.21/69(368)

<sup>29</sup> Adopted on 25.12.2006, entered into force on 03.02.2007, RA State Bulletin 2007.12.24/6(530)

**The RA Civil Code**<sup>30</sup> also stipulates the right of conducting entrepreneurial and any other activity not forbidden by the law for foreigners as is the case for RA citizens (Article 21.3). According to the **RA Law “On the Private Entrepreneur”**<sup>31</sup> the RA and foreign citizens, as well as stateless persons, whose right of conducting entrepreneurship is not restricted by the law, have the right to become entrepreneurs (Article 1).

### **Right to family life**

Family relations are regulated by the RA Family Code<sup>32</sup>, which also refer to refugees. Provisions of that law on family creation, and responsibilities of family members have an important role in the process of refugees’ integration.

### **Political participation**

The RA Electoral Code<sup>33</sup> stipulates that RA citizens who are 18 or older have the right to vote. The persons without the RA citizenship have the right to vote during local elections if they have been registered in the community registry of the population for, at least, 6 months before election day (Article 2). The term “stateless” used in the article also refers to those refugees recognized in the RA. For example, persons forcibly displaced from Azerbaijan in 1988-1992 are considered stateless people and have electoral rights.

### **Access to citizenship**

The RA Law “On Citizenship” stipulates facilitated procedures for acquiring RA citizenship for refugees from Azerbaijan (they acquire the RA citizenship without the RA President Decree). However, newly recognized refugees, including those of Armenian origin, acquire RA citizenship according to RA Presidential Decree. They must have been lawfully residing in Armenian territory for the preceding 3 years, be proficient in the Armenian language and familiar with the RA Constitution. The knowledge of Armenian and the Constitution of the RA are checked through tests. The RA Government has adopted a relevant Decision.<sup>34</sup> Legislation stipulates certain exclusion from the rule/for example if the person is married to an RA citizen then three-years residence in the RA is not a necessary condition.

### **Access to social security**

The RA Law “On State Pensions”<sup>35</sup> ensures the right to pension for RA citizens, RA dual citizens as well foreign citizens and stateless persons. According to Article 7(1) of this law foreign citizens or the stateless persons has the right to receive pensions when those have the right to reside in the Republic of Armenia and while residing in Armenia. Foreign citizens who do not have refugee status in the Republic of Armenia, have the right to receive pension, if he/she does not receive pension from his/her country of citizenship. This provision assumes that the person with a refugee status is not required to submit a document certifying the fact that he/she does not receive pension from his/or country of origin.

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<sup>30</sup> Adopted on 05.05.1998, entered into force on 01.01.1999, RA Official Bulletin 1998.08.10/17(50)

<sup>31</sup> Adopted on 03.04.2001, entered into force on 02.05. 2001, RA Official Bulletin 2001.05.02/13 (145)

<sup>32</sup> Adopted on 09.11.2004, entered into force 19.04.2005, Official source RA Official Bulletin 2005.01.19/4(376)

<sup>33</sup> Adopted on 26.05.2011 entered into force 26.06.2011, Official source RA Official Bulletin 2011.06.16/36(839)

<sup>34</sup> Approved by the RA Government 30.08.2007 N 1040-N

<sup>35</sup> Adopted on 19.11.2002, entered into force on 01.01.2003, RA Official Bulletin 2003.04.09/18(253)

Refugees granted asylum in the Republic of Armenia have the right to a number of services. These include: social services; state-allowances and other financial assistance, with allowances granted for temporary unemployment, injuries, accidents and work-related diseases, guaranteed free medical care; services by the State, which are defined by the legislation of the Republic of Armenia for the citizens of the Republic of Armenia; and the right to social protection with regard to pension security and unemployment as prescribed by the legislation of the Republic of Armenia, under the same conditions as RA citizens. (the RA Law “On Refugees and Asylum”, Article 23).

According to the RA Law “On Social Assistance”<sup>36</sup> RA citizens, who are in difficult situations, foreign citizens and stateless persons, having residence permit as well as persons granted refugee status in the Republic of Armenia have the right to receive social assistance (Article 6).

### Access to medical services

According to the RA Constitution everyone has the right to benefit from medical aid and service prescribed by the law, as well as the right to free basic medical aid and services (Article 38). The RA Law “On Medical Care and Services to the population”<sup>37</sup> stipulates the right to medical care and services for foreigners and stateless persons staying in the Republic of Armenia, thanks to both RA legislation and RA international agreements (Articles 2 and 3). RA refugees receive primary medical care and ambulatory services like RA citizens based on general grounds and free of charge.

The RA Law “On Child’s Rights”<sup>38</sup> envisages protection of interests, right to receive social, material, medical and other assistance for refugee children, which must be implemented through the relevant state bodies (Article 30). The RA Law “On Refugees and Asylum ” stipulates the obligations of the authorized state bodies responsible for the protection of refugee children’s rights. There are bodies for children’s rights protection in the RA marzpetarans (regional administrations) and in the municipality of Yerevan. Moreover the RA Ministry of Labour and Social Affairs jointly with the RA State Migration Service ensure adequate accommodation and care of the unaccompanied or separated minor asylum seekers (Article 42, 38). Guardianship bodies facilitate the appointment of a guardian or a custodian for unaccompanied or separated minor asylum seekers (Article 41). The RA Ministry of Education and Science organizes the admittance of unaccompanied or separated minor asylum seekers to educational institutions (Article 39 (2)).

It should also be mentioned that the only legal document that directly addresses the issues of integration is the adopted the Action Plan for implementation of the policy concept for the state regulation of migration in the Republic of Armenia in 2012-2016. This stipulates the drafting and implementation of integration projects once foreigners are recognized as refugees (Activity 9.4). It is here that the conditions for the full integration of the persons, recognized as refugees, in the Republic of Armenia will be created.

### III. Integration of persons from the diaspora

Due to historical circumstances many Armenian communities were formed outside Armenia, and<sup>39</sup> about 7 million Armenians live outside of Armenia, while there are only 3 million living on Armenian territory. It is already a few generations that they live in their hosting countries and possess the citizenship of those countries.

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<sup>36</sup> Adopted on 24.10.2005, entered into force on 01.01.2006, RA Official Bulletin 2005.12.07/75(447)

<sup>37</sup> Adopted on 04.03.1996, entered into force on 16.05.1996, RA National Assembly Bulletin, 1996/7-8

<sup>38</sup> Adopted on 29.05.1996, entered into force on 16.05.1996, RA National Assembly Bulletin, 1996/10

<sup>39</sup> Book for Armenians living abroad, page 1, ILO and RA Ministry of Diaspora

Individuals of Armenian origin are granted special residence permits and dual citizenship. 20,248 people received RA citizenship in 2012; 14,277 in 2011; and 8566 in 2010. As for special residence permits the numbers break down as follows: 752 in 2010; 797 in 2011 and 794 in 2012.<sup>40</sup>

The RA Ministry of Diaspora drafted the Draft Law “On Repatriation”<sup>41</sup> and currently it is in circulation. The main aims and goals of the draft law is: to coordinate legal relations related to repatriation; to define key goals directions and principles of state policy on repatriation; to define too authorities dealing with repatriation issues, submission of repatriation application, granting repatriate status and integration of repatriates, as well as these privileges and the order of their granting.

It is expected that after the adoption of the law a new qualitative situation will be established in the diaspora and the RA, Armenia-diaspora relations will gain new stimulus with the better preservation of Armenian traditions, history and culture in the diaspora. In Armenia it will contribute to the rapid integration of diaspora Armenians, improvement in the demographic situation in Armenia will enable the state to consolidate the professional potential of Armenians and its targeted use in Armenia.

According to changes made in a number of RA legal acts in force integration of persons immigrating from the diaspora to Armenia is stimulated. The RA Law “On making changes and amendments in the RA Law “On the RA citizenship” was adopted by the RA National Assembly 8 December 2011, and entered into force 1 January, 2012. Knowledge of the RA Constitution was an obligatory condition for acquiring RA citizenship according to Article 13 of the Law. Those of Armenian origin, applying for RA citizenship are exempted from the obligation of knowing the RA Constitution.<sup>42</sup>

The facilitated visa regime for entering the RA is stipulated for citizens of Armenian origin from 64 states.<sup>43</sup> In the past the citizens of these states could receive entry visas to the RA only in the relevant diplomatic services and consular offices on the basis of an invitation. Since 18 August, 2012, as a result of the legislation, these people can receive RA entry visas at the RA border crossing points. The fact that diaspora members can enter the RA without invitation means that they can visit and stay in Armenia more often, which can contribute to their integration into Armenian society.

According to the RA Law “On foreigners” the students are granted temporary residence permits in the RA. An application for the extension of temporary residence status must be submitted at least 30 days prior to the expiry of the term of status (Article 15, part 2). The relevant part of the law was amended<sup>44</sup> and according to it the Government of the Republic of Armenia can define a shorter term for the extension of temporary residence status envisaged in this study. Having this kind of provision in the law enables the RA to prolong the temporary residence status of students of Armenian origin.

#### **IV. Integration of RA citizens returning to Armenia**

After independence, many Armenians were driven to go abroad by the poor socio-economic situation in their home countries. Over the past several years a tendency for RA citizens to return to Armenia has been noted<sup>45</sup>. The reintegration of these returnees is provided by international institutions, and separate programs are implemented mainly by NGOs all giving financial support. Citizens of Armenia who return home have to deal with a number of challenges: employment, socio-physiological, health,

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<sup>40</sup> The data is received from Visa and Passport Division of the RA Police

<sup>41</sup> The information related to the Draft Law was provided by the RA Ministry of Diaspora

<sup>42</sup> <http://7or.am/am/news/view/30397>

<sup>43</sup> See the RA Law “On making changes and amendments in the RA Law “On Foreigners”

<sup>44</sup> Article 15 amended on 02.02.10 HO-4-N, edited, changed on 08.12.11 HO-355-N

<sup>45</sup> Migration Survey on the relationship between skills, Migration and Development in Armenia was conducted in Armenia during 2011-2012 by the European Training Foundation and the Caucuses Research Resource Center- Armenia

documentation, language, educational and etc. Absence of legal framework in this field impedes effective settlement of problems related to their reintegration.<sup>46</sup> Employment, socio-psychological, cultural-educational issues not to mention issues related to military service are among the reintegration issues faced by returnees.<sup>47</sup> However, it should be mentioned that there are not any legal measures yet with regard to the reintegration of refugees.

The Concept Paper on the Policy for the State Regulation of Migration in the Republic of Armenia<sup>48</sup> and 2012-2016 National Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia mainly refer to the reintegration process<sup>49</sup>. The Concept Paper addresses the return of the RA citizens and further reintegration assistance provided to them in the home country. Particularly importance is given over to running employment programs and the introduction of new ones directed at the re-integration of returning RA citizens in the labor market. Much is made too of the need to establish advisory state services for RA citizens returning to Armenia and cooperation with the NGOs operating in this sector.

The eighth chapter of the National Action Plan is entirely devoted to the question of support to returning citizens, as well as the reintegration process more generally:

Especially it is envisaged to:

- analyze what kind of information is of interest to potential immigrants and at which institutions such information is available /point 8.1.1.
- organize discussions among relevant state bodies, NGOs dealing with immigration on issues relating to improving the web information systems /point 8.1.2./
- clarify issues relating to integration and improvement approaches of various information systems, technical peculiarities for realization of such approaches /point 8.1.3./
- Develop legislation on the integration and improvement of various info systems containing information relating to return of citizens living abroad /point 8.1.4./

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<sup>46</sup> On reintegration issues quite interesting and useful studies were conducted by researchers. For example, Alice Johanson - <Return Migration to Armenia> (2008). The work concerns the reintegration issues of rejected asylum seekers and irregular migrants from the European countries. V. Gharakhanyan - <The Number and Reintegration of Armenian Migrants Returned to Homeland from the United States of America: 1991-2008> (2009). This paper on the integration of migrants who have returned to Armenia from the US in 1991-2008 for the purpose of permanent residence. H. Chobanyan - <On the problems of reintegration of migrants returning to Armenia>. The researcher analyzed the reintegration problems of return migrants, for drawing some concrete recommendations with regard to the social, psychological, educational, cultural reintegration, as well as the employment issues of returnees to Armenia.

A number of studies have been done by several organizations. Particularly, Armenian Sociological Association - <Armenian Returnees from Germany, Back to Homeland, Report> (1997), <Reintegration. Sociological Research> (2007), European Training Foundation and the Caucasus Research Resource Centers Armenia - <Migration Survey on the Relationship between Skills, Migration and Development in Armenia> (2012). This research relates to issues of the potential migrants and returning migrants. European University Institute (EUI)- <Cross-Regional Information System on the Reintegration of Migrants in their Countries of Origin>. It was addressed the legal, social-economic, also institutional issues, which are connected with the reintegration of returned migrants in their countries of origin.

<sup>47</sup> See Haykanush Chobanyan “On the Problems of Reintegration of Migrants Returning to Armenia”, page 25

<sup>48</sup> Approved by the RA Government Protocol Decision N51 dated 30 December, 2010

<sup>49</sup> Approved by the RA Government Decision N1593-N dated 10 November, 2011

## **V. The role of international organizations and NGOs in the integration related issues of migrants**

International organizations and NGOs have an important role in the integration of migrants.

In Armenia, UNHCR will monitor the protection of and promote international standards for the care of refugees. It will provide focused assistance to help the most vulnerable people in achieving self-reliance, and will mobilize local partners and institutions to support the integration of refugees. UNHCR will continue to pursue advocacy for the protection of IDPs, while supporting government efforts to find durable solutions, including local integration when appropriate.

Strategic action will again focus on: (i) enhancing compliance with international standards, in particular through protection-sensitive approaches to asylum issues; (ii) supporting the local integration of refugees and the resettlement of those for whom integration in the region is not an option.<sup>50</sup>

The cooperation of UNHCR and the SMS on resolving the issues related to asylum seekers and refugees during last 10 years is well established. Indeed, the activities carried out by Armenian branch office of the UNHCR have been directed not only to encouraging the integration of refugees into society resolving their socio-economic problems, but also by active participation of the mentioned organization in establishing national legislation. Certain of these provisions are directed towards the integration of refugees into the society: Law “On Refugees and Asylum”/1999/ and sub legislative acts proceeding from it, Law “On Refugees and Asylum”/2008/ and sub legislative acts proceeding from it.

Armenian IOM branch offices also implement activities towards integration support to migrants. The IOM facilitates the successful integration of migrants and refugees in host societies. Migrant integration focuses on; i) the dissemination of information on rights and obligations of migrants and refugees in home and host countries, ii) the provision of advisory services and information on services available to them, and iii) the reinforcement of their skills which enhance their prospects for quick and successful integration. Within the framework of the “Self-reliance and Integration through Micro-enterprise Development” project implemented in Armenia since 1997, the IOM helps individuals (including returnees, refugees and displaced persons) to become self-sufficient. They do so through micro-credit schemes, including micro-enterprise training as well as credit and employment opportunities. The aim is to reduce the dependence of these individuals on humanitarian aid and the levels of poverty as well as to achieve effective reintegration in society.

More than 2,200 persons have already completed training in micro-business management and business planning. So far over 9,000 loans, amounting to more than US\$ 6.0 million have been extended, impacting the lives of over 3,900 direct beneficiaries, including loan recipients as well as employed persons. Over 2,800 businesses were supported, with some 25 per cent of the loans used to create production and service businesses and the balance for trade. 42 Iraqi refugees and 17 mine victims benefited from training and MED services<sup>51</sup>.

As you can see, activities of the IOM related to the integration of migrants have a social direction and does not refer to the legal aspects of migrants’ integration. Unfortunately, this organization makes few contributions to RA legislation and its improvement activities.

NGOs play an important role in the issues related to migrants’ integration. Parliamentary Assembly of Council of Europe referred to the role of Non-Governmental Organizations (NGOs) in the integration of migrants and made a number of recommendations for the Council of Europe member

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<sup>50</sup> <http://www.unhcr.org/pages/49e48d126.html>, see part “Operation”

<sup>51</sup> <http://www.un.am/eu/IOM>

states<sup>52</sup>. NGOs in general, have always played an important role in the integration of immigrants and members of their families in the host society. The participation in these NGOs fosters the sense of belonging to a group. It is a powerful instrument in creating friendships. The feeling of wellbeing in a given society can be fundamentally influenced through this participation (point 1).

About 40 NGOs dealing with refugee-related issues currently operate in Armenia. Their major part implements separate programs on reintegration according to the tasks stipulated by their statutes. The following NGOs should be mentioned among those active in this field – Mission Armenia, Armenian Red Cross, Armenian Association of Young Lawyers and others. Due to lack of mechanisms for migrants' integration at the governmental level NGOs through UNHCR and other organizations' funding have implemented separate programs, which basically have operational social support. In our opinion, the NGOs should have more active participation in the formation of the national legislation initiated by the SMS. They should be able to present their comments and suggestions on the draft legal acts to be worked out by the authorized state body. Moreover, they would be welcomed in case they present substantiated legal amendments/changes in the field to the authorized state body dealing with migration related issues.

## Recommendations

In summary, we can conclude that in Armenia there is a legislation field aimed at regulation of integration/reintegration of migrants in Armenia. There are state bodies, which are authorized to solve the issues related to migrants' reintegration.

At the same time the legislation regulating this field has gaps, which hinder the full integration of different groups of migrants. Thus the legislation must be improved. After analyzing the legal framework and its implementation the following recommendations are suggested:

- √ To remove the time limit for submitting applications for obtaining RA citizenship on the basis of the RA Law “On the Citizenship of the Republic of Armenia”
- √ To create a structural unit dealing with the integration of migrants within the state authorized body responsible for migration issues.
- √ To remove the time limit of 3 years stipulated for the privatization of dormitory residential premises from RA Law “On legal and socio-economic guarantees of the refugees forcibly displaced from the Republic of Azerbaijan from 1988-1992”. To amend and stipulate that dormitory premises, occupied by refugees, owned by close and open joint-stock companies with 100 percent of state participation are subject to privatization.
- √ To stipulate with the RA Law “On State Duty” that while privatizing the residential premises of the dormitories, occupied by refugees, refugees are exempted from the state duties/payments for notary records and obtaining certificates, given by the Real Estate Cadaster.
- √ To adopt the RA Government decision for the stipulation of the possession of the cottages under the competent body responsible for migration issues. This relates to the cottages built for refugees, which were not privatized within the time limits prescribed by the law. According to the law these cottages are transferred to the competent body responsible for migration issues.
- √ To stipulate the allocation of the lands associated with the cottage-type houses as well as the lands adjacent to these cottages to the refugees from Azerbaijan

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<sup>52</sup>Parliamentary Assembly of Council of Europe Doc. 10914, 25 April 2006, Motion for a recommendation presented by Mr Çavuşoğlu and others, see <http://assembly.coe.int/Documents/WorkingDocs/Doc06/EDOC10914.pdf>

- √ To continue cooperation with international and non-governmental organizations over the regulation of migrants' integration.
- √ To continue activities familiarizing migrants with their rights by involving the NGOs and mass media. In order to activate these activities to organize awards among journalists
- √ To adopt the law "On Repatriation"
- √ To implement the provisions of the National Action plan (2012-2016) for ensuring the reintegration of RA citizens returning to Armenia.