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# *The Systematic Composition of Migration-related Legislation in the Republic of Armenia*

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Various aspects of migration in Armenia are governed by the constitution, international treaties,<sup>1</sup> separate laws and government decisions.

The **Constitution** of the Republic of Armenia declares inalienable rights for aliens in Armenia, including the right to life, liberty and security,<sup>2</sup> stipulated in the Universal Declaration of Human Rights and the European Convention on Human Rights. According to Art. 25 of the Constitution, everyone legally residing in the Republic Armenia has the right to freedom of movement and choice of residence within the territory of the Republic Armenia. In addition, everyone has the right to leave the Republic of Armenia; legal residents enjoy, along with Armenian citizens, the right to return to the Republic of Armenia.

The central document regulating this area is the **Law on Foreigners** of 2006,<sup>3</sup> which lays down the provisions for entry, residence, movement, transit and exit, as well as the rights and obligations of foreign citizens in the Republic of Armenia.

Foreign citizens seeking to enter Armenia can do so either without a **visa**, if they are citizens of certain countries exempted from the visa obligation,<sup>4</sup> or with a visa issued in Armenian diplomatic missions and consular posts, at the border crossing points of the Republic or electronically. Article 10, Part 1 of the Law establishes four types of entry visas issued in Armenia: visitor visas, official visas, diplomatic visas and transit visas. There are a number of countries, the citizens of which as well as the holders of travel documents can only apply for visitor visas at the diplomatic representations or consular posts of the Republic of Armenia abroad and only at the invitation of the Republic.<sup>5</sup>

The Law defines three types of **residence permits** for foreigners: temporary,<sup>6</sup> permanent<sup>7</sup> and special<sup>8</sup>. It also has a special chapter 4, which regulates access of foreigners to the labour market in Armenia. Art. 22(2) provides for that in general:<sup>9</sup> foreigners, according to this article, may be employed in Armenia on the basis of a work permit issued by a competent authority. However, there has been no governmental decision adopted to implement this provision. Thus procedures and terms of authorization/refusal of a work permit or the governmental agency responsible for issuing such

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<sup>1</sup> See the full list of migration-related international treaties concluded by the RA in Annex 1.

<sup>2</sup> See the Constitution of the Republic of Armenia, Chapter 2. The Constitution of the Republic of Armenia was adopted 5 July, 1995, which was amended 27 November, 2005 and entered into force on 5 December, 2005. The official source here is the Official Journal of Armenia (OJA) 05.12.2005 /Special publication/.

<sup>3</sup> The Law was adopted 26 December, 2006 and entered into force on 3 February, 2007. Annex 4 contains the official sources where the laws and governmental decisions mentioned in this explanatory note were published.

<sup>4</sup> See the list of countries with non-visa regime on certain categories of passports in Annex 2.

<sup>5</sup> See Annex 3.

<sup>6</sup> *Temporary residence permit* is granted for a period of up to 1 year (renewable) for any foreign national, if he/she substantiates the circumstances requiring him/her to stay in the Republic of Armenia for one year or more. Such circumstances include study, possession of a work permit in accordance with procedures defined by the law, marriage to a RA citizen or to a foreigner legally residing in the RA, being a relative of a RA citizen or of a foreigner who has permanent residence permit for the RA, and engaging in entrepreneurial activities.

<sup>7</sup> *Permanent residence permit* for a period of 5 years (renewable) may be granted to any foreign applicant if he/she meets all of the three requirements set out in the law: proves the existence of close relatives in the Republic of Armenia, has an apartment and means of subsistence in the Republic of Armenia and has been residing in the Republic of Armenia for at least three years before applying for a permanent residence status. Permanent residence status can also be granted to foreigners engaged in entrepreneurial activities.

<sup>8</sup> *Special residence permit* for a period of 10 years (renewable) is granted to foreigners who are Armenian by origin. Special residency may also be granted to other foreign citizens who “are engaged in economic or cultural activities in the Republic of Armenia.”

<sup>9</sup> According to Art. 23, certain foreigners such as those in possession of permanent or special permits or recognized refugees are exempted from the obligation for a work permit.

permits have not yet been specified. As a result, foreign citizens, at least to date, can work in Armenia without permission.

Further laws indirectly linked to the migration process are the **Law on State Borders**<sup>10</sup> and the **Law on Border Guards**<sup>11</sup>.

There are a number of *governmental decisions* supporting implementation of the aforementioned laws, as well as addressing other migration-related issues. These decisions aim at:

- establishing the **list of states, whose citizens can apply for initiation-based visas** only in consular and diplomatic representations of the Republic of Armenia (4 April 2008, No. 329-N), passed according to the Law on Foreigners, Art. 9;
- determining procedures of the **registration and approval of visa-related invitations** by the Ministry of Foreign Affairs (20 January 2011, No. 62-N), passed according to the Law on Foreigners, Art. 11;
- introducing the list of the **infectious diseases which prevent the entry** of foreign citizens or stateless persons into the Republic of Armenia, namely: 1. plague (pneumonic form), 2. cholera, 3. active tuberculosis of the respiratory organs (all forms of virus excretion), 4. tropical malaria, 5. atypical pneumonia, 6. bird flu (25 January 2008, No. 49-N), passed according to the Law on Foreigners, Art.8;
- defining operation of **special facilities for arrested foreigners** and procedures concerning their custody (10 July 2008, No. 872-N), passed according to the Law on Foreigners, Art. 38;
- stipulating operation of and conditions in **special facilities for detention of foreigners at the border crossing points and transit areas**(7 January 2008, No. 127-N), passed according to the Law on Foreigners, Art. 37;
- adopting the concept of state **regulation of migration** in the Republic of Armenia (30 December 2010, Protocol Decision No.55), which presents challenges as well as gaps in the migration regulation system, and suggests 14 priorities aimed at resolving migration-related issues. Passed in compliance with obligations taken by Armenia within the framework of the policy neighborhood of the EU;
- establishing **border electronic management information system**, procedures of its operation and list of users thereof (22 June 2006, No. 884-N). Passed to improve efficiency of law enforcement bodies in the fight against terrorism, organized crime and illegal migration.
- determining the national action plan on the **integrated border management system** (21 April 2011, No. 482-N), as well as the **state border crossing points** of the Republic of Armenia for the implementation of rail, road, air and other communications (12 May 2011, No. 703-N), passed according to the Law on Border Guards, Art.10.

Although migration legislation in Armenia has been developed based on existing international human rights standards, there is still a need for consolidation and transparency in order to remove contradictions and inconsistencies in the laws and other legal acts.<sup>12</sup>

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<sup>10</sup> The Law was adopted on 20 November 2001 and entered into force on 25 December 2001. This law defines the state border regime, protection of state border, duties and rights of border guards, service in border guards, military, technical and financial provision of the border guards, the legal and social protection of border guards and other citizens participating in protection of state border, responsibilities of state entities of Armenia in protecting the state border.

<sup>11</sup> This Law was adopted on 20 November, 2001 and entered into force on 25 December 2001. This law determines the definition of the border guards of the Republic of Armenia, the legal basis of their activities, principles, rights and responsibilities, legal and social protection of the staff of the border guard and citizens and their families participating in the protection of the State Border, as well as financial and technical provision of the border guard.

<sup>12</sup> See in this regard: H. Kabeleova, .A. Mazmanyan, A. Yeremyan, Assessment of the Migration Legislation in the Republic of Armenia, OSCE, 2007.