



European
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ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION

Co-financed by the European Union

Readmission, Return and Reintegration in Armenia

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CARIM-East Explanatory Note 13/21

Socio-Political Module

March 2013



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In the beginning of the 2000s, when suggestions related to the conclusion of readmission agreements were emanating from the European countries, Armenia was very cautious in this regard. There was an opinion that the signing of readmission agreements would cause mass returns of Armenian citizens irregularly staying in the foreign countries to Armenia. At the same time as a result of active discussions, and view of the real on the ground situation, it was stated that return of Armenian citizens was de facto being implemented irrespective of the availability or absence of such agreements. Hence, by concluding these agreements, cooperation in this field obtains a legal basis, the authorized bodies and a clearly defined list of requested documents. Furthermore, time frames from both sides are defined, as are issues with regard to readmission of third country nationals, etc.

Afterwards, Armenia expressed its readiness to conclude readmission agreements as one of the effective tools in order to combat irregular migration, and since 2003 it has been actively involved in the process. On the other hand, the conclusion of such agreements reaffirms the readiness of Armenia to craft civilized solutions to this important and subtle issue of irregular migration. Moreover, it is an inalienable right of any citizen to return to his or her own country of origin, and only the technical problems are solved through readmission agreements.

Concluding inter-governmental agreements with the respective countries against illegal migration, including provisions on the return, receipt, and transit of illegal RA citizens and third country nationals between the contracting parties (readmission treaties) was formulated as one of the key measures required to achieve the following priority of the state regulation of migration in the Republic of Armenia - *“Preventing the emergence of illegal migration from the Republic of Armenia and supporting the return and reintegration in the Republic of Armenia of Armenian citizens illegally staying abroad”* (Concept Paper of the Armenian Government on Migration Regulation in Armenia, 2004, p. 4).

Up to now, the Government of the Republic of Armenia has signed 11 agreements with 13 countries¹, 12 of which are European states, and one CIS country: the Kingdom of Denmark, the Republic of Lithuania, Latvia, Sweden, Switzerland, the Federal Republic of Germany, and the Benelux countries, Bulgaria, Norway, the Czech Republic and the Russian Federation².

Negotiations on readmission agreements with 5 countries are in process: Estonia, Cyprus, Romania, Ukraine and the Republic of Moldova.

Negotiations with the EU have been concluded. The readmission agreement with the EU was pre-signed on October 18th, 2012 and will be signed during the year 2013.

State policy-makers and implementers

The Ministry of Foreign Affairs and the State Migration Service of the Ministry of Territorial Administration of Armenia are the bodies responsible for readmission policy.

In the renewed Concept Paper of the Armenian Government on Migration Regulation in Armenia the 7th priority goal concerns the “Prevention of irregular migration originating in the RA, improvement of the legislative framework relating to irregular migration” (Concept Paper, 2010, p.14). In order to achieve the mentioned policy goal, the “continuation of the process of negotiation and conclusion of agreements with states interested in the return of RA nationals that reside in foreign

¹ Benelux countries (Belgium, Netherlands, and Luxembourg) are counted as one party in the Readmission Agreement with Armenia.

² Copies of the readmission agreements signed by the Armenian Government are available at the webpage of the State Migration Service of Armenia. Bilateral Agreements: http://www.smsmta.am/?menu_id=15. Accessed January 31, 2013.

countries without permission to stay” is stipulated in the Action Plan for the Implementation of the Concept Paper in 2012-2016 (National Action Plan, 2011, p.26).

Aside from the above, procedures on the implementation of readmission agreements are being adopted according to RA legislation. The following Governmental institutions are responsible for the implementation of the readmission agreements in the Republic of Armenia³:

The State Migration Service (SMS) of the Ministry of Territorial Administration of Armenia is the main body responsible for the implementation of readmission agreements. The SMS drafts texts of readmission agreements, and redacts conclusions and comments. The SMS receives requests regarding readmission of the citizens of the Republic of Armenia, foreigners residing without authorization on the territory of the requesting country, as well as transit applications for citizens of third countries via the territory of the Republic of Armenia. After receiving these applications/requests, they are sent to the Armenian Police within three days; in case of need, the SMS sends the application to the National Security Service and the Ministry of Foreign Affairs, which answers to the applications within 15 days. Based on the answers, received from the relevant bodies, the SMS prepares the answers to the applications and sends them to the applicants within 5 days.

The Police of Armenia answers the applications of the citizens of Republic of Armenia on readmission within 15 working days by affirming or rejecting the fact of the applicant’s citizenship of the Republic of Armenia.

The Ministry of Foreign Affairs of Armenia (Consular Department) provides return certificates (Laissez-Passer), and deals with readmission issues when cases are related to verification of the citizenship and identity of the persons through conducting face-to-face interviews.

The National Security Service of Armenia gives opinions regarding special cases, when there is a need.

In case of difficulties in proving the identity of an individual (for example, due to the absence of corresponding documents), upon the request of a foreign country, representatives of the Armenian authorized bodies are sent on secondment in order to conduct face-to-face interviews. Also, Armenian consular services abroad can be charged with interviewing the persons for determination of citizenship (Gov Decree, 2011, p. 3).

The State Migration Service is recognized as an authorized body for the implementation of the readmission agreement between the EU and Armenia. In order to implement the agreement, the RA Prime Ministerial decree N 1228-A of December 12th, 2012 was adopted, confirming the action plan derived from the “RA-EU readmission agreement”.

The list of measures ensuring the implementation of the RA-EU readmission agreement was also elaborated. At the time of entry into force of the Agreement, the following is expected:

- The project for the RA Governmental decree on the measures ensuring the implementation of the “RA-EU readmission agreement” should be elaborated;
- SMS should be connected to the informative network of the RA Police;
- The availability of data on migration conducted via airways from the BOMCA system should be provided;
- An interdepartmental working group should be established to discuss emerging problems and to carry out monitoring on fulfilment of tasks defined by the agreement;
- A study of the staff of bodies involved in readmission processes should be organized.

³ Government Decree N 1360-N on “Order on Examination of the Readmission Applications Received from Foreign Countries in the Framework of Readmission Agreements on Persons with Unauthorized Stay in Foreign Countries by the State Institutions of the Republic of Armenia” was adopted in September 22, 2011.

However, there are a number of challenges that Armenia faces during the implementation of readmission agreements:

- Armenian consular services are not represented in many countries. Also, some of them cover several countries at the same time, and have limited staff in order to conduct face-to-face interviews with persons for the purposes of the identification of citizenship in very short time frames. Particularly, the EU-Armenia readmission agreement defines a very short timetable for checking the citizenship.
- There are various information databases in Armenia that contain information on citizenship or residence status (Population Register, database of refugees, etc). However, they are not yet integrated, and additional recourses are needed to get the requested information on time.
- With the aim of preventing the recirculation of returnees, Armenia expressed a conviction that the mechanical return of people can't solve the issue of irregular migration if the return is not accompanied by further reintegration programmes.
- The lack of cooperation amongst the implementing partners (For example, people are often sent back from Sweden without informing the competent body on the Armenian side and without sending the readmission requests to check the citizenship. With Russia, information about an act of readmission is frequently delayed. The State Migration Service, responsible for the implementation of the readmission agreement with the Czech Republic, has never received any request from the Czech side thus far, which by no means implies that there are no irregular Armenian migrants living in the Czech Republic).
- Various responsible bodies are defined by different bilateral agreements (with the Czech Republic, the Russian Federation, Norway and Sweden, it is the State Migration Service of Armenia; with the Benelux countries, Bulgaria, Germany, it is the Ministry of Foreign Affairs of Armenia; while with Denmark, it is the Police Force of Armenia), which leads to a non-unified approach for the implementation of the agreements, as well as a lack of a common and centralized statistical database for readmission cases.
- With some bilateral readmission agreements, implementing protocols have been signed at the same time as the agreements. These protocols, in particular, define the responsibilities of various state bodies to respond to readmission claims within exact time-frames and thereby improve the effectiveness of implementation of the agreements. However, there are agreements that are signed without the implementation protocols, which bring about different interpretations during implementation.

Statistics on readmitted persons

With regard to the Statistics on readmitted persons, it should be mentioned that during 2011-2012 the SMS received a total of 75 readmission requests from Sweden, Norway, Switzerland and the Russian Federation. Amongst those, the holders of Armenian citizenship were approved in 53 cases, and 22 were rejected⁴.

Evaluation of return and re-integration programs in Armenia

Today, there are no targeted governmental programs on the reintegration of returning migrants in Armenia. However, there are specific projects on reintegration which are implemented by national, international and non-governmental organizations and which are mainly financed by the international organizations and by host countries. Some governmental agencies are involved in some of these projects; however, these projects are not sustainable. Systemization of the work of different

⁴ Internal data of the State Migration Service of Armenia on statistics on readmitted persons. Accessed January 31, 2013.

institutions is still in question. This affects not only the work of public institutions, but also the cooperation of the appropriate international and non-governmental organizations. These projects and their support packages can be provisionally divided into two categories: “broad” and “narrow”. The “narrow” package implies only consultative support and referencing for returning migrants (it is provided by the SMS, Migration Resource Centers under the State Employment Service Agency and by some NGOs). Apart from consultancy support, the “broad” package includes: certain mechanisms for financing income-generating activities (support for starting and existing businesses); requalification training; the education of children; medical support, etc. (implemented by the IOM, the “People in Need” NGO, the French-Armenian Development Foundation in Armenia, Armenian Caritas, etc.).⁵

The Joint Declaration on a Mobility Partnership (MP) between Armenia and ten EU Member States was signed in October 2011. The forthcoming first three-year project (with a budget of three million Euros) in the framework of the Mobility Partnership is entitled “*Strengthening Armenia's migration management capacities, with special focus on reintegration activities*”. It reaches its aims by increasing the capacities of competent authorities and civil society in Armenia: to actively support dignified sustainable return and reintegration; to address the challenges posed by irregular migration; and to facilitate opportunities for legal migration.

To summarize, the following conclusions can be drawn with regard to the assistance projects in Armenia:

- The projects are funded by the EU Return fund or by the individual EU countries.
- Projects involve limited categories of returnees, i.e. “voluntary”, “compulsory” and “forced” (these are mostly rejected asylum seekers and irregular migrants). The bulk of beneficiaries comprise returnees from the same countries.
- Different methods are used for organizing the activities of the appropriate entities (for example, the selection of a professional entity for all project components, and a legal contract with those entities). The working tools of the projects (e.g. needs assessment, statistical databases, etc.) for ensuring the effectiveness of the process and conducting analyses on different parameters also vary.
- Different types of support provided by reintegration projects (e.g. not all the projects have such components as educating children, social and psychological support and consultancy)
- Different levels of financing might not be sufficient for starting cost-effective businesses. Besides, returnees do not have their own funds to invest into businesses.
- In order to ensure the sustainable reintegration of returning migrants in Armenia, coordinated assistance should be provided to them. Otherwise, this deficiency can contribute to a situation where these people migrate from Armenia again.

⁵ More detail about return and reintegration in Armenia may be found in Chobanyan *H.* “**Return Migration and Reintegration Issues: Armenia**”, *CARIM-East Research Report 2013/03*. Available at: <http://www.carim-east.eu/media/CARIM-East-RR-2013-03.pdf>.

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Republic of Armenia-EU Readmission Agreement pre-signed on October 18, 2012.

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