

Monitoring Report

**Agreement between the European Union and the Republic of
Armenia on the Facilitation of the Issuance of Visas
(5th monitoring)**



Yerevan, 2018



The Project was implemented by the Analytical Center on Globalization and Regional Cooperation (ACGRC)

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Introduction

Trends in EU-Armenia Relations regarding Facilitation of the Issuance of Visas

Starting from 2014, for the fifth consecutive year now, the Analytical Centre on Globalization and Regional Cooperation (ACGRC) with support from Open Society Foundations-Armenia is carrying out a study on facilitation of the issuance of Schengen visas in Armenia and on the activities of authorities related thereto. Such monitoring and comprehensive analysis became particularly important after the entry into force in January 2014 of the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation between the EU and Armenia.

Over 60 countries of the world have a visa-free regime with the EU, and Armenia and a number of other countries can achieve it through the visa dialogue stage. Achieving a visa-free regime should be based on a country's success in a number of fields, including but not limited to the rule of law, fighting organized crime, corruption, and irregular migration, and improving the administrative capacity for border controls and document security. The visa liberalisation dialogue has been successfully completed between the EU and five Western Balkan countries, namely Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, and Serbia, as well as three countries of the Eastern Partnership, namely Moldova, Ukraine, and Georgia. As a result, all of these countries were granted a visa-free regime.¹ The visa dialogue was based on a Visa Liberalisation Roadmap or a Visa Liberalisation Action Plan, which included binding requirements in four key areas—document (including biometric) security, border management, migration and asylum, public order and security, foreign relations and fundamental rights, legislative reforms, planning, and effective and sustainable implementation. Throughout the dialogue, the European Commission conducts monitoring and evaluation by means of regular reports.

¹ Visa Liberalisation Report: Questions and Answers, Brussels, (20.12. 2017).
http://europa.eu/rapid/press-release_MEMO-17-5364_en.htm

People to people contacts are one of the four platforms of cooperation under the Eastern Partnership Program, which for Armenian citizens to enter the EU area presupposes obtaining an entry visa.

The Joint Declaration on a Mobility Partnership between the European Union and Armenia signed in Luxembourg on 27 October 2011 became a key step towards enhanced cooperation in the area of mobility.¹ In this document, the parties confirmed their commitment to improving facilitation of movement of persons between Armenia and the European Union, whilst working to ensure better management of migration flows, including preventing and reducing irregular immigration.

Subsequently, in February 2012, talks on a Visa Facilitation² and Readmission Agreement with the EU were launched in Yerevan in February 2012. After three rounds of negotiations, the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas was signed on 17 December 2012, and the Readmission Agreement on 19 April 2013.³ These Agreements were ratified by the European Parliament on 9 October 2013 and by the Armenian National Assembly on 12 November 2013, and entered into force on 1 January 2014.⁴

However, prior to it, on 3 September 2013, Armenia discontinued the Association Agreement talks with the EU and started a process of accession to the Customs Union and the Eurasian Economic Union (EEU). On 2 January 2015,

¹ Joint Declaration on a Mobility Partnership between the European Union and Armenia.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/125698.pdf

² The EU signed the first agreement on visa facilitation with the Russian Federation, which entered into force in 2007. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

³ The cooperation of the Republic of Armenia with the EU, <http://www.mfa.am/hy/country-by-country/eu/>

⁴ Visas: European Parliament gives green light to EU-Armenia visa facilitation agreement (09.10.2013)

<http://www.europarl.europa.eu/news/en/news-room/content/20131004IPR21533/html/Visas-Parliament-gives-green-light-to-EU-Armenia-visa-facilitation-agreement> , Armenian parliament ratifies visa facilitation and readmission agreements with EU (12.11.2013)

http://armenianow.com/news/49985/armenia_eu_visa_facilitation_readmission_agreement_parliament_ratification

Armenia joined the Eurasian Economic Union and became a full member of the EEU next to Belarus, Kazakhstan, and Russia.¹

Despite Armenia's accession to the Eurasian Economic Union, the process of EU visa facilitation for Armenian citizens continues. Apparently, all the prerequisites are now in place for taking the next step and entering a Visa Dialogue, and in case of its successful implementation, moving to a visa-free regime for short stays. It is extremely important, because visas are a key obstacle to cooperation and people-to-people contacts, free travel, and study.

In the November 2016 Conclusions of the EU Foreign Affairs Council on the Eastern Partnership, the visa liberalisation for Armenia's citizens was mentioned, together with the visa requirement abolition for citizens of Georgia and Ukraine. The European Ministers underlined that they are looking forward to consideration "in due course of the possible opening of a visa dialogue with Armenia."²

Negotiations on a new comprehensive agreement were officially launched on 7 December 2015 in Brussels.³ By January 2017, eight rounds of negotiations on the Armenia-EU framework agreement had taken place,⁴ and on 27 February 2017, during a working visit to Brussels, the third President of the Republic of Armenia Serzh Sargsyan announced in a meeting with European Council President Donald Tusk that the Armenia-EU framework agreement negotiations had been completed.⁵ On 21 March 2017, the Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU was initialed in Yerevan.

¹ Armenia acceded to the Eurasian Economic Union (2 January 2015);

<http://www.eurasiancommission.org/hy/nae/news/Pages/02-01-2015-1.aspx>

² The EU is preparing for visas liberalisation negotiations with Armenia (14 November 2016);

<http://yerkirmedia.am/1political/em-hayastan-viza-azatakanacum/>

³ The launch of negotiations on a framework agreement with Armenia (13 October 2015);

http://eeas.europa.eu/delegations/armenia/press_corner/all_news/news/2015/2015_10_13_hy.htm

⁴ Foreign Affairs Minister Nalbandyan's statement and answers to the questions of journalists at the 2016 annual diplomatic end year press conference (31 January 2017); http://mfa.am/hy/press-conference/item/2017/01/31/min_dipyear_2016/

⁵ Republic of Armenia President Serzh Sargsyan meets with European Council President Donald Tusk (27 February 2017); <http://www.president.am/hy/press-release/item/2017/02/27/President-Serz-Sargsyan-met-with-President-of-the-European-Council-Donald-Tusk/>

Ahead of the Eastern Partnership Summit due to take place in Brussels in November 2017, the European Parliament urged Armenia and the EU to launch a visa liberalisation dialogue. The resolution adopted at the Parliament's session noted significant progress since the summit that took place in Riga two years earlier.¹

The logical conclusion of this process was 24 November 2017, when Armenia's then Foreign Affairs Minister Edward Nalbandyan and the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini signed the Armenia-EU Comprehensive and Enhanced Partnership Agreement (CEPA), which became one of the main achievements of the Summit. To enter into force, CEPA needs to be ratified by Armenia and all 28 Member States of the EU².

During 2017 and 2018, a number of important events took place in the Armenia-EU relationship, which will serve as a basis for closer cooperation, especially in the area of mobility. It is obvious that the EU has constantly supported Armenia's economic stability and security based on democracy and respect for human rights and the rule of law. The EU has provided valuable support the development of transport networks and improving connections with the EU and other countries in the region through citizens mobility and exchanges.

In a meeting with Armenia's Foreign Affairs Minister held in Brussels on 21 February 2018, the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini discussed the EU-Armenia relations, including the efforts aimed at implementing the Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU. In the context of this meeting, the parties signed the EU-Armenia Partnership Priorities, which cover the main areas of cooperation under the new Agreement. The four main areas of cooperation are (i) strengthening institutions and good governance; (ii) economic development and market opportunities; (iii) connectivity, energy efficiency, environment and climate action; and (iv) mobility and people-to-people contacts.

¹ European Parliament urging to start visa liberalisation dialogue with Armenia (17.11.2017). <https://www.azatutyun.am/a/28859056.html>

² The Armenia-European Union Comprehensive and Enhanced Partnership Agreement has been signed (24.11.2017). http://www.mfa.am/hy/press-releases/item/2017/11/24/cepa_signing/

The Partnership Priorities will be key in guiding EU financial assistance to Armenia. For 2017-2020, the EU has earmarked around €160 million for Armenia.¹

On 11 April 2018, the National Assembly of the Republic of Armenia voted unanimously to ratify the Comprehensive and Enhanced Partnership Agreement between the Republic of Armenia and the European Union.² The debate highlighted the importance of establishing the parliamentary oversight mechanism under the Agreement - the Parliamentary Partnership Committee - which will be comprised of members of the National Assembly of Armenia and the European Parliament. Special attention was drawn to one of the innovations of the Agreement - the creation of Civil Society Platform, which will consist of civil society representatives from Armenia and the EU and will function on the basis of transparency, inclusiveness and rotation principles. This clause is particularly important for civil society organizations. It remains to be hoped that the Platform will be created and function properly, enabling civil society organizations to make their contribution to the deepening and advancement of Armenia-EU relations. During the debate, representatives of Armenia's Foreign Affairs Ministry provided an outline of all the areas and the appropriate toolkit by which the Agreement can bring great benefit to Armenian businesspersons, scientists, inventors, taxpayers, consumers and, in general, to the citizens of

¹ European Union and Armenia sign Partnership Priorities (21.02.2018).

https://eeas.europa.eu/delegations/armenia/40191/%D5%A5%D5%BE%D6%80%D5%B8%D5%BA%D5%A1%D5%AF%D5%A1%D5%B6-%D5%B4%D5%AB%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6%D5%A8-%D5%A5%D6%82-%D5%B0%D5%A1%D5%B5%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6%D5%A8-%D5%BD%D5%BF%D5%B8%D6%80%D5%A1%D5%A3%D6%80%D5%A5%D6%81%D5%AB%D5%B6-%D5%A3%D5%B8%D6%80%D5%AE%D5%A8%D5%B6%D5%AF%D5%A5%D6%80%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%A1%D5%BC%D5%A1%D5%BB%D5%B6%D5%A1%D5%B0%D5%A5%D6%80%D5%A9%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6%D5%B6%D5%A5%D6%80%D5%A8_hy

² National Assembly of Armenia ratified Armenia-EU new framework agreement (11.04.2018).

<https://www.mfa.am/hy/press-releases/2018/04/11/dfm-na-cepa/8126>

Armenia. Once Armenia completes the ratification and notified the EU thereof, it will be possible to activate the clause on provisional application of the CEPA, which will, prior to completion by EU Member States of the domestic procedures necessary for CEPA to enter into force, enable application of most of the CEPA's provisions. A number of EU Member States have repeatedly their commitment and political will to ratify the Agreement. Estonia became the first Member State to complete the domestic procedures necessary for the CEPA to enter into force.¹ Armenia's diplomatic missions carry on with efforts to promote the ratification of CEPA in the EU Member States. However, each country has a different domestic procedure for putting the Agreement into effect. During the debate in the Armenian National Assembly, the Foreign Affairs Ministry representative also responded to the opinion that the visa liberalisation discussions are held behind closed doors, stating that its contents are not publicized, because it may undermine the public interests. Considering that the launch of the visa liberalisation dialogue is a mutual undertaking, Armenia hopes that the EU will provide an action plan that will be a reform-oriented process, although Armenia has already implemented a number of legislative initiatives and undertaken all the steps necessary to launch the ratification of the Agreement, which will be appreciated by the EU.² The launch of the dialogue is connected to the ratification of the EU-Armenia Agreement, although the Armenian side did not wait for the provision of the action plan and undertook to amend legislation that will be a part of the liberalisation process.³

In the meantime, on 23 January 2018, during the second high-level meeting on the Mobility Partnership between Armenia and the EU, which was held in Brussels, the sides discussed efforts currently implemented in Armenia within the

¹ Ibid, National Assembly of Armenia ratified Armenia-EU new framework agreement (11.04.2018). http://mfa.am/hy/press-releases/item/2018/04/11/dfm_na_cepa/

² Where does the visa liberalisation process stand? (10.04.2018). http://www.a1plus.am/1606482.html?utm_source=d1vr.it&utm_medium=facebook

³ Ratification of Armenia-European Union Agreement to kick start the visa liberalisation process (10.04.2018). <http://www.panarmenian.net/arm/news/254038/>; European Union ready for liberalisation of visa regime with Armenia (17.04.2018). <https://www.schengenvisainfo.com/european-union-ready-for-liberalisation-of-visa-regime-with-armenia/>

framework of the Mobility Partnership, as well as outlined future priorities. Both sides noted the successful experience of projects in a number of spheres, including border management, reintegration of returning citizens of the Republic of Armenia, migration and development.¹ The Armenian side presented the latest developments related to the legal and regulatory frameworks in a number of key areas and noted the readiness to ensure continuity of the reforms.

However, it should be noted that, despite the availability of some fragmented information, there is paucity of information on the current process, which stops civil society representatives who have been active and gained much experience in these spheres over the years from making a comprehensive assessment of the situation and somehow participating therein with their recommendations.

During visits of European counterparts to Armenia and in numerous other formats of meetings with Armenian counterparts, Armenia's achievements with respect to visa liberalisation, irregular migration, and reintegration were presented repeatedly, reiterating the commitment to continue deepening relations in this area, provided that the Armenian side continues to move steadily down the reform path. As a result of reforms, Armenia should prove the ability to modernize the country and to create solid foundation based on democracy, human rights, and the rule of law, approximating the governance structure to the standards of the European Union.

Armenian officials, too, have repeatedly spoken of the possibility to launch the visa liberalisation dialogue, as well as Armenia's willingness and readiness, emphasizing that Armenia is diligently implementing the EU Visa Facilitation and Readmission agreements; the EU assesses their application as largely positive². A number of European countries have declared their readiness to support Armenia in this matter.

In a meeting with the Armenian Foreign Affairs Ministry in June 2018, the EU High Representative for Foreign Affairs and Security Policy Federica

¹ The second high-level meeting on Mobility Partnership between Armenia and the EU was held in Brussels (23.01.2018).

<https://www.mfa.am/hy/press-releases/2018/01/23/armenia-eu-mobility/7891>

² Visa liberalisation dialogue to start in the near future (14.03.2017).

<https://news.am/arm/news/378542.html>

Mogherini commended the visa facilitation and readmission process with Armenia and noted that, once the visa facilitation and readmission implementation has been assessed, next steps will be considered. Such technical preconditions will subsequently lead to the launch of a visa liberalisation dialogue.¹

In the beginning of his term in office, Armenia's Prime Minister Nikol Pashinyan, too, stated: "We assign great importance to the Armenia-EU CEPA. We hope that the Agreement will be ratified in the EU Member States as soon as possible. The next issue on which we hope to launch negotiations as soon as possible is the negotiation for eliminating the visa requirements for Armenian citizens to enter into the European Union. I hope that we will achieve concrete results in this area."²

A delegation of European Parliament members led by David McAllister, Chair of the European Parliament Foreign Affairs Committee, visited Armenia on 18 June 2018 to assess the current stage in the EU-Armenia relations and the reform efforts ahead of the vote on the new agreement between the EU and Armenia (the European Parliament vote on the EU-Armenia agreement took place on 4 July).³ McAllister also discussed the visa liberalisation issue: "We stand ready to launch such dialogue. The current understanding is being honored, as far as I understand. But I would like to see a decline in the number of people unlawfully staying in the EU Member States. Reforms should deliver results."⁴ The European official expressed hope that Armenians would not abuse the possibility of staying in the EU: "... Based on the experience of Georgia and Ukraine, progress is possible in the case of Armenia. By simply following closely on the mistakes of Georgia and Ukraine, we want to avoid them in Armenia."⁵

¹ Visa facilitation and readmission process with Armenia implemented successfully, says Mogherini (22.06.2018). <https://armenpress.am/arm/news/938543.html>

² "It would be interesting to see how Armenia's new Government addresses this issue" (12.05.18). <https://168.am/2018/05/12/949889.html>

³ David McAllister: "We would like to see a reduction in the number of migrants to the EU" (18.06.2018). <https://www.aravot.am/2018/06/18/965146/>

⁴ Head of EP Delegation speaks about Armenia-EU visa liberalisation (18.06.2018). <https://168.am/2018/06/18/969599.html>

⁵ David McAllister: "We would like to see a reduction in the number of migrants to the EU" (18.06.2018). <https://www.aravot.am/2018/06/18/965146/>

A similar statement was made by the Minister of Foreign and European Affairs of Luxembourg, who underlined that the European Union should implement a “step by step” policy in the field of liberalisation reminding the experience with the Balkans and Ukraine, where it has been applied.¹

The Armenia-EU visa liberalisation issue was also in the agenda of Nikol Pashinyan's visit to Brussels in June 2018, and it is expected that the European Commission will be issued a mandate to launch the visa liberalisation dialogue.²

By Decree 906-N dated 2 July 2018, the Prime Minister created an inter-agency commission to coordinate the activities ensuring implementation of the CEPA and the Armenia-EU Partnership Priorities document. In recent months, the inter-agency commission to coordinate the activities ensuring implementation of the Comprehensive and Enhanced Partnership Agreement (CEPA) and the Armenia-EU Partnership Priorities document has discussed activities in various fields, including trade, transport, energy, environmental protection, and others. The Armenia-EU CEPA Roadmap developed by the Armenian side and provided to the European side for agreement consists of two parts: (i) trade and trade-related matters, and (ii) sector cooperation, including sectors such as transport, energy, environment, taxes, justice, migration, agriculture, and consumer protection. The Armenia-EU CEPA Roadmap currently consists only activities aimed at the implementation of provisions that have provisionally entered into force.

On 27 November 2018, the Armenia-EU Partnership Committee contemplated under the CEPA held its first session. During the session, the Partnership Committee discussed the draft Roadmap prepared by the Government of Armenia. The European side expressed satisfaction with draft Roadmap as a good starting point for implementing the CEPA. During the meeting, the EU reiterated its support for the Armenian government's reform process, and highlighted that the implementation of the CEPA would be a key tool for reform and modernization of the country, help attract EU investment,

¹ Luxembourg's Foreign Affairs Minister confident that by staying on the right track, Armenia can achieve visa liberalisation with the EU (27.03.2018).

<http://www.lragir.am/index/arm/0/politics/view/172851>

² Armenia-EU visa liberalisation issue was in the agenda of Pashinyan's visit to Brussels (16.07.2018). <https://news.am/arm/news/461951.html>

stimulate exchanges with the EU and provide concrete benefits both for the EU and Armenian citizens. The EU and Armenia agreed to continue promoting the mobility of citizens through the Visa-facilitation and the Readmission Agreements and consider in due course the opening of a Visa-liberalisation Dialogue, provided that conditions for well-managed and secure mobility are in place. The Partnership Committee also discussed issues related to rule of law, migration, economic development and education, as well as the Eastern Partnership and regional issues.¹

Subsequently, on 19 December 2018, Nikol Pashinyan in a session of the inter-agency commission to coordinate the activities ensuring implementation of the CEPA and the Armenia-EU Partnership Priorities, where he stated in his speech that the signing of the CEPA was an important step in further deepening Armenia-EU relations and supporting the continuity of reforms in Armenia. Presently, the commission's main task is to coordinate the Roadmap drafting process. Pashinyan said: "... We are embarking upon a phase of developing and implementing more intensive and extensive programs."²

The CEPA, signed on 24 November 2017, partially entered into force on 1 June 2018, and around 80 percent of its provisions are currently in effect. The remaining provisions will enter into force once the Parliaments of EU Member States complete the ratification of the Agreement (of the 28 EU Member States, the Agreement has already been ratified by Latvia, Lithuania, Estonia, Poland, Bulgaria, Romania, Luxembourg, Denmark, and the United Kingdom). Although ratification is time-consuming, the implementation of a large part of the Agreement will, as stated above, begin from 1 June, having been ratified by the Armenian Parliament. Thus, prior to complete ratification of the Agreement by the EU, Armenia will be able to start implementing most of the Agreement. Once official ratifications have been completed, the EU will be able to accelerate the reform process in Armenia by somehow influencing the fully-fledged implementation of the Agreement. Parts of the Agreement that concern EU

¹ First session of the EU-Armenia Partnership Committee (27.11.2018).

<https://www.mfa.am/hy/press-releases/2018/11/27/armenia-eu/8778>

² "We are embarking upon a phase of developing and implementing more intensive and extensive programs," Pashinyan said about the Armenia-EU Agreement (19.12.2018).

<https://news.am/arm/news/487062.html>

Member States cannot be implemented unless the Agreement has been ratified fully by them.¹

The CEPA is a comprehensive and ambitious bilateral agreement that covers political, economic, and sector cooperation. The goals of the Agreement include strengthening dialogue on all areas of mutual interest, promoting close ties between the sides, supporting democracy and political, economic, and institutional stability in Armenia, and establishing enhanced partnership in trade. The Agreement covers numerous sectors, among which this paper will focus on the areas of our interest, which are security, migration, and the like.

This Comprehensive Agreement opens a new chapter in the Armenia-EU relations. Earlier, the main document regulating the Armenia-EU cooperation was the Partnership and Cooperation Agreement that had entered into force in July 1999 for a 10-year term and was annually automatically renewed according a clause therein. The new Agreement is a key step towards enhancing the Armenia-EU bilateral relations, which aims at strengthening the political dialogue and creating a strong foundation for continuing the social and economic reforms. The new Agreement and the future cooperation between Armenia and the EU are based on the commitment to democracy, human rights, and the rule of law. In addition, CEPA will strengthen the partnership in facilitated mobility to the benefit of the citizens.² During the 5th Summit of the Eastern Partnership in Brussels, the Armenia-EU Common Aviation Area agreement was initialed, too.³ CEPA will enable to enhance the relations between the Parties under the Revised European Neighborhood Policy and the Eastern Partnership, for the EU and Armenia to elevate their relationship to a qualitatively new and higher level. CEPA specifically addresses the topics covered by this study, namely mobility, migration and readmission, personal data protection, and others. The Preface

¹ European Commission announced entry into force of the EU-Armenia Partnership Agreement (01.06.18). <http://www.tert.am/am/news/2018/06/01/eu-armenia-agreement/2701274> ; https://eeas.europa.eu/generic-warning-system-taxonomy/404/45736/step-forward-eu-armenia-relations-new-agreement-provisionally-applied_en

² New Armenia-EU Agreement will enhance political dialogue. Joint statement (21.03.2017). <http://www.lin.am/2111233.html>

³ Armenia-EU Common Aviation Area Agreement is initialed (24.11.2017). http://mfa.am/hy/press-releases/item/2017/11/24/aviation_agreement/

reads that the Parties reconfirm “that enhanced mobility of the citizens of the Parties in a secure and well-managed environment remains a core objective and considering in due course the opening of a visa dialogue with the Republic of Armenia, provided that conditions for well-managed and secure mobility, including the effective implementation of visa facilitation and readmission agreements between the Parties, are in place” and are committed to “stepping up their dialogue and cooperation on migration, asylum and border management with a comprehensive approach paying attention to legal migration and to cooperation aimed at tackling illegal migration and trafficking in human beings as well as efficiently implementing the readmission agreement.” Besides, the topics covered by this Study are addressed in greater detail in Article 13 of CEPA (Protection of personal data), Article 14 (Cooperation on migration, asylum and border management), and Article 15 (Movement of Persons and Readmission).¹

It is of particular importance that the CEPA directly provides that “the Parties shall continue to promote the mobility of citizens through the Visa-facilitation Agreement and consider in due course the opening of a visa-liberalisation dialogue provided that conditions for well-managed and secure mobility are in place.”

It is also very important that the new Agreement attaches special significance to civil society and its role in the Armenia-EU relationship. This topic is addressed in Articles 102, 103, and 366 of the CEPA. Article 103 provides: “The Parties shall promote dialogue and cooperation between civil-society stakeholders from both sides as an integral part of the relations between the European Union and the Republic of Armenia,” with the aims “to ensure involvement of civil society in relations between the European Union and the Republic of Armenia” and “to enhance civil-society participation in the public decision-making process.” Article 366 of the CEPA provides: “The Parties shall promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.” For this purpose, “A Civil Society Platform is hereby established. It shall be a forum to meet and exchange views for, and consist of representatives of

¹ http://www.mfa.am/u_files/file/CEPA.pdf

civil society.”¹ For participating in these processes, the creation of a new platform for civil society will enable making a contribution to the implementation of real reforms in various spheres, as well as improving their effectiveness through independent monitoring, evaluation, and recommendations.

It is hoped that the success of the EU-Armenia cooperation in recent years, namely the cooperation in migration, border management, document security, visa facilitation, and readmission, as well as the signing of the CEPA in 2017 will provide a stimulus to and greatly facilitate the issuance by EU Members States of a mandate to the European Commission to launch visa dialogue talks with Armenia. ACGRC believes that, in such visa dialogue talks, Armenia will have an advantage over other Eastern Partners that have already gone through this stage, namely Moldova, Ukraine, and Georgia, because Armenia and EU can, by studying the experience of those countries, take into account the pros and cons, advantages and disadvantages, difficulties and mistakes.

EU Ambassador to Armenia, Head of the EU Delegation Piotr Świtalski has said that the European Union is discussing with Pashinyan's Government the issue of visa liberalisation. It was also discussed in a session of the EU sub-committee for justice and liberty.²

On 20 June 2018 in Brussels, Armenia's foreign Affairs Minister Zohrab Mnatsakanyan met with Dimitris Avramopoulos, the EU Commissioner for Migration, Home Affairs and Citizenship. During the meeting, the Commissioner reiterated the commitment to work together towards achieving more significant results with regards the issues lying within the area of his responsibility. The Minister presented the continuous efforts to improve Armenia's migration policy and border management as well as readmission and reintegration capabilities, as well as the results achieved in the implementation of the Visa Facilitation and Readmission agreements. The interlocutors underlined the importance of launching a visa liberalisation dialogue between Armenia and the European Union, as set forth in declarations of recent Eastern Partnership summits. The Foreign Minister underscored the importance of acknowledging the

¹ http://mfa.am/u_files/file/eu/cepa.pdf

² European Union discusses visa liberalisation issue with Pashinyan's Government (02.06.2018).
<https://armeniasputnik.am/armenia/20180602/12428906/armenia-evropa-viza.html>

achievements of Armenia attained in close cooperation with the EU and Member States, which will contribute to the acceleration of the process of visa liberalisation and freedom of movement dialogue.¹

The monitoring² of the implementation of the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation allows revealing the key omissions, analyzing, and presenting recommendations on ways of addressing them, as well as having an alternative monitoring and impartial assessment of the situation, in addition to the official data, assessments, and viewpoints of the direct parties to the process (consular services of EU Member States, state bodies of the Republic of Armenia, and RA citizens). Hence, this monitoring and the engagement of civil society stakeholders in the processes in this area are very important.

The implementation of the Visa Facilitation and Readmission Agreements is decisive for the future of Armenia-EU relations, as time has shown that visas and readmission remain essential areas in the Armenia-EU relations. In meetings and discussions at different levels, addressing the current level and achievements in the Armenia-EU relations, both sides have emphasized the importance of visas and readmission, which further proves the importance of this monitoring.

Clearly, statements made by Armenian and EU officials in the course of 2017 and 2018 indicate a greater confidence in Armenia's progress towards visa liberalisation and the future of the Armenia-EU relationship.

The Analytical Centre on Globalization and Regional Cooperation (ACGRC) has been very active in this field, especially in the last five years: the 2014 to 2017 annual monitoring reports have been prepared and published,³ presenting

¹ Minister of Foreign Affairs of Armenia had a meeting with the EU Commissioner for Migration, Home Affairs and Citizenship (20.06.2018).

http://www.mfa.am/hy/press-releases/item/2018/06/20/fm_avramopoulos/

² The monitoring function is aimed at revealing, as swiftly as possible, actual and potential achievements and shortcomings, and helping to address and overcome them (<http://www.ampartners.am/service/monitoring-and-evaluation.html>).

³ Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (reports of the first and second monitoring rounds): <http://acgrc.am/bokeng.pdf>; <http://acgrc.am/ENG%20Version.pdf>

important findings and recommendations in a number of key areas. Public statements have been made concerning visas, the operation of visa centers in Armenia, and biometric passports. With the help of international experts, ACGRC has presented the Recommendations on Forming and Implementing the Roadmap to the Symmetrical Visa-free Regime between the EU and Armenia¹, which has been endorsed by a number of other non-governmental organizations.

Findings

The aforementioned two agreements, which are aimed at regulating and facilitating the issuance of visas to and the return of several categories of Armenian citizens, entered into force in January 2014. This report is dedicated to the 2018 monitoring of the implementation of the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation. The study was carried out by experts of the Analytical Centre on Globalization and Regional Cooperation (ACGRC) with the support of Open Society Foundations-Armenia.

The European Commission took an interesting initiative by carrying out an online survey from December 2017 to 2 February 2018, inviting all stakeholders to join the public consultation on Schengen entry visas. The initiative was aimed at collecting the opinions and concerns of interested citizens and organizations on the process of applying for Schengen visas (up to 90 days). The Commission was particularly interested in the experience of persons that applied for a Schengen visa in the last five years, as well as the experience of organizations involved in these matters.² Based on the consultation outcomes, the EU will try to improve the existing procedures for migration, security, and border management, which will help to facilitate visas and the possibilities of travel for

¹ Recommendations on Forming and Implementing the Road Map to the Symmetrical Visa-Free Regime between the EU and Armenia <http://www.osf.am/2015/09/recommendations-on-forming-and-implementing-the-road-map-to-the-symmetrical-visa-free-regime-between-the-eu-and-armenia/>

² Public consultation on EU funds in the area of values and mobility. https://ec.europa.eu/info/consultations/public-consultation-eu-funds-area-values-and-mobility_en

trade, tourism, and people-to-people contacts without a short-stay visa. ACGRC, too, participated in the survey and presented some recommendations, which will hopefully be taken into consideration in future cooperation with the EU in this area. It would be desirable to engage non-governmental organizations in such initiatives more frequently.

The Visa Facilitation and Readmission Agreements have been in effect for about five years now, and this Monitoring has allowed analyzing the current situation and drawing conclusions on their impact.

The successful implementation of the Agreements with the EU and continued progress towards visa liberalization require persistent action by all the stakeholders, including the Armenian authorities, the public at large, especially active groups, and the European institutions. ACGRC intends to continue working actively and to monitor the visa liberalization process in the future, as well, presenting recommendations to the stakeholders, similar to what is done in this Monitoring Report.

Methodology and Scope of the Monitoring

(Methodology of the 2018 Monitoring)

This Monitoring focuses on the implementation of the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation. The Project included a comprehensive overview of the process of obtaining short-term EU entry visas (only visas with a validity of up to 90 days)¹, irregular migration, the readmission of persons residing without authorisation, reintegration, passports, personal data, and other aspects.

The following methods were used during this study:

1. Review of the relevant Armenian and European legislation

The domestic and international legislation on this sector was reviewed. First of all, the visa facilitation agreement and the agreement on the readmission of persons residing without authorisation between the European Union and the Republic of Armenia were reviewed.² The EU Visa Code,³ the Schengen Agreements,⁴ the Dublin Convention,⁵ and other international legal instruments were reviewed. As to domestic documents, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia, the Republic of Armenia Law on Personal Data Protection, a number of other laws and regulations, decrees and

¹ Schengen Visa Types <http://www.schengenvisainfo.com/schengen-visa-types/>

² Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation; http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf;
http://mfa.am/u_files/file/Agreement_EU_Readmission_Arm.pdf

³ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>

⁴ Schengen Agreements http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/schengen-agreements/index_en.htm

⁵ Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention (19.08.1997) [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN)

programs of the Republic of Armenia Government on migration and readmission, annual reports of the Ministry of Foreign Affairs of the Republic of Armenia, and other texts were reviewed. The study also looked into the migration policy documents of Armenia that concern return, readmission, and reintegration, the 2018 Program of the Armenian Government, as well as the Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU and other documents. The international experience was studied, namely the policies of Georgia and Moldova with respect to the return of their citizens. The existing studies on the rights of returnees and their reintegration issues were reviewed. Statistical data on readmission and reintegration was collected.

2. Review of work and the websites of EU consulates, the visa centers operating in Armenia, and the relevant state authorities

The study reviewed the official websites of the consular posts of the diplomatic missions of EU Member States in Armenia, the visa centers operating in Armenia, the Ministry of Foreign Affairs of the Republic of Armenia, Passports and Visas Department of the Police of the Republic of Armenia, and the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia. There was a particular focus on analyzing the information contained in the relevant websites, in view of the importance of seeking information from the worldwide web in the contemporary world.

3. Inquiries (see the questions below)

After reviewing the legislation and the rules that are in place, questions were prepared during the first stage of implementation of the program, which were intended for the state authorities in charge of the sector and the consular posts of the diplomatic missions of EU Member States, as well as the visa centers operating in Armenia. Expert interviews were conducted, and questions were prepared for the state bodies responsible for the sector, namely the Migration Service under the Ministry of Territorial Administration and Development and the “one-stop-shop” reintegration service. Besides, interviews were conducted with 10 migrants who returned to Armenia after having traveled to the EU countries for establishing or resided there for more than three months and then returned to Armenia. The questions were prepared in view of the importance of

visas and migration for the public at large, especially the issues and cases encountered in everyday life and especially in the mass media, as well as the issues that came up during the 2014-2017 monitoring exercises.¹ Individual meetings were held with a number of national and international experts (Germany, Belgium, Poland, Lithuania, Ukraine, Georgia, and Moldova). Inquiries were also carried out among applicants that had been refused a Schengen visa, as well as applicants that had appeals, in order to understand the overall situation.

4. Visits to the Consular Services

In the course of this project, a number of meetings were held with the respective diplomatic and consular staff in order to have a discussion and to understand the conditions, the visa application admission procedure, the problems encountered, and the steps taken for solving them.

5. Monitoring of the online media

As the Internet is a primary source of information, and the level of public awareness is low, online media were monitored with a view to comparing and tracking how various events are reported in the online media with respect to the subject matter of this study. The monitoring focused on the media reporting of visas, migration, return, readmission, and a number of other topics in the course of 2018.

6. Statistical desk research

The statistics of Schengen visas were studied, alongside the experience of some other Eastern Partners (Ukraine, Moldova, and Georgia), which have already received visa-free regime (Moldova, Georgia, and Ukraine).² Moldova was the first post-Soviet Republic to receive a visa-free regime with the EU (effective

¹ Monitoring Report: Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (2014-2017) <http://arm.acgrc.am/bookarm.pdf>

² This provision concerns only citizens who hold a biometric passport.

from 28 April 2014).¹ As from 28 March 2017, Georgia received a visa-free regime². Visa liberalisation for Ukraine entered into effect on 11 June 2017.³

To take a decision on the visa regime, EU Council agreement (qualified majority), as well as European Parliament approval (simple majority) are required. A new (“qualified majority”) voting procedure was introduced in the EU Council from November 2014. Under this procedure, the Council votes by proposal of the Parliament or the High Representative of the Union for Foreign Affairs and Security Policy. “Qualified majority” means that 55% of the Member States (16 out of 28) vote for, and the voting countries represent 65% of the EU population. This procedure is also known as the “double majority” rule. About 80% of the EU legislation is adopted under this procedure.⁴

Comparative analysis of the 2012-2018 statistical data was carried out, which covered the total number of visas issued by consular services issuing a Schengen visa in Armenia, broken down by countries, types, refusals, and the like. As part of the comparative analysis, the impact and trends of the said two Agreements were assessed by comparing the EU official statistics for two years preceding their entry into force (2012 and 2013) and the years following their entry into force (2014-2017).

The beneficiaries of this Project are NGO representatives, active groups of civil society, journalists, Armenian state authorities, EU responsible bodies, consular missions of the EU Member States in Armenia, and all citizens who plan to visit countries in the Schengen Area.

¹ Travel to the EU from Moldova (12.05.2016).

https://eeas.europa.eu/delegations/moldova/1540/travel-to-the-eu-from-moldova_en

² Parallel to the decision on the EU short-stay visa waiver for Georgia, the EU reserves the right to terminate the visa-free regime in case of violations by Georgia or Georgia’s refusal to honor the commitments, and the European Commission shall conduct monitoring to this end.

(<http://www.europarl.europa.eu/news/en/news-room/20170131IPR60306/georgia-visa-waiver-approved-by-parliament>)

³ EU Decision To Grant Visa-Free Travel To Ukrainians Becomes Official (22.05.2017).

<https://www.rferl.org/a/ukraine-eu-visa-free-official/28502179.html> ;

<http://www.europarl.europa.eu/news/en/news-room/20170228IPR64271/meps-and-council-negotiators-agree-to-waive-eu-visa-requirement-for-ukrainians>

⁴ Council of the European Union, Voting system (01.11.2014)

<http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/>

Chapter One.

Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas:¹ Provisions and Practice

The Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas contemplates the following key changes:

- ✓ The issuance of a visa is easier, as fewer documents are required of the visa applicants (Article 4).
- ✓ The visa fee was reduced from 60 to 35 euros, and free visas are issued to a number of categories (Article 6).
- ✓ The decision to issue a visa is taken faster, within 10 days (in certain cases, it can be prolonged to 30 days) (Article 7).

Under the Agreement on the Facilitation of the Issuance of Visas, the following categories of Armenian citizens benefit from a facilitated procedure of issuing a visa (see the Second Monitoring Report,² pp. 12-13). 12 groups of citizens are exempt of the visa fees (see the Second Monitoring Report, p. 13).

Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year³ to the following categories of persons, provided that during the previous year they have obtained

¹ Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas, http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf

² Second Monitoring Report (2015), <http://acgrc.am/ENG%20Version.pdf>

³ A single-entry visa contains information on the number of authorized days (e.g. 15 days). As to the multiple-entry visas, the citizen is allowed to stay in the Schengen Area for up to 90 days during a specific 180- day time period. Information about the calculation of eligible visa days in the Schengen Area can be found using the official Schengen Calculator of the European Commission: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/schengen_calculator_en.html. The long-term (over 90 days) visa issuance procedures are not defined by the EU Visa Regulations; rather, they are provided by the national legislation (Regulation (EU) No 265/2010 of the EP and of the Council of 25 March 2010 Amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards to movement of persons with long-stay visa, OJ (2010) L 85/1 (31.03.2010) <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2010:085:FULL&from=CS>).

at least one visa and have made use of it in accordance with the laws on entry and stay of the visited State.

Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State.¹

In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

On 20 June 2017, the EU Council adopted a resolution on changing the Schengen visa design, the main aim of which is to improve security. The protection features of the current visa format were developed 20 years ago, and frequent cases of counterfeiting in recent years have forced the EU to take measures.² EU Member States will have a few months to introduce the new visa format. The United Kingdom and Ireland are not affected by this decision, but the EU stands ready to share the required technical information with them. The EU's official statement does not clarify the date up to which the old format of the visa can be used, but Member States must start applying the new rules not later than within 15 months of the entry into force of the decision. Visas in the old format may be issued for six months beyond the adoption of the new Directive by the Member States.

Council Regulation 1683/95 (EG) lays down a uniform format for visas for the European Union Member States. The new formats will be used for categories C (Schengen visa) and D (national visa). Visas issued in the old format will remain valid up to the validity term specified thereon. In Armenia, the new

¹ Monitoring Report Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (third monitoring).

<http://www.acgrc.am/3rd%20Monitoring%20EU-Armenia%20Visa%20Facilitation.pdf>

² Uniform format for short-stay visas (Schengen): Council adopts regulation on the update of security features in the visa sticker (20.06.2017). <http://www.consilium.europa.eu/en/press/press-releases/2017/06/20/uniform-format-short-stay-visas/>

format will most probably be introduced from around the end of 2018, depending on the number of old formats still available in the consular missions.¹

Efforts to unify the Schengen rules, improve the procedures, and develop and introduce new rules are ongoing. Innovation continues to the present day. Much of it has been regularly discussed in this series of studies in earlier years.

The European Commission intends to modernize the overall visa policy. The European Commission has proposed to reform the overall visa policy with a view to aligning it with the emerging security challenges, migration concerns, and new possibilities created by technological advances. The proposed changes are aimed at modernizing and improving overall visa policy rules, streamlining the visa issuance procedure, and strengthening the security standards for the visa procedures. In particular, it is planned that reliable frequent travelers will be issued multiple-use visas for longer terms, which will be gradually increased from one year to five years. Under this initiative, it has been proposed to introduce the practice of issuing short-stay visas on the external borders. To facilitate short tourism trips, Member States may become eligible to issue single-entry visas right on the external land and marine borders, subject to very strict terms and temporary/seasonal schemes. Such visas would be valid for not more than seven days for stay only in the territory of the issuing Member State. However, the EU Member States will increase the consular fee from 60 to 80 euros. As the mission explained, it is due to the need to maintain the number of consular staff, ensuring checks in line with the security requirements, and upgrading the information technology hardware and software.²

For purposes of the Agreement on the Facilitation of the Issuance of Visas, countries may be divided into three categories:

- Countries that are full participants to the Schengen Agreements (Austria, Belgium, Germany, Denmark, Estonia, Iceland, Spain, Italy, Latvia, Poland, Liechtenstein, Lithuania, Luxembourg, Greece, Hungary, Malta, the Netherlands, Norway, Sweden, Switzerland, the Czech Republic, Portugal, Slovakia, Slovenia, Finland, and France), for which the provisions of the Agreement are binding. Although Iceland, Lichtenstein,

¹ <https://eriwan.diplo.de/am-hy/service/visa-informationen/visumetikett/2170840>

² European Union plans visa policy reform (14.03.2018). <https://news.am/arm/news/441015.html>

Norway, and Switzerland are full participants to the Schengen Agreements, they are neither EU Member States nor parties to the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas. The Governments of Iceland, Lichtenstein, and Norway and the Government of Armenia need to conclude bilateral agreements on the facilitation of the issuance of short-term visas, with conditions similar to those of the Agreement between the European Union and the Republic of Armenia (see the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas).¹

- Countries with which bilateral agreements need to be concluded (the United Kingdom of Great Britain and Northern Ireland, and Denmark, although Denmark is a Member State and is in the Schengen Area).
- Non-full members of the Schengen Agreements, which may issue only national visas, but the visas for the Schengen Area are valid in their territories (Bulgaria, Cyprus, and Romania).

On 20 June 2018, Armenia's Foreign Affairs Minister Zohrab Mnatsakanyan attended the signing ceremony of a readmission agreement with Benelux countries. Opening remarks were delivered also by Belgium's Secretary of State for Asylum, Migration, and Administrative Simplification Theo Francken, and Deputy Secretary General of Benelux Union Alain de Muysier. Referring to the results of the implementation of the Readmission Agreement, the Armenian side stressed: "Together with the European Union and EU member states we implemented several projects that were aimed at creating favorable conditions and assisting our citizens in full reintegration taking into account not just socio-economic but also psychological aspects of the process. A number of joint endeavors were dedicated to enhancing capacities of Armenian government agencies to build its own reintegration policy. Readmission and reintegration are in the center of mobility partnership."² Utmost importance was attached to

¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

² Readmission Agreement with Benelux countries signed in Brussels (20.06.2018). http://mfa.am/hy/press-releases/item/2018/06/20/fm_signing_brussels/; <https://www.youtube.com/watch?v=dOY1hPhD1BQ>

awareness-raising campaigns as well as the fight against illegal migration. Armenian law-enforcement agencies stand ready to continue the cooperation with the EU Member States on all pending issues. The implementation protocol signed with the Benelux countries will be a valuable addition to the existing legal framework and will surely make the readmission-related procedures better regulated.

On 14 March 2018 in Copenhagen, Foreign Affairs Ministers of Armenia and Denmark signed the Agreement on the Facilitation of the Issuance of Visas between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark.¹

Denmark thus joined the list of countries that conclude such an agreement with Armenia despite not being a party to the 2014 Armenia-EU Visa Facilitation Agreement. On 29 February 2016, a similar agreement had been signed between the Republic of Armenia and the Confederation of Switzerland.²

On 20 November 2017, the EU Council adopted a decision to create a new Entry-Exit System (EES), as well as a new regulation on the Schengen border legislation entry-exit system, which contemplates more rigorous checks on the Schengen border with a view to enhancing the efforts of improving external border management (more rapidly discovering persons that stayed in the Schengen area longer than authorized. This system will record information on the entry, exit, and refusal of third-country citizens crossing the external border of the Schengen area, and will help to reduce the duration of border checks and improve their quality, by mechanically counting the lawful presence of every arriving person. The Council and the European Parliament now need to sign it, after which the text of the new system will be published in the EU's official journal and enter into force 20 days after it. The Member States and the relevant structures of the EU are expected to create the new system and make it fully

¹ Foreign Affairs Ministers of Armenia and Denmark sign the Agreement on the Facilitation of the Issuance of Visas (14.03.2018).

<https://armenpress.am/arm/news/926119/hh-ev-daniayi-ag-nakhararnery-storagrel-en-vizaneri-tramadrumy.html>

² The Armenia-Switzerland Agreement on Facilitation of the Entry Visa Regime is signed (29.02.2016). http://mfa.am/hy/press-releases/item/2016/02/29/min_ch/

functional as from 2020.¹ These systems are a part of the EU border management strategy, which will, through the adoption of modern technology, improve external border management. The implementation of “smart borders” should be rapidly expanded.

Importantly, the EU should mobilize all of its resources to support the Member States in this field and to implement the entry-exit system effectively with the help of the EU-LISA IT agency.²

All the consulates of the Schengen States in Armenia joined the Visa Information System (“VIS”) on 23 June 2015. VIS was created for simplifying the visa processes and improving the security of the visa application process. It is a unified and centralized biometric database of persons that have applied for a visa at least once. Schengen visa applicants will be required to provide their biometric data (fingerprints and digital photo). The biometric data and the information contained in the Schengen visa application will be registered in the centralized VIS database. Biometric technology helps to protect the applicants against theft of private data.³

Thus, Armenian citizens applying for a Schengen visa must personally appear for giving biometric data. For further visa applications within a 5-year period, the fingerprints will be copied from the former VIS application file. For every subsequent Schengen visa application, the fingerprints for the 5-year period must be provided again.⁴

The information collected through the study is presented below by countries (by diplomatic missions of the EU Member States in Armenia).

¹ Entry-exit system: final adoption by the Council (20.11.2017).

<http://www.consilium.europa.eu/en/press/press-releases/2017/11/20/entry-exit-system-final-adoption-by-the-council/>; <https://www.facebook.com/eucouncil/videos/1522187014497615/>

² The European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). <https://www.eulisa.europa.eu/Pages/default.aspx>

³ Fingerprints and digital photo for a Schengen visa (22 June 2015),

<http://eunewsletter.am/hy/%D5%B4%D5%A1%D5%BF%D5%B6%D5%A1%D5%B0%D5%A5%D5%BF%D6%84%D5%A5%D6%80-%D6%87-%D5%A9%D5%BE%D5%A1%D5%B5%D5%AB%D5%B6-%D5%AC%D5%B8%D6%82%D5%BD%D5%A1%D5%B6%D5%AF%D5%A1%D6%80%D5%9D-%D5%B7%D5%A5%D5%B6%D5%A3/>

⁴ For more detailed information, see the Visa Information System http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en

PRACTICE

Consular Services of the Schengen Area Member States in Armenia

➤ Germany

The official website of the German Embassy is up to date and contains rather detailed information on the whole process of applying for a visa in Armenian and in German (there is also brief information in English), as well as on the visa facilitation agreement. There is a list of the countries (Belgium, Luxembourg, Sweden, Austria, and the Netherlands) for which the German Embassy issues visas. The website also contains memos that clearly explain the steps of applying for a visa.

The website of the German Consular Section states that the list of the required documents is prepared in agreement with the embassies of the Schengen Area Member States in Armenia. It means that the same visa documents are required at all of the mentioned embassies. The old procedure has been reinstated for registering at 10:00am each Monday for hours freed up instead of canceled former appointments.¹

To prevent and to combat irregular migration, the website of the German embassy contains information to counter the false information provided by organizers of illegal migration (facts versus false promises). The website, which is available in English, French, and Arabic, presents well-grounded important information on migrants and refugees in order to disprove the hearsay that is spread in the Internet by the organizers of illegal migration.²

The Embassy's website also provides information about the possibility of lawful migration to Germany. As a country that is open for migration, Germany is interested in the influx of qualified workers, students, and scientists from around the world. The official multilingual internet portal "Make it in Germany" (www.make-it-in-germany.com) is meant for this target group.³ It provides

¹ <https://eriwan.diplo.de/am-hy/service/visa-informationen/-/2103220> 07.06.2018

² Facts rather than false promises (#rumoursabout Germany):
<http://www.eriwan.diplo.de/Vertretung/eriwan/hy/00/rumours-about-germany-ankuendigung.html>; <https://rumoursaboutgermany.info/>

³ Employment, vocational education, and higher education in Germany (26.02.2018).
<https://eriwan.diplo.de/am-hy/service/12-LebenArbeiten>

information to qualified specialists wishing to immigrate to Germany about lawful migration, starting from the preparation in the home country, to the arrival and first steps in Germany. The portal contains information on the visa terms, employment permits, the recognition of foreign graduation certificates, the professions for which there is demand, and practical advice on residence in Germany in German, English, and Russian. The dissemination of such materials and the availability of information are extremely important for preventing irregular migration and raising the awareness of the public.

Moreover, the website informs that Germany is ready to pay additional money (up to EUR 3,000) to refugees that agree to return voluntarily to their country.

The main reasons for refusal have not changed much relative to 2017: they include the low likelihood of the applicant returning to Armenia, the insufficiency of funds, and the unclear and non-credible purpose of the visit. The applicant may appeal the decision in the relevant court of Germany (the Administrative Court of Berlin) within one month, and the website contains detailed information about the appeal possibility and procedure.

The website presents detailed information on the categories of persons entitled to a free-of-charge visa and on long-stay visas¹.

According to media reports, the German authorities intend to achieve recognition of Georgia, Armenia, Morocco, Tunisia, and Algeria as "safe countries" for purposes of speeding up the processing of asylum applications.²

The "safe country of origin" concept was created in order to refuse applications quickly and to avoid violating the right to receive refugee status. Applications of citizens from countries that are in the list are rarely granted by the Federal Service for Refugees and Migration. A safe country is a country in which there is considered to be no political persecution. Given the number of applications by citizens of Georgia and Armenia, very few are granted. According to data of the Federal Service for Refugees and Migration, 3,461 Georgian citizens

¹ http://www.eriwan.diplo.de/Vertretung/eriwan/hy/09__Visum/Schengenvisum/Gebuehrenbefreiung.html;
http://www.eriwan.diplo.de/Vertretung/eriwan/hy/09__Visum/Schengenvisum/Laengerfristige-Visa.html

² German Foreign Affairs Minister urges to recognize Armenia and Georgia as "safe countries" (09.04.2018). <https://news.am/arm/news/445378.html>

and 3,857 Armenian citizens lodged asylum applications in Germany in the course of 2017.¹

The question of queues is a very important issue in the case of Germany, because the German Consulate accepts visa applications for a number of Schengen states, and as registration is possible only online, it is often quite problematic (sometimes, the closest available date for an interview is a month away).

The website provides detailed information on appeals. It first explains what a refusal is in order to help us understand better what can cause a refusal. If the applicant, having studied the reasons, still disagrees with the decision of the Embassy, he or she can appeal against the refusal personally or through an authorized person.²

In case of travel to Germany, one can appeal a decision concerning a Schengen visa within a month of receiving the written refusal. The appeal must be in writing, in German or English. The documents required for the appeal must be sent to the specified address or dropped in the mailing box placed right near the embassy. The appeal shall contain the applicant's name, surname, birth data, place of birth, passport number, telephone number, refusal decision data, address (street, building, apartment, city/village/region), signature, or a power-of-attorney signed by the applicant, detailed justification of why the refusal is unfair, detailed explanation of the purpose of travel to Germany and the significance of the visit, and additional documents supporting these claims, which were not presented with the original visa application. After the review, which can take quite long, the embassy will get in touch with the applicant, and the Visa Section will provide a written answer. There is no need to present appeals written by documentation services or for-profit companies.

It is worth emphasizing that the German Consulate cooperated readily and swiftly responded to our inquiries.

¹ Armenians no longer able to surrender themselves in Germany as refugees (09.04.2018). <http://www.panarmenian.net/arm/news/253980/>

² Process of appeal in case of refusal (22.02.2018). <https://eriwan.diplo.de/am-hy/service/visa-informationen/remonstration/1609690>

➤ Poland

The consular post at the Polish Embassy, too, was very willing to cooperate. The consular post is doing a very good job organizing the daily reception of citizens. The official website contains very detailed, up-to-date, and comprehensive information; it specifies the countries, other than Poland, for which the Polish Embassy issues visas (Slovenia, and Slovakia, and Switzerland effective from March 2014). For each country, detailed three-language (Polish, Armenian, and English) information is provided on the documents required to apply for a visa, the queuing procedure, the possibility of appealing refusals, and the like. The website also contains information on the Agreement on the Facilitation of the Issuance of Visas and the main novelties introduced thereby, as well as the collection of biometric data.

As to the number of applications, the Consulate reportedly receives about 33 Schengen visa and six national visa applications per day, working four days a week, and in the summer—five days. The Polish side further noted that they have started to issue a visa for up to three years more easily, and even when the citizen has requested a shorter visa, but it is possible to issue a longer visa, the consular staff does inform the applicant thereof. For a visa of one year or longer, the applicant is invited to present a written application or a statement from the place of work, with the relevant justification. The team was told that, if the documents are incomplete, the applicant is given an opportunity to correct the documents or to present additional documents. Interestingly, the Polish Consulate has the possibility of review in case of refusal under a procedure through which the application is examined by a diplomat other than the consular officer who took the first decision.

The reasons for refusals have not changed much compared to the past—the applicants very often knowingly present wrong information or intentionally try to hide the truth related to their “Schengen story,” or the information on relatives living in the Schengen area and the like. The Consulate does not have programs supporting returnees, but Armenian citizens wishing to return may benefit from the support programs implemented by the Office for Foreigners or the International Organization for Migration. The refusal notice is provided in Polish, with the Armenian translation attached.

An interesting move by Poland was the decision to grant Armenian citizens, as from January 2014, the right to work in Poland for a period of up to six months without a special permit; it is an indication of gradual improvements in the attitudes of the Europeans towards Armenian citizens.

The visas section of the website of the Polish Embassy contains detailed information on the consequences of unlawful residence in Poland, the conditions, the return, and other matters¹. Web-site specially mentions that the Consulate is not working with any firm related to consular issues.

The embassy website informs that Poland will be making changes for labor migrants from Armenia, Belarus, Georgia, Moldova, Russia, and Ukraine. Persons migrating to Poland from these countries, who will have residence and work permits, will be able, after a year, to invite their relatives, writes *the Telegraf*, quoting *Gazetaprawna.pl*.² Such right will be given to immigrants who have a profession that is demanded in Poland. The list is currently being developed. In practice, a labor migrant can move his or her family to Poland 1.5 years after arriving in the country, and it may take up to three years to receive a permanent residence permit. Relatives moving to labor migrants will be entitled to lawful employment in Poland.

The implementation of a system of mandatory online registration was one of the first steps aimed at solving the problems of applicant queues and waiting time. Moreover, the Polish Consulate proposed an interesting solution: every Friday, in the morning, registration becomes possible for the following week, thereby almost precluding long queues. This issue becomes particularly visible during the summer and winter holidays.

With respect to the Polish Consulate, it is particularly important to highlight the transparent practices and readiness to cooperate.

➤ Greece

The Consular Section of the Embassy's website has been upgraded with information. It currently contains detailed information in Greek and English

¹ The consequences of unlawful stay;

http://www.erywan.msz.gov.pl/hy/consular_information/patent_information/patent_information#6

² Labor migrants from Armenia will be allowed to move their families to Poland, as well (18.07.2018). <http://www.panarmenian.net/arm/news/258017/>

(there is also short information in Armenian). Appointments can be scheduled only online. The website contains information on visas, the required application documents, appeals, the rights of applicants, the Visa Information System, and the like.

According to the written response from the Greek Consular Section, the refusal reasons are virtually the same—incomplete documents, lack of funds, and quite often, discrepancies between the submitted documents and the story told during the interview. Given the structure of the Embassy building, it is impossible to serve applicants with limited mobility. Therefore, a visa application may be lodged by an accompanying person or sent to the visa center. The Consulate noted that the refusals are mostly due to the absence of one of the required documents. In response to our inquiry, the Consulate noted that a sealed and signed letter is sent about refusals, indicating the right to appeal, subject to the presentation of the necessary documents. Given the possibility of queues during the year, the Consulate has started to cooperate with the respective visa center, although it is still possible to apply to the Consulate directly. The consular staff noted that, without the support of the visa center in accepting applications, it would be impossible to serve all applicants, especially in the summer months.

The website of the Embassy of Greece in Armenia provides that the Embassy, which used to cooperate with VSf Global, has now started to cooperate with the Global Visa Center World (GVCW).¹

Furthermore, to improve the consulate service quality and capacity, it has taken another step by hiring field workers for a term of up to five months.²

On 24 November 2017, ACGRC's experts visited the Greek Embassy and had a discussion with the Ambassador, the Consul, and the consular staff. In addition to a number of other important issues, the discussion focused on irregular migration and the problem of persons that do not return, because there has recently been an increase in the number of Armenian citizens seeking asylum. In the summer of 2017 alone, about 400 citizens to whom Greek visas had been issued sought asylum in the EU (mostly in Germany). Under the current

¹ <https://www.mfa.gr/missionsabroad/en/visas.html?mission=ere&mis=armenia>

² Advertisement for the position of a local field worker (01.02.2017).

<http://www.mfa.gr/missionsabroad/images/stories/missions/armenia/docs/anakoinosiam.pdf>

procedure, a citizen's application for asylum must be examined by the state that issued the visa, i.e. Greece. The meeting was very productive and comprehensive, and we agreed to continue the cooperation.

➤ **France**

The official website of the consular post at the French Embassy is up to date and contains information on the new rules, as well as detailed information (in Armenian and French) needed for citizens applying for a visa. In addition to French visas, the consular post at the French Embassy is responsible for visas for Norway, Portugal, and Iceland.

The main reasons for refusal are the low likelihood of return or the false or incomplete information. The Consulate has no programs to support returnees, but the French Office for Migration and Integration (OFII) Yerevan office is implementing such programs.

In 2016, the "Come live in France" information brochure was posted on the website of the French Embassy (in French and Russian). It contains useful comprehensive information for foreigners about the values and principles of French society, and the necessary administrative actions from obtaining a visa to traveling to and settling in France.¹

Moreover, back in January 2016, French Foreign Affairs Minister announced that the time period for issuing French visas to citizens of Armenia, Georgia, Turkey, Vietnam, and Indonesia would be reduced, and a tourist visa would be issued in just two days.²

¹ "Come live in France" information brochure (8 December 2016), [http://www.ambafrance-am.org/%D4%B3%D5%A1%D5%AC-%D5%A1%D5%BA%D6%80%D5%A5%D5%AC-%D5%96%D6%80%D5%A1%D5%B6%D5%BD%D5%AB%D5%A1%D5%B5%D5%B8%D6%82%D5%B4-%D5%BF%D5%A5%D5%B2%D5%A5%D5%AF%D5%A1%D5%BF%D5%BE%D5%A1%D5%AF%D5%A1%D5%B6% ;](http://www.ambafrance-am.org/%D4%B3%D5%A1%D5%AC-%D5%A1%D5%BA%D6%80%D5%A5%D5%AC-%D5%96%D6%80%D5%A1%D5%B6%D5%BD%D5%AB%D5%A1%D5%B5%D5%B8%D6%82%D5%B4-%D5%BF%D5%A5%D5%B2%D5%A5%D5%AF%D5%A1%D5%BF%D5%BE%D5%A1%D5%AF%D5%A1%D5%B6%)

http://www.a1plus.am/1497955.html?utm_source=dlvr.it&utm_medium=facebook

² Citizens of Armenia to receive French visas in two days (12 January 2016), <http://www.panarmenian.net/arm/news/203595/>

In October 2018, there were media reports that France may possibly further ease the visa requirements for Armenians and enable easier travel for them.¹

The Migration Partnership Agreement signed between France and Armenia will facilitate the residence in France for certain categories of students and qualified young people.²

On the other hand, the French Government intends to have tighter migration laws. According to a draft law, the maximum period for processing asylum applications will be reduced from 11 to six months. The draft will also reduce the time for considering similar applications, as well as the time for consideration of appeals against refusals to grant refugee status. Moreover, the deportation detention duration will be increased from 45 to 90 days, whilst also introducing tighter requirements on labor migrants. For refugees with a limited degree of protection, the residence permit duration will be extended from one year to four.³ A number of other European countries have already introduced similar migration rules. The need for new measures is due also to the sharp increase in the number of persons seeking asylum in France. In 2017, French agencies have registered over 100,000 applications, which is a 17 percent increase over 2016.

➤ Italy

The visa information on the official website of the Consular Section of the Italian embassy has now been updated, and the Entry Visas section contains general information on the issuance of long-term and short-term visas. It also states that the Consulate is authorized to issue short-term visas for Malta and Finland. The website contains an announcement that citizens can apply to the Embassy directly for a visa⁴, or apply to the visa center (TLS Contact). For the

¹ France set to ease Schengen visa requirements for Armenians (12.10.2018).

<https://yelaket.am/?p=43918&l=am&fbclid=IwAR3PwSdEucLR20-omf5DCiNvCBQzJrHEPuzHgTOJNUxM9X59UonEordjkQ>

² New Armenia-EU document to become a strong basis (14.07.2017).

<http://www.mediamax.am/am/news/interviews/24308/>

³ French Government intends to have tighter migration laws (21.02.2018).

<https://news.am/arm/news/437595.html>

⁴ By calling the phone number +374 60465920.

latter, an applicant must pay an additional 19 euros (equivalent in Armenian drams) as the visa center service fee. The main goal of cooperating with the visa center, as an external service provider, is to avoid queues and to provide better-quality service.

The most common reasons for refusals are the incompleteness of the documents, false data, the insufficiency of funds, and misuse of the previous visa. The Embassy has no programs for returnees.

Written notice of refusal is always given, but review is not possible in case of refusal. The applicant may apply again or appeal the refusal within a 60-day period in the Lazio Administrative District, but there is no mention of the appeal in the website. We would like to specifically mention the willingness of the Italian Consulate to cooperate.

➤ **Lithuania**

The website of the Consular Section at the Lithuanian Embassy in Armenia contains detailed information on visa types and procedures, including in Armenian. A visa appointment can be scheduled only online. In addition to Lithuanian visas, this Consulate issues visas also for Latvia, Estonia, Denmark, Spain, and Hungary. The ACGRC team saw that the Lithuanian Consulate accepts visa applications for a number of other European countries, as well, and it has started to cooperate with the respective visa center (United Visa Applications Center) in order to improve the possibilities available to potential applicants.

On 31 August 2017, representatives of ACGRC visited the Consulate and met with Consul Aurelius Sabonis and other consular staff. During the meeting, we learnt about the visa application process and the conditions created for applicants, and discussed questions of concern to us and to many applicants. During the visa application review, an applicant gets to keep his passport, so if the applicant plans during such time to travel to another country, he can hand in the documents and come back later with the passport in order to receive the visa. After a refusal, in case of a repeat application, another consular employee examines the case. The Consulate has a ramp and an equipped waiting hall. There are two windows for the applications. Inside, the necessary amenities are created for applicants. One of the questions raised had to do with the complaints

concerning the operation of the Lithuanian visa center. To solve the problem of queues, the Embassy plans to increase the number of consular staff from 2018.

The reasons for refusal are the same—lack of documents, failure to justify the visit purpose and funds, change of the destination country, and the like. The Embassy does not have special programs for returnees. The Lithuanian Ministry of Interior is currently negotiating a readmission agreement with the Armenian authorities.

Refusal notice is always given. The website contains no information on refusal appeals, but refusal does not mean automatic refusal of a future application. To deal with the issue of queues, the Embassy cooperates with the visa center, which allows serving over 120 applicants a day.

➤ **The Czech Republic**

The website of the Czech Embassy contains detailed visa information in Armenian, English, and Czech. The website contains memos explaining the steps that an applicant should take depending on the purpose and type of visit, as well as the list of required documents and the like.

According to the website, important changes have taken place in the processing of turning in applications and in the interview process. The VISAPOINT system for scheduling appointments was discontinued completely on 31 October 2017. From 1 December 2017, there is a new procedure of applying for short-stay visas and residence permits: appointments must be scheduled in advance through an e-mail in English or Russian.¹ The new procedure allows only one e-mail per applicant. The only exception is for appointments scheduled for children, as children may be included in the e-mail sent by their lawful representatives. The Embassy has no influence over the sequence order in which the e-mails are received. The Embassy will ignore e-mails related to changes in the date already scheduled for handing in the documents. In those cases, an applicant must schedule a new appointment through an e-mail. Each e-mail must contain the applicant's name, surname, date of birth, passport series and number, visit purpose, planned date of travel to the Czech Republic, contact details (telephone number and e-mail address), and if

¹ E-mail: consulate.yerevan@embassy.mzv.cz

any or some of them are absent, the request will be disregarded.¹ To confirm the scheduled appointment date and time, the Consular Section will respond to the e-mails through an e-mail containing the application presentation date and time. To cancel an appointment, an applicant must send an e-mail² containing his name, surname, and the scheduled date and time.³

Another important aspect is that all the documents confirming the hotel booking must be fully paid for and attached to the visa application package. The Consular Section does not accept hotel bookings made through www.booking.com or similar Internet portals. The Czech authorities have agreed with hotels that, in case of a visa refusal, the applicant may receive a refund of the amount paid for the hotel. After granting a visa, the Consulate may cancel it if the presented information was not true. Applicants are advised to inform the Consulate in advance of any changes.

If the applicant, having reviewed the refusal reasons, still disagrees with the Embassy's decision, the applicant may appeal the refusal either personally or through an authorized person. Every complaint must be for one person only. In case of travel to the Czech Republic, the Schengen visa appeal may be lodged within 15 days of receiving the refusal note. Following the review, which lasts one month, the Embassy will contact the applicant, or the Visa Section will send a written response to the applicant. The appeal is reviewed by the Czech Ministry of Foreign Affairs, and the Embassy has no power to comment the Ministry's decision.

The Consular Section had three windows for receiving applications, and a separate room for families or special cases.

If the relevant documents are presented, a visa for three to five years may be obtained. The main reasons for refusals are false information and lack of clarity about the destination. Appropriate conditions have been created for applicants with limited physical mobility. There are no problems of queues in the Czech Consular Section.

¹ https://www.mzv.cz/yerevan/hy/x2012_08_01_1/x2015_04_02_3/index.html

² E-mail: consulate.yerevan@embassy.mzv.cz

³ https://www.mzv.cz/yerevan/hy/x2012_08_01_1/x2015_04_02_3/index.html

According to the director of a Czech tour operator company operating in Armenia, the number of Armenian tourists traveling for the Czech Republic is rather high, but this year, the number of visa refusals has grown considerably relative to the previous year. She said that their company works with Armenia for five years already, and this year, the visa problem has grown particularly acute, as many tourists are refused without any reasons. The same trend has been observed by other tour operators, which work with other European states. They also noted that a number of tour operators plan to meet with the Czech Ambassador to Armenia and raise the visa issue, among others.¹

Non-Full Members of the Schengen Area

Romania and Bulgaria are not members of the Schengen Area, and may issue only national visas. However, the multiple-entry Schengen visas are valid in their territories. The required documents are consistent with the common list for EU Schengen States. The most common reason for refusal is lack of one of the required documents. The number of refusals at the Romanian and Bulgarian consular sections has traditionally been low.

Back in April 2016, the European Commission announced that Romania and Bulgaria fully meet all the requirements for joining the Schengen Area, and that now it is time to wait for a decision by all the Member States of the EU.² Once this decision is endorsed by the EU Member States, Romania and Bulgaria will become fully-fledged members of the Schengen Area. This process is not completed yet: in September 2017, European Commission President Jean-Claude Juncker and the European Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos urged the EU Council to integrate Bulgaria and Romania in the Schengen Area, noting that it will allow strengthening the

¹ Czech tour operators reports an increase in refusals of Czech visas to Armenian tourists (21.04.2018). <https://news.am/arm/news/447573.html>

² "Bulgaria, Romania Qualify to Join Schengen Area, EC Spokesperson Has Said" (11.04.2016) <http://www.novinite.com/articles/173974/Bulgaria,+Romania+Qualify+to+Join+Schengen+Area,+EC+Spokesperson+Has+Said>

EU's external borders.¹ In September 2017, the European Parliament voted for Romania and Bulgaria to join the Schengen Information System (SIS),² but without the right to alter and delete data. Later, however, in November, the question of integrating Romania and Bulgaria in the Schengen Area was postponed until 2018. The European Commission has stated that both countries have achieved significant progress in acceding to the Schengen Area, but more efforts are needed: Romania has received 12 additional recommendations, and Bulgaria 17, most of which concern strengthening the independence of the courts and fighting cross-border crime and corruption.³ Some of the EU Member States believe that these countries have not done enough to fight corruption and organized crime.

Croatia, Cyprus, Bulgaria, and Romania are EU Member States that are not in the Schengen Area, but are taking all steps towards becoming full members thereof. Croatia was the latest of the four countries to join the EU, in 2013.⁴ Nevertheless, to become eligible to join the Schengen Area, it is necessary to undergo a technical review, which began in July 2015.⁵

In May 2018, the European Parliament once again urged the EU to admit Bulgaria and Romania into the Schengen Area. Both countries joined the EU in 2007, and back then, were invited to join the Schengen Area. According to the European Commission's report, both countries have made considerable progress in this area, but there are still things to be done.⁶ This decision was unexpected,

¹ European Commission calls to integrate Bulgaria and Romania into the Schengen Area (27.09.2017): <https://news.am/arm/news/412148.html>

² The Schengen Information System (SIS) is a database that is common for all countries of the Schengen Area and contains data on wanted, missing, or prosecuted persons, as well as stolen or missing vehicles and other objects (mainly personal identification documents, vehicle registration documents or license plate information).

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en

³ Bulgaria and Romania to wait for Schengen again (16.11.2017). <https://eadaaily.com/en/news/2017/11/15/bulgaria-and-romania-to-wait-for-schengen-again>

⁴ <https://www.schengenvisainfo.com/eu-countries/>

⁵ Source: Total Croatia News <https://www.schengenvisainfo.com/croatia-will-meet-technical-criteria-for-schengen-area-this-year/>

⁶ EP urges EU council to admit Bulgaria and Romania to the Schengen Area (30.05.2018).

because two months earlier, the European Commission had urged the EU Council to admit Bulgaria and Romania into the Schengen Area, which would enhance the protection of the external borders of the Schengen Area, especially in the East.¹

In December 2018, members of the European Parliament agreed to admit Bulgaria and Romania into the Schengen Area.² European Parliament President Antonio Tajani stated that these countries will join the Schengen Area prior to July 2019, before the end of the Romanian presidency in the EU Council.³

In April 2018, the Croatian Government informed that Croatia will comply with all the requirements for accession to the Schengen Area by the end of 2018.⁴

On 19 December 2019, Dimitris Avramopoulos, the EU Commissioner for Migration, Home Affairs and Citizenship, announced that Kosovo, too, has complied with the visa liberalisation requirements, but urged to enhance the fight against organized crime and corruption. Presently, after the vote in the European Parliament, the final decision is up to the Member States.⁵ In the meantime, the authorities of Kosovo were accusing the European counterparts for delaying visa liberalisation. They were saying that EU officials are not eager to grant a visa-free regime to Kosovo prior to the 2019 May elections of the EU

<https://www.schengenvisainfo.com/ep-urges-eu-council-to-admit-bulgaria-and-romania-to-the-schengen-area/>

¹ Germany backs Bulgaria's bid to join Schengen (23.01.2018).

<https://www.schengenvisainfo.com/germany-backs-bulgarias-bid-join-schengen/>

² European Parliament Votes to Admit Bulgaria and Romania to Schengen Area (11.12.2018).

https://www.schengenvisainfo.com/european-parliament-votes-to-admit-bulgaria-and-romania-to-schengen-area/?fbclid=IwAR0RmtwJllk9usHNFp8HOwG-wifgUgYS6RuWIZ_UBZpCQYRff-CnbQ6EKVE

³ България и Румыния присоединятся к Шенгену уже в этом году (15.01.2019)

www.unian.net/world/10409604-bolgariya-i-rumyniya-prisoedinyatsya-k-shengenu-uzhe-v-etom-godu.html

⁴ Croatia Will Meet Technical Criteria for Schengen Area This Year (16.04.2018):

<https://www.schengenvisainfo.com/croatia-will-meet-technical-criteria-for-schengen-area-this-year/>

⁵ EU Commissioner Avramopoulos Says Kosovo Fulfilled All Visa Liberalisation Criteria

(19.12.2018): https://www.schengenvisainfo.com/news/eu-commissioner-avramopoulos-says-kosovo-fulfilled-all-visa-liberalisation-criteria/?fbclid=IwAR31B3VCOlgTQciZ8qXdVSKL9hh1Mdj3w_XpojayQ5p-esYv1QEwhr8ngL4

Parliament, although the Kosovo Government had announced back in April that it would happen by yearend 2018.¹

From 1 April to 31 October 2018, Montenegro abolished the entry visa requirement for citizens of Armenia. During this period, Armenian citizens may enter into the territory and stay for up to 30 days, and pass through the territory without a visa.² This example is quite interesting—setting a temporary visa-free regime, which can serve as a precedent for other EU Member States, as well, setting up a similar visa-free regime for a short trial period. In December 2016, Serbia, too, announced the launch of a process to repeal the visa regime for citizens of Armenia, Georgia, and Azerbaijan³.

Unilateral steps, even when they are partial and leading to temporary facilitation of visa requirements for Armenia's citizens, are indicative of the successful implementation of the Visa Facilitation and Readmission Agreements.

Presently, owing to greater cooperation between the EU Member States, all the countries of the Schengen Area are represented in Armenia, irrespective of whether or not the country has a diplomatic mission in Armenia.

Visa Centers

Paragraph 3 of Article 6 of the Visa Facilitation Agreement provides that if a Member State cooperates with an external service provider in view of issuing a visa, the external service provider may charge a service fee. Visa centers operate in many countries, where an embassy delegates to such organization the right to accept citizens' visa applications. According to the Agreement, such fee “shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30.” However, it is important that the Member States shall maintain the possibility for all applicants to lodge their applications directly at their consulates. For the Union, the external service

¹ Kosovo PM: Visa liberalisation by the end of the year (22.04.2018).

<https://www.schengenvisainfo.com/kosovo-pm-visa-liberalisation-by-the-end-of-the-year/>

² https://www.facebook.com/armenianembassybucharest/?hc_ref=ARRcO6rZJfgSG_aIomo-5X0ft1PTxOb3yFwR0uJBDoUs5FpX-cqaoWzY38KQAQxl6MU&fref=nf

³ Serbia to abolish visas with Azerbaijan, Armenia and Georgia (28.12.2016) <http://visa-free-europe.eu/2016/12/serbia-to-abolish-visas-with-azerbaijan-armenia-and-georgia/>

provider shall conduct its operations in accordance with the Visa Code and in full respect of Armenian legislation (Paragraph 3 of Article 6). The obligations of external service providers are defined in Annex X to the Visa Code.¹

In Armenia, there is currently a Unified Visa Applications Center accepting visa applications for the Schengen countries. It is the company VFS Global, which provides visa application collection services in a number of CIS countries.² VFS Global cooperates with the embassy of Lithuania in Armenia and accepts visa applications for Lithuania, Latvia, Estonia, Spain, Denmark, and Hungary. The visa center offers a portable biometric service for applicants to file the application in any place. This service costs 100 euros, or 35 euros for every child under the age of 12.

From October 2015, the Italian Embassy in Armenia, too, started to cooperate with a visa center, namely the company TLS Contact.³ We found out that this center's website contains much information, including detailed information on visa types, the required documents, and online registration. The service fee is 10,000 Armenian drams. This visa center receives applications also for Malta and Finland.

From 17 December 2016, the United Visa Applications Center operating in Armenia no longer receives applications for the Spanish Consulate in Moscow. From 17 December, all applications must be filed directly with the Spanish Consulate in Moscow. The website of the Spanish Embassy in Moscow states that the tender was awarded to BLS International Services Ltd, to which Armenian citizens must apply for Spanish visas from now on.⁴ The Spanish Visa Center was officially opened in Yerevan on 16 November 2016.⁵ The service will be provided by BLS International, which is one of the world's largest companies offering visa outsourcing, passport, consular, testing, and civil services. The Spanish Visa

¹ ANNEX X List of minimum requirements to be included in the legal instrument in the case of cooperation with external providers <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>

² United Visa Applications Center, <http://www.vfsglobal.com/lithuania/armenia/>; <http://www.vfsglobal.com/greece/armenia/>

³ TLScontact Italian Visa Applications Center Armenia <https://it.tlscontact.com/am/EVN/index.php>

⁴ <https://blsspain-russia.com/moscow/index.php>

⁵ BLS International, Spain Visa Center. <https://armenia.blsspainvisa.com/armenian/index.php>

Center opened at 14/1 Vardanants Street (Yerevan) will issue only short-stay visas. Applications will be reviewed within a 15-day timeframe.¹ The opening of such a center is very important given strong recent demand (annually, 10 to 12 thousand persons travel to Spain from Armenia). The website provides detailed information on all the conditions, procedures, and list of documents for the different types of visits. There is an online system for scheduling and canceling appointments, as well as the possibility of leaving comments and filing complaints².

As mentioned already, the Greek Embassy in Armenia has started to cooperate with the Global Visa Center World (GVCW).³ GVCW is the sole provider of visa services for Greece in a number of countries, including Armenia. The company's website contains detailed information on the application procedure, the required documents, the payments, and so on.

Thus, given the importance of the visa center in accepting applications, it was decided to also monitor the United Visa Applications Center—its activities and website. However, from the very first months of the United Visa Applications Center's activities, numerous complaints have emerged in connection with the quality of citizen services, huge queues during the holidays, a particular case of losing the applicant's documents, and the like. These issues were covered extensively in the online media.⁴ Heated discussion of the visa center's work unfolded in the social media. Our organization, too, received a number of complaints. Based on applications by numerous citizens, the State Commission for the Protection of Economic Competition even launched proceedings with respect to the visa center.⁵

In 2018, too, the press and social media regularly published reports of certain visa centers treating citizens disrespectfully or rudely or causing unnecessary

¹ Armenians to receive Spanish visa in Yerevan: process is facilitated (16.11.2017). <http://www.mediamax.am/am/news/foreignpolicy/26223/>

² E-mail: info.evn@blshelpline.com; complaints@blsinternational.net

³ Global Visa Center World (GVCW): <https://am-gr.gvcworld.eu/am>

⁴ Visa center queues for the holiday season (8 July 2015),

<http://www.tert.am/am/news/2015/07/08/visa/1728056> ; <http://www.1in.am/1665462.html>

⁵ The visa center monopoly (14 August 2015), <http://civilnet.am/2015/08/14/visa-application-center-investigation/#.Vi4qfdIrJkg>

delays. This issue was also raised during the Government Question and Answer session in the National Assembly of Armenia.¹ A representative of the Foreign Affairs Ministry agreed with the issue raised, which is somehow strange, as it shows that he was informed of the problem and did not do anything to intervene.

At the end of May 2018, Armenian and Georgian media reported that a person entered into Armenian territory with a passport of self-proclaimed Abkhazia that is not controlled by Georgia. The media published a photo of the passport. According to the reports, the person flew to Armenia from Russia and crossed the Armenian border at the Zvartnots Airport with the said Abkhazian passport. After a while, the person who published the information removed the post, but a screenshot was spread in the Georgian and Armenian media. According to the photo, the user had made the post on 16 May. The photo of the Abkhazian passport showed two seals of the border-guard service stationed at Zvartnots Airport, which proved entry into Armenia on 11 May and departure on 15 May. This clearly contradicts the Armenian legislation: the Armenian Law on Foreigners provides that a passport must have been issued by a foreign state or an international organization, and Abkhazia is not recognized by Armenia as a state. Therefore, any document issued by the Abkhaz republic cannot be deemed a passport in the Republic of Armenia.² Subsequently, the competent authorities of Armenia refuted the report and informed that an investigation conducted by Armenia's National Security Service had shown that the photo was fake and had been produced using special computer software.³ In view of the importance of ensuring compliance with the lawful procedure for crossing the state border of Armenia, as well as the territorial integrity of the Republic of Georgia, ACGRC and a number of other non-governmental organizations adopted a statement on

¹ Degrading rituals administered in relation to Armenian citizens in the visa centers: Naira Zohrabyan addresses the Ministry of Foreign Affairs (31.05.2018).

<https://blog.168.am/blog/155444.html>

² <https://www.shantnews.am/news/view/59477.html>

³ Foreign Affairs Ministry: National Security Service checking the report of persons that entered Armenia with an Abkhazian passport (01.06.2018). <http://panarmenian.net/arm/news/256175> ;

[https://www.aliq.ge/%D5%B0%D5%B0-%D5%A1%D5%A1%D5%AE-%D5%B6-](https://www.aliq.ge/%D5%B0%D5%B0-%D5%A1%D5%A1%D5%AE-%D5%B6-%D5%BF%D5%A5%D5%B2%D5%B5%D5%A1%D5%AF-%D5%A7-%D5%A1%D5%A2%D5%AD%D5%A1%D5%A6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%B8%D5%BE-%D5%B0/)

[-D5%BF%D5%A5%D5%B2%D5%B5%D5%A1%D5%AF-%D5%A7-](https://www.aliq.ge/%D5%B0%D5%B0-%D5%A1%D5%A1%D5%AE-%D5%B6-%D5%BF%D5%A5%D5%B2%D5%B5%D5%A1%D5%AF-%D5%A7-%D5%A1%D5%A2%D5%AD%D5%A1%D5%A6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%B8%D5%BE-%D5%B0/)

[-D5%A1%D5%A2%D5%AD%D5%A1%D5%A6%D5%A1%D5%AF%D5%A1%D5%B6-](https://www.aliq.ge/%D5%B0%D5%B0-%D5%A1%D5%A1%D5%AE-%D5%B6-%D5%BF%D5%A5%D5%B2%D5%B5%D5%A1%D5%AF-%D5%A7-%D5%A1%D5%A2%D5%AD%D5%A1%D5%A6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%B8%D5%BE-%D5%B0/)

[-D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%B8%D5%BE-%D5%B0/](https://www.aliq.ge/%D5%B0%D5%B0-%D5%A1%D5%A1%D5%AE-%D5%B6-%D5%BF%D5%A5%D5%B2%D5%B5%D5%A1%D5%AF-%D5%A7-%D5%A1%D5%A2%D5%AD%D5%A1%D5%A6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%B8%D5%BE-%D5%B0/)

31 May 2018.¹ The statement urged the Armenian authorities to seriously investigate the incident with a view to verifying the report and holding responsible the potential perpetrators, as well as precluding similar incidents in the future (including incidents with the involvement of the Russian Federation border guards stationed in the Republic of Armenia).

The introduction of visa centers not only increases the visa costs, but also poses risks to the process of accepting applications, considering the lack of experience among their staff. Clearly, staff professionalism is crucial.

During the meetings with our experts, the consular officers advised citizens to refrain from changing the data (a consulate may cancel a visa after issuing it, if the presented information was not truthful or if it was changed after receiving the visa, for instance if the hotel booking or ticket reservation are canceled, or the destination country is changed) and to remember that even having a visa does not create an automatic right to enter the country, because every visa holder must prove on the border that he or she meets the requirements of Article 5 of the Schengen Border Code.

Cases of organizing illegal migration remain an important problem. Back in 2017, the National Security Service of the Republic of Armenia exposed and prevented routes or organizing illegal migration, whereby criminal groups consisting of Armenian and foreign citizens had tried, by presenting false documents and information, to transport citizens of Central Asia and the Middle East to the Schengen area, to the United States of America, the Republic of Turkey, or other countries through Armenian territory. They had also organized the exit of Armenian citizens from and their entry into such states. In the framework of this case, the law-enforcement agencies also discovered cases of irregular migrants staying in Armenia and their temporary residence status being arranged on the basis of false documents and information. The facts found in the criminal cases showed that the most common occurrences were cases of organizing irregular migration of foreign citizens to the Schengen Area and to the Republic of Turkey. Migrants were being moved for an unlawful fee of US \$350

¹ Any document issued by the self-proclaimed Abkhaz republic cannot be deemed a passport in the Republic of Armenia: statement on the case of crossing the Armenian border with an Abkhaz passport (31.05.2018). <http://www.aravot.am/2018/05/31/960887/>

to 10,000, by falsifying the documents required for transit permits, visas, residence cards, or passports in Armenia or, in the vast majority of cases, in foreign states. In some cases, the exit of irregular migrants from Armenia had been organized by means of bypassing the state border crossing points.¹

Another attempt of organizing illegal migration was exposed by the Police of the Republic of Armenia: the director of a tour operator company based in Yerevan had promised to a Syrian citizen, in return for 6,500 euros, to organize his entry into a European country and receipt of a Schengen visa through another individual.² A Schengen visa issued by the French Embassy in the United Arab Emirates was then glued inside the passport of the Syrian citizen. The forensic experts determined that the visa was false.

During 2017, a number of other cases of presenting false documents to embassies were exposed as a result of the cooperation between the Police of the Republic of Armenia and diplomatic missions accredited in the Republic of Armenia.³

The involvement of officials in the illegal receipt of visas shows the importance and seriousness of the problem and the need for studies like this one in raising public awareness and engaging all of the stakeholders.

Thus, one can state again that still Corruption remains a key challenge in the Schengen visa sphere, alongside the role of tourist companies in the black market for Schengen visas, given the relationship between this phenomenon and illegal migration. Obvious advertisement of support in obtaining a visa, too, contains large risks of corruption.

¹ Case of illegal migration to the Schengen countries via Armenia using false documents involves 33 accused persons, according to the National Security Service (11.04.2018).
<https://168.am/2018/04/11/934222.html>

² Case of falsifying a Schengen visa gets exposed (20.11.2018).
<https://shabat.am/am/article/194955/SHengenyanyan-vizayi-keghtsman-depq-e>

³ Police expose cases of presenting false documents to the embassies (14.05.2017).
<http://iravaban.net/160413.html>

Inquiries with Refused Applicants

In studies carried out by ACGRC with respect to visas in recent years, a number of applicants have complained about the work of Schengen area consulates and visa centers in Armenia.

Some applicants complained about decisions, expressing disagreement with the refusal grounds cited by the consulates; the application procedure, including difficulties of scheduling an appointment; long queues in the consulates and visa centers for handing in applications and for interviews; the absence of waiting halls or the poor conditions therein; the bad treatment by the support staff; the presented documents, and so on. This Study has concluded that those matters require closer attention, ensuring the involvement of the applicants as important stakeholders, because their dissatisfaction is quite often due to the lack of knowledge of rules and laws or to simple bias.

Each day, the staff of the consular services conduct interviews with numerous individuals, and they need to have the necessary training in order to be able to make decisions based on a short interview. It should be noted that the consular officer reviews the information provided in the application prior to the applicant approaching the window and starting the interview. The consular officer treats anyone applying for a visitor or tourist visa as a potential immigrant.¹ It means that each applicant must personally demonstrate and justify that he or she intends to use the visa according to the stated purpose, as well as to justify ties with the home country and the likelihood of return.

The consular sections of some embassies in Armenia sometimes refuse issuing a visa without a proper justification. Citizens have complained about a number of such cases, including in the social media. There are frequent cases of refusing the long-term (one-year) multiple-entry visa, instead issuing a shorter (for instance, six-month) visa, as described above. Applicants have different views on the activities of consular sections: some of the consulates are considered to be more positive and friendly, while others are believed to be more stringent.

¹ Consular officers treat anyone applying for a visa as a potential immigrant (28.05.2018).
<http://iravaban.net/192446.html>

The refusal grounds are prescribed in Article 32 of the Visa Code and the special refusal notice form (Annex VI)¹. To complete the study of refusals, we made inquiries with some of the refused citizens, as well as citizens that were dissatisfied with the work of the consulates and visa centers.

Besides, we received 24 complaints during January-September 2018 related to visa refusals or various problems encountered in the process of receiving a visa. A few are worth highlighting. In one case, the visa center refused to accept the documents of an NGO representative traveling to a forum for a free-of-charge visa. In another, the visa center did not accept the notarized documents of the child and demanded the presence of both parents when applying for the visa. Other problems occurred in the scheduling of the interview. ACGRC experts provided advice to applicants on these issues, explaining their rights and obligations, and presenting in detail the visa application process, refusal grounds, and the like. Strong public interest in our consultation efforts underscores the importance of continuing such activity in the future.

Some citizens complained about the difficulties of contacting the consular officers (telephone contact is often impossible or very difficult). Another problem is that visa applicants are required to have health insurance only for the term of the planned visit, but some embassies require health insurance for the whole duration of the visa, which implies excessive and unnecessary expenses.

Citizens had various complaints about the application process. In some cases, the written notice of refusal did not contain specific justification. In others, the refusal notice was only in a foreign language and failed to provide proper information about the possibility and procedure of appeals. Some of the persons that complained were unable to clearly present the reasons for the complaint and refused to answer questions or to present any documents. This in turn indicates that some applicants had dishonest intentions and were hiding certain circumstances. Wrong or incomplete applications are a sign of applicants not knowing the laws or the visa requirements. Raising awareness is a key objective of this project.

¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (15.09.2009) <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32009R0810>

To make the monitoring of these refusals continuous, in view of their importance, the ACGRC website contains an announcement inviting citizens refused by the consular services of EU Member States in Armenia to send refusal information by e-mail¹: this, however, does not imply support in obtaining a visa. Rather, it will help to analyze the refusal cases with a view to preparing recommendations for the consular services of EU Member States in Armenia and the EU institutions in the future.

When consular staff violates the rights of visa applicants, the latter may appeal to their supervisors or to the foreign affairs ministry of the respective country (the websites of many such ministries contain a feedback section). It is important for Armenian citizens to be aware of the existence of the international visa consortium- the Visa-free Europe Coalition for visa matters, which is a consortium of non-governmental organizations of Eastern Partnership states, which deal with visa issues.² The Analytical Centre on Globalization and Regional Cooperation (ACGRC) is a member.³ For years, this consortium has carried out important activities in terms of monitoring, reporting, recommendations, and other initiatives in this sphere. The website of the Visa-free Europe Coalition for visa matters can be a platform where citizens can report the violations of their rights and inform about their complaints and grievances (see the link below).⁴

Comparative Analysis of Statistical Data

Based on the EU's official statistical data⁵ and data received from the Schengen embassies in Armenia, comparative analysis of the 2012-2017 statistics on visas issued by the consular services issuing Schengen visas in Armenia, by countries, by types, refusals, and so on. An attempt is also made at a comparative

¹ E-mail: acgrcyerevanoffice@gmail.com

² Visa-free Europe Coalition <http://visa-free-europe.eu/>

³ Analytical Centre on Globalization and Regional Cooperation <http://acgrc.am/>

⁴ Visa-free Europe Coalition, <http://visa-free-europe.eu/about-us/visa-whistle-blower/>

⁵ European Commission, Complete statistics on short-stay visas issued by the Schengen States. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

analysis between Armenia and other Eastern partners, in view of the latest changes and trends in the Schengen area.

According to the information of the European Commission, the consular services of the Schengen countries received a total of over 16.1 million visa applications in 2017, which was a 6.3% increase over 2016.¹

In 2017, Schengen missions in Armenia received a total of 66,171 visa applications, which was 5,108 more (8.3% increase) than in 2016. Of the applications received in 2017, 8,473 applications were refused (12.8%, compared to 10.9% in 2016).²

Figure 1.



Comparing the total visa numbers for 2012-2017, it becomes clear that the total number of visa applications grew every year starting from 2012 (increasing from 38,896 to 66,171). The increase in the number of applications was over 70% from 2012 to 2017. Considering the increase in the number of multiple-entry visas during the same period, reaching 26.5% in 2017, it is obvious that the number of times Armenian citizens visited the Schengen area has grown considerably. However, it is interesting that, parallel to this, the number of

¹ https://ec.europa.eu/home-affairs/news/visa-statistics-2017-schengen-states-issue-millions-short-stay-visas_en

² The statistics provided in the figures below and used in the analysis is available on the official website of the European Commission at:

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

refusals, too, has grown over 2012-2017 (from 3,105 to 8,473, or 12.8% of the applications).

Figure 2.

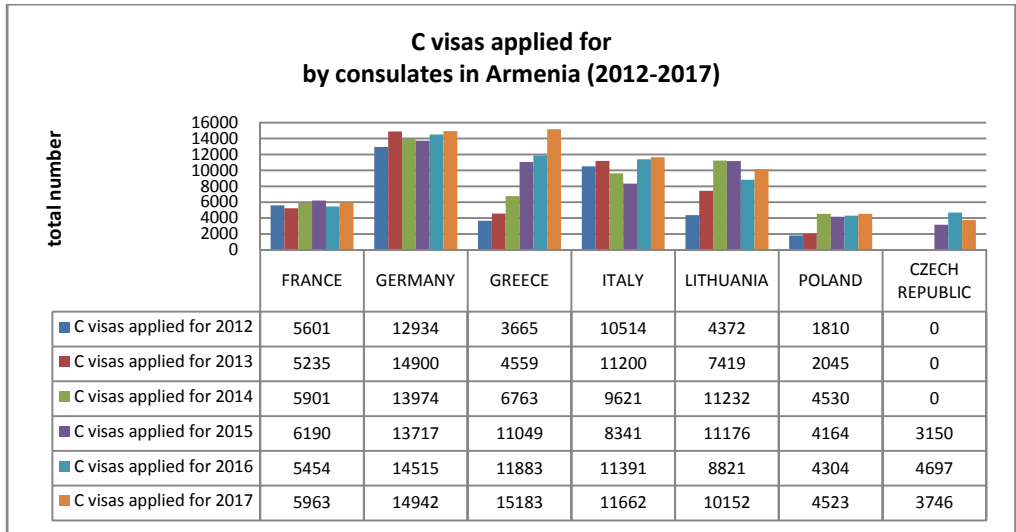


Figure 2 presents the total number of visa applications in Armenia during 2012-2017, by countries having a consulate in Armenia. It shows that the number of applications continued to grow significantly in virtually all the consulates, except for the Czech Consulate (3,150 applications in 2015, followed by 4,697 applications in 2016, and 3,746 applications in 2017). The largest increases were in the Greek Consulate in Armenia (from 3,665 to 15,183), the Polish Consulate (from 1,810 to 4,523), and the Lithuanian Consulate (from 4,372 to 10,152).¹

¹ The Czech Consulate started operating in Armenia in 2015; hence, all the figures contain only data for 2015-2017.

Figure 3.

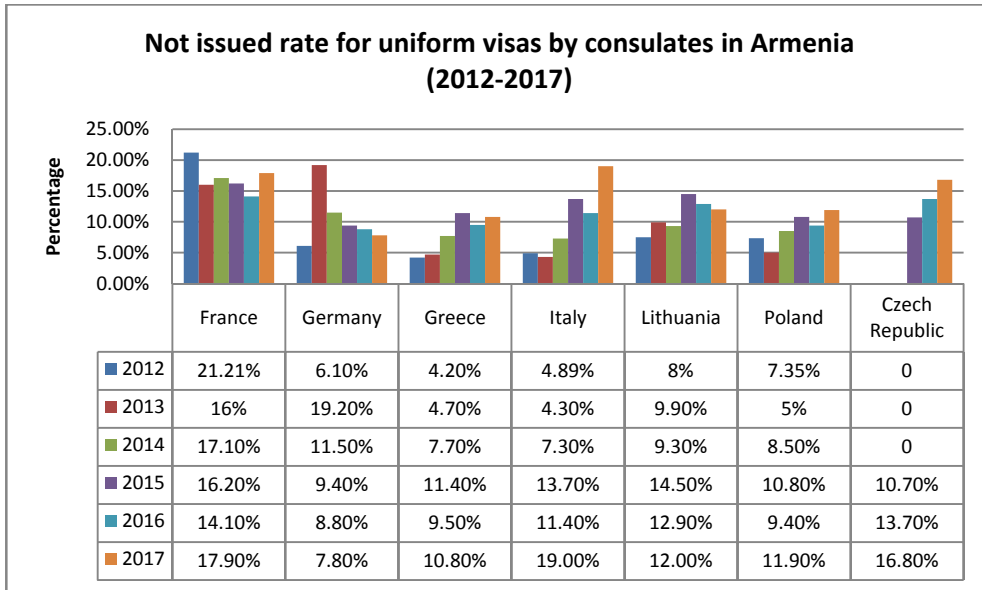
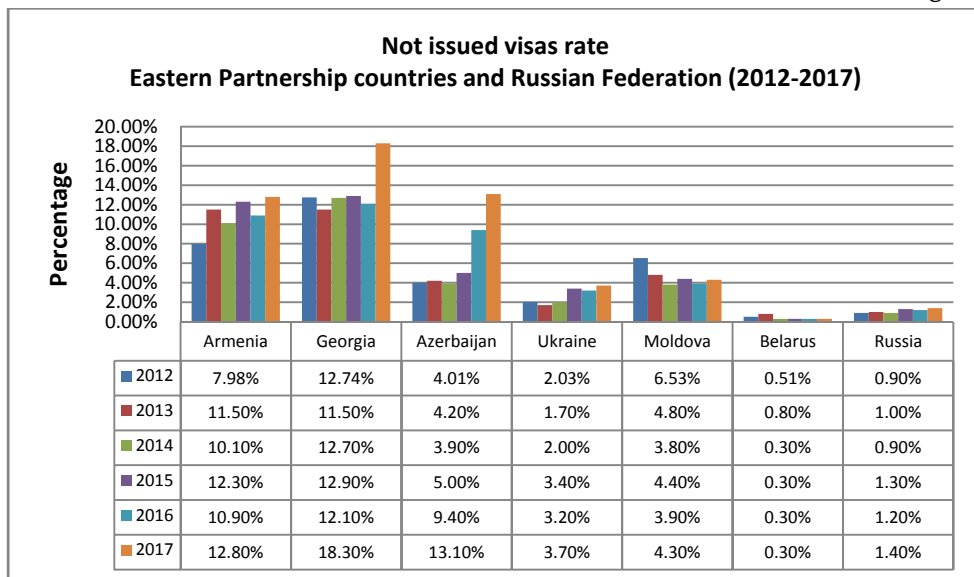


Figure 3 shows the percentage shares of visa refusals by Schengen consulates in Armenia during 2012-2017, by countries. It is clear that the refusals by France declined from 21.21% in 2012 to 17.9% in 2017, but then, in 2017 relative to 2016, there was a significant increase in the refusals. In the case of Greece, refusals grew from 4.2% in 2012 to 10.8% in 2017 (the rate was higher in only 2015—11.4%). The number of refusals by Italy grew steadily, too, from 4.89% in 2012 to 19% in 2017 (relative to 2016, refusals increased in 2017 by 7.5, from 11.4% in 2016 to 19% in 2017, which is rather high and deserves attention). Thus, with the exception of Germany, refusals increased in all the consulates. In the German consulate, refusals fell from 19.2% in 2013 to 7.8% in 2017. According to this data, the refusal rate was 12.8% in Armenia (an increase relative to the 10.9% in 2016).

Figure 4.

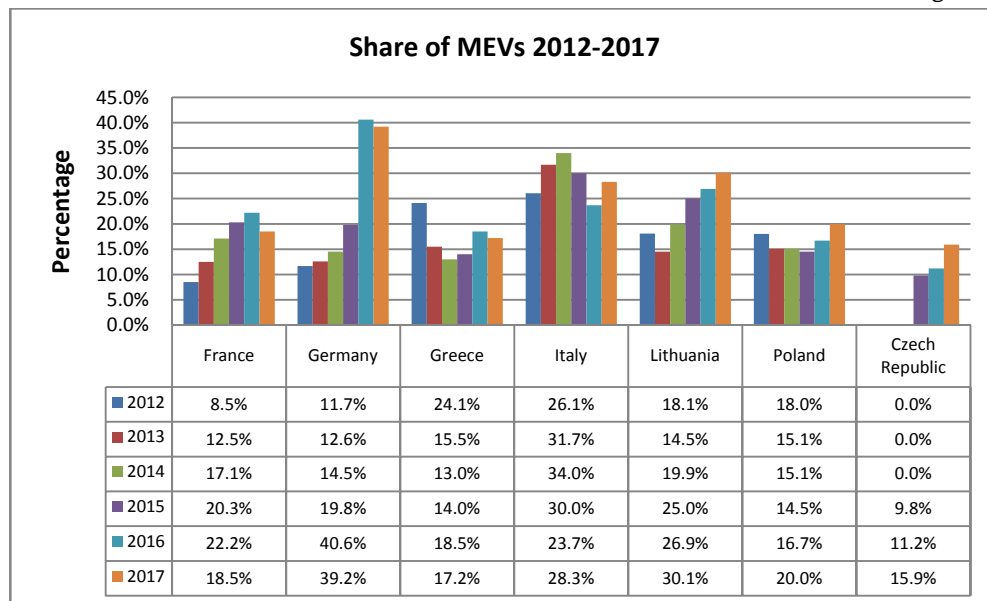


The refusal data for 2017 shows that the indicators are virtually the same in Armenia and Azerbaijan (around 12.8% and 13.1%, respectively), but significantly higher than in the other countries of the Eastern Partnership and the Russian Federation. For Ukraine and Moldova, it has somewhat of an explanation, and in Georgia, the refusals increased by about 6% in 2017.¹ The refusal rate in Azerbaijan was around 4-5% in 2012-2015 (about twice lower than in Armenia and Georgia, which is a bit unclear), and in 2016, refusals grew almost twice, reaching 9.4%, continuing to climb in 2017 and reaching 13.1%, thereby topping the list of the countries in terms of the refusal rate. The very low rates in Russia and Belarus are interesting, too (1.4% and 0.3%, respectively). In 2017, the total number of refusals grew to 8.2% from 6.9% in 2016.²

¹ It is worth remembering that Moldova, Ukraine, and Georgia have a visa-free regime with the EU, and the data in the figures on these countries refer to either persons holding non-biometric passports, or citizens of other states, which explains the very low numbers of applications and visas received.

² https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/visa-policy/docs/2016_consulates_schengen_visa_stats_en.xlsx

Figure 5.



Out of the 57,601 visas issued in Armenia in 2017, 15,268 were multiple-entry visas, which is 26.5%.¹ The number has grown every year since 2012. As the Figure above shows, the share of multiple-entry visas in total visas issued by countries such as Italy, Lithuania, Poland, and the Czech Republic. There is a slight decline (of around 1%) in the case of Germany and Greece. In the case of France, the decline is around 4% (thus, multiple-entry visas issued by France were 18.5% of the total number of visas issued in 2017). The

The data from consulates about January-September 2017 shows the following picture: Germany issued about 10,200 visas (multiple-entry visas were over 20%, but less than the 26.96% share in the same period of 2016). According to the consulate, one reason may be that many of the applicants in 2017 were first-time applicants that received one-time visas. Poland issued 3,021 visas (including 616 multiple-entry visas, i.e. about 19%, which is 13.2% more than in 2016). Greece issued 12,746 visas (including 2,159 multiple-entry visas, i.e. an increase of 18%). France issued 3,733 visas (including 630 multiple-entry visas, about the same as in 2016). Italy issued 6,839 visas (including 2,055 multiple-

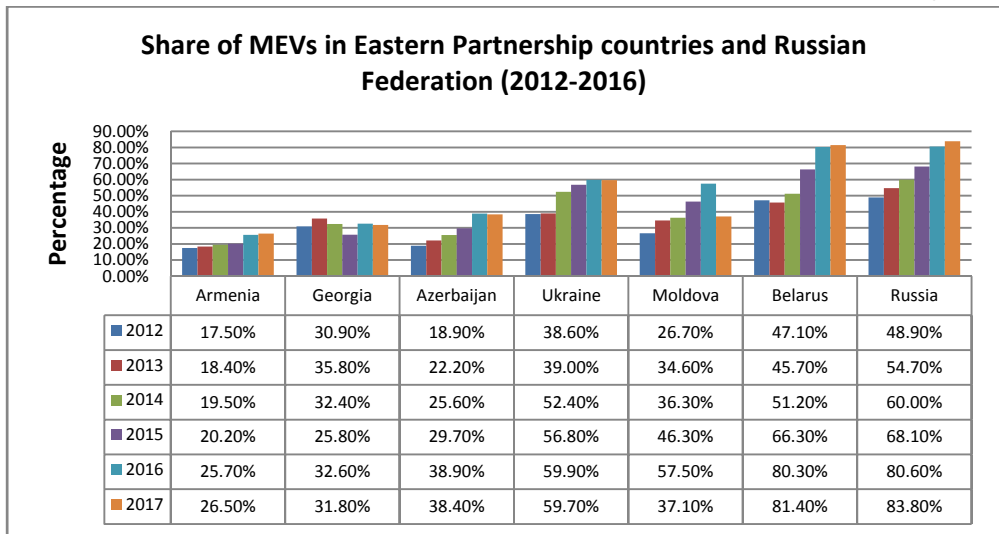
¹ European Commission, Complete statistics on short-stay visas issued by the Schengen States.

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

entry visas, i.e. a 7% increase over 2016). Lithuania issued 8,148 visas (including 1,927 multiple-entry visas, which is 27% of the issued visas, representing a 23.3% increase over 2016).

When analyzing the multiple-entry visas, one should remember that the official data on multiple-entry visas is not differentiated in terms of the validity term. Thus, it is not clear what percentage of the total are visas with a validity term of one year or longer.

Figure 6.



The issue of multiple-entry visas is even more concerning for Armenia when compared to other Eastern Partnership countries and to the Russian Federation. The number is the lowest in Armenia (according to average statistics, multiple-entry visas are 59.2% of the total number of visas issued in 2017), as Figure 6 shows that for Armenia, it is 26.5%.

As to the comparison of data with other countries of the Eastern Partnership, three countries have already received visa-free regime. Moldova was the first post-Soviet republic to receive a visa-free regime with the EU,¹ followed by Georgia² and Ukraine (2017).¹ It is worth reminding here that the visa

¹ Travel to the EU from Moldova (12.05.2016).

https://eeas.europa.eu/delegations/moldova/1540/travel-to-the-eu-from-moldova_en

² Parallel to the decision on the EU short-stay visa waiver for Georgia, the EU reserves the right to terminate the visa-free regime in case of violations by Georgia or Georgia's refusal to honor the commitments, and the European Commission shall conduct monitoring to this end.

applications, refusals, and other statistical data on these countries concerns only persons not eligible for the visa-free regime, i.e. persons not holding biometric passports, and thus, the numbers do not reflect the actual numbers of visits and refusals for the citizens of those countries.

However, the visa-free regime with these countries is subject to certain restrictions and requirements: citizens must have a biometric passport, answer the border guards' question about the purpose of travel, prove the existence of a return ticket, hotel booking, and insurance, as well as the possession of funds for each date (the amount varies by country). Visa regime violators will be deported from the Schengen area, penalized for 3,000 euros, and receive a five-year entry ban.²

However, considering the serious risks of migration from these countries, the caution demonstrated by a number of EU states in this area, and the migration processes in Europe in recent years, the EU Council adopted a visa-free regime suspension mechanism on 27 February 2017, which allows the EU to respond to the violations. The mechanism facilitates the procedure by which Member States raise the problems, which can lead to suspension of the visa regime. The European Commission may itself initiate suspension. This mechanism requires the European Commission to present an annual report to the European Parliament and the EU Council on the conformity of visa-free third countries with the applicable criteria. This mechanism considerably extends the

(<http://www.europarl.europa.eu/news/en/news-room/20170131IPR60306/georgia-visa-waiver-approved-by-parliament>)

¹ EU Decision To Grant Visa-Free Travel To Ukrainians Becomes Official (22.05.2017).

<https://www.rferl.org/a/ukraine-eu-visa-free-official/28502179.html> ;

<http://www.europarl.europa.eu/news/en/news-room/20170228IPR64271/meps-and-council-negotiators-agree-to-waive-eu-visa-requirement-for-ukrainians>

² What EU visa waiver implies in practice (28.03.2017).

<http://www.dw.com/ru/%D1%87%D1%82%D0%BE-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B0%D0%BA%D1%82%D0%B8%D0%BA%D0%B5-%D0%BE%D0%B7%D0%BD%D0%B0%D1%87%D0%B0%D0%B5%D1%82-%D0%BE%D1%82%D0%BC%D0%B5%D0%BD%D0%B0-%D0%B5%D1%81-%D0%B2%D0%B8%D0%B7%D0%BE%D0%B2%D0%BE%D0%B3%D0%BE-%D1%80%D0%B5%D0%B6%D0%B8%D0%BC%D0%B0-%D0%B4%D0%BB%D1%8F-%D0%B3%D1%80%D1%83%D0%B7%D0%B8%D0%B8/a-38074898?maca=rus-facebook-dw>

list of grounds for suspending the visa-free regime and now includes readmission-related problems, as well as serious threats undermining the EU Member States' internal security and public order.¹ The European Commission will be able to suspend the visa-free regime temporarily (for nine months) for certain categories of citizens, with the right to extend it if necessary. During such suspension, the Commission and the concerned country should seek a solution to the situation. After Georgia and Ukraine were granted visa-free regime, both the EU and these countries are carefully following the statistics of countries traveling to and from the EU, as well as the increase in the number of asylum applications. According to the Georgian Ministry of Foreign Affairs, 220,000 citizens benefited from the new regime during April-December 2017, of which about 7,000 did not return².

Parallel to the increases in the number of Georgian citizens applying for asylum and those not returning, the number of crimes committed by Georgian citizens has increased in the EU states, especially in Germany. According to data provided by the German Federal Agency for Migration and Refugees, the number of asylum applications increased from 298 in 2008 to 3,462 in 2017. In January and February 2018 alone, 1,359 asylum applications were filed. With this rate of increase, the number of applications may well be over 8,000 by the end of 2018.³ Moreover, only 1.1% of those applications have been granted. The number of asylum applications by Georgian citizens has increased in other European countries, as well, including France, the Netherlands, Sweden, Greece, and Switzerland, although the latter is not a part of the Schengen Area. In 2017 relative to 2016, the number of applications grew by 46%, placing Georgia third

¹ Visas: Council adopts a revision of the visa waiver suspension mechanism (27.02.2017).
<http://www.consilium.europa.eu/en/press/press-releases/2017/02/27/revision-visa-waiver-suspension-mechanism/>

² Georgia's visa liberalization with European Union comes under threat (09.03.2018).
<https://www.schengenvisainfo.com/georgias-visa-liberalization-with-european-union-comes-under-threat/>

³ Безвизовый режим между ЕС и Грузией под угрозой (28.03.2018).
<http://www.dw.com/ru/%D0%B1%D0%B5%D0%B7%D0%B2%D0%B8%D0%B7%D0%BE%D0%B2%D1%8B%D0%B9-%D1%80%D0%B5%D0%B6%D0%B8%D0%BC-%D0%BC%D0%B5%D0%B6%D0%B4%D1%83-%D0%B5%D1%81-%D0%B8-%D0%B3%D1%80%D1%83%D0%B7%D0%B8%D0%B5%D0%B9-%D0%BF%D0%BE%D0%B4-%D1%83%D0%B3%D1%80%D0%BE%D0%B7%D0%BE%D0%B9/a-43170939>

after Eritrea and Syria. The review and analysis of data on countries granted a visa-free regime, namely Georgia, as well as their implementation practice in the early years, is important for Armenia, because Armenia is just about to enter this phase, and deeply studying the reasons and drawing conclusions may help to be better prepared for this phase. In that case, Armenia may be able to implement the steps required for complying with the European side's requirements in a shorter timeframe.

A total of over 255,000 Georgian citizens benefited from visa-free travel to Europe. After the visa-free regime was granted on 28 March 2017, they traveled to EU states 357,990 times in the course of one year and two months.¹ According to rough estimates, Germany returned 600 citizens to Georgia in 2018 alone, another about 3,000 have already been refused, and about 3,500 citizens are waiting for decisions in their cases.

In general, to delay deportation, a large number of asylum-seekers appeal the decisions on their deportation. It is one way of delaying the deportation by one to two years. In 2018, about 400,000 such appeals were pending before Germany's courts.

There are some alarming trends in Ukraine and Moldova, as well. In view of the higher number of Georgian citizens applying for asylum in the EU after the granting of visa-free travel, and with a view to enhancing internal security, a new format has been proposed for Georgia: on 19 October 2017, the European Parliament's Civil Liberties, Justice, and Internal Affairs Committee (LIBE) approved a new initiative whereby Georgian citizens are subject to a mechanism of so-called "advance authorisation" prior to travel to the Schengen area. Although analysts have perceived it to be a step back, calling the "advance authorisation" a "type of visa under a different name," the Georgian authorities have said that the new system will make citizens' entry to Europe "easier, rather than harder," because "the likelihood of problems in the context of return will be reduced by filling out this application form for citizens in case of problems

¹ Georgian citizens traveled to Europe without a visa about 358,000 times (29.07.2018).
<https://news.am/arm/news/464103.html>

arising on the border.”¹ The Georgian authorities believe that, despite concerns of some EU officials, there is no threat of suspending Georgia’s visa liberalisation with the EU. The introduction of the new system is justified by the flow of irregular migrants from Georgia, to which the EU has to respond. This regulation is still under consideration, and it is not known how long the consultation will continue. At the moment, the EU aims to introduce the European Travel Information and Authorisation System (ETIAS) as from 2020. The European Travel Information and Authorisation System implies registration on a special website, providing personal data. The application form costs 10 euros. The applicant receives approval or refusal within 72 hours. The approval is valid for 3 years, and the 10 euro fee will be waived for citizens under 18 and over 60².

On 20 December 2017, the European Commission presented the first benchmarking of visa liberalisation for the Balkan States and the Eastern Partners (Moldova, Georgia, and Ukraine). Clearly, despite the visa-free regime of these countries with the EU, the solid implementation of the regime granted to them requires permanent monitoring and evaluation of the situation, as well as taking measures based on the results. It is crucial for the EU to become convinced that the implementation of the reforms continues properly. The report of the EC is the first monitoring under the visa suspension mechanism for eight countries that were granted visa liberalisation through the visa dialogue with the EU.³ In addition to the monitoring and evaluation of the situation, it specifies the areas in

¹ New authorization system to facilitate Schengen travel for citizens, says Georgia’s Deputy Foreign Minister (24.10.2017). <http://www.apsny.ge/2017/pol/1508885105.php>

² EU fixing visa-free regime with Georgia (25.10.2017).

<https://www.civilnet.am/news/2017/10/25/%D4%B5%D5%84-%D5%8E%D6%80%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%A1%D5%B5%D6%81%D5%A1%D5%A3%D5%AB%D6%80-%D5%BC%D5%A5%D5%AA%D5%AB%D5%B4%D5%AB-%D5%B9%D5%A5%D5%B2%D5%A1%D6%80%D5%AF%D5%B8%D5%9E%D6%82%D5%B4-%D5%B6%D5%A1%D5%AD%D5%B6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A9%D5%B8%D6%82%D5%B5%D5%AC%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/323313>

³ First Report under the Visa Suspension Mechanism (20.12.2017). https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

which the respective countries should take steps to fix the situation or to achieve more tangible results (for example, corruption, money laundering, irregular migration, readmission, and the like).

To sum up, one can hope that the project analysis, conclusions, and recommendations will be helpful for improving the situation and considerably increasing the opportunities for Armenian citizens to interact with the European civilization.

Chapter Two.

Passports and Visas Department of the Police of the Republic of Armenia

Another part of the monitoring under this project focused on the performance of the domestic authority responsible for the sector—the Passports and Visas Department of the Police of the Republic of Armenia (PVD).

The biometric passport issuance began in Armenia in 2012. According to a decision of the National Assembly of the Republic of Armenia, a biometric passport had to be issued to citizens in case of receiving a new passport after January 2014, parallel to which the ID card was introduced. From January 2014, citizens could receive only a passport containing biological data, paying 25,000 drams, or 28,000 drams for a passport and ID card together.

The biometric passport issuance procedure is regulated by Article 5 of the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia, which provides that a biometric passport shall contain a technical part—the data storage. According to amendments in 2016, the procedure of taking fingerprints was changed: from now on, all fingers have to be printed when receiving a passport (in the past, only the index fingers had to be printed). For children, fingerprints are taken after the age of six, and the photo is changed every time a new passport is issued, regardless of age. Photos and fingerprints are taken at the Passport Division of the Police, and for applications abroad—in the respective diplomatic mission or consular post of Armenia. The Eurodac common system of fingerprints was created and operates under the Dublin Convention to address irregular migration between the Eastern Partnership countries and the EU.¹

Presently, a number of countries, including European countries, accept passports with a validity term of up to 10 years for visa purposes. In case of extension, problems arise in practice also at the time of identifying citizens with the photo in the passport, which too often causes grievance among citizens. To avoid these problems and to align with the Republic of Armenia Law on the

¹ Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention (19.08.1997) [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN)

Passport of a Citizen of the Republic of Armenia, the provision on extending passports (in Government Decree 821 dated 25 December 1998) will be repealed, resulting also in amendments to Government Decree 974-N dated 23 June 2011. In a session on 17 July 2017, the Government of Armenia adopted the amendments, and the validity term of biometric passports can no longer be extended, and such passports must be replaced.¹

In personal data protection and use, the Passports and Visas Department follows the Republic of Armenia Law on the Protection of Personal Data, Republic of Armenia Government Decree 1154-N dated 4 October 2007 "Establishing the Procedure of Receiving Information on the Citizenship of a Person," Republic of Armenia Government Decree 1231-N dated 14 July 2005 "On Implementing the System of the State Population Register in the Republic of Armenia," and other legal acts adopted by other state agencies for the purpose of information provision from the State Register of Population. The personal registration data processing and registry operation, as well as the procedure of recording in the State Register of Population are regulated by the Republic of Armenia Law on the State Register of Population and the Republic of Armenia Government Decree 1231-N dated 14 July 2005 "On Implementing the System of the State Population Register in the Republic of Armenia." However, personal data security remains an issue, as there is still no procedure of storing biometric data "special category data." Hence, we urge taking measures to store the data adequately and to restrict their use. To ensure the lawfulness and security of the whole use, identification, and distribution process, the international ISO27001/2013 standard of other similar standards can be used.

Effectiveness of personal data protection is essential in a modern society given the rapid evolution of technologies. Armenia has already created a standalone agency that operates under the Ministry of Justice, and a key function

¹ Passport validity term cannot be extended; it must be changed. Draft approved by Government (20.07.2017).

<https://www.aysor.am/am/news/2017/07/20/%D4%B1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%AB->

[%D5%BE%D5%A1%D5%BE%D5%A5%D6%80%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/1290711](https://www.aysor.am/am/news/2017/07/20/%D4%B1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%A5%D6%80%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/1290711)

of the agency is to inform the competent state bodies how to process citizens' data and how to ensure their security.¹

It requires a strong technical basis and expertise. The authorities plan to create in Armenia an extensive platform for public services using Mobil ID, and therefore, the key areas of this work will remain in the center of attention of the Government.

In August 2018, the Ministry of Justice presented draft laws on amending the Law on Identification Cards and the Law on the Passport of the Citizen of the Republic of Armenia for public discussion.² The justification of the need to adopt those drafts was that the Law on Identification Cards and the Law on the Passport of the Citizen of the Republic of Armenia provide that the old-specimen passports (designated by Decree 821 dated 25 December 1998) will be issued to Armenian citizens up to 1 January 2019, which implies that, after 1 January 2019, only biometric passports may be issued to Armenian citizens. The contract with the Polish company PWPW supplying templates and serving the biometric passports and identification cards system expired on 1 January 2017. At that time, however, the procurement procedure to enter a concession agreement for issuing biometric passports and identification cards, introducing a modern automated system, and servicing and transferring it had not been completed yet. Once the tender is concluded and a winner is selected, additional time will still be required for ensuring technical operation of the system. Therefore, it was considered appropriate to extend the time period during which old-specimen passports could be issued to Armenian citizens. It will enable to proceed without obstacles, once the tender is concluded, to purchase new templates of identification cards and biometric passports, and to operate and serve the system fully and efficiently. The proposed draft laws will extend the issuance deadline for the so-called old-specimen passports from 1 January 2019 to 1 January 2021. The change will enable to ensure issuance of personal identification documents to Armenian citizens without disruption, pending the full operation of the biometric passports

¹ Data protection system in Armenia is evolving, says Davit Harutyunyan (11.04.2018).
<https://news.am/arm/news/445780.html>

² Old-specimen passports will be issued up to 1 January 2021 (24.08.2018).
<http://iravaban.net/199667.html>

system by a new vendor company. However, by extending the time period for issuing old-specimen passports by another two years, the digitalization of public services will be delayed by another two years. As a result, on 20 September 2018, the Government approved a draft law extending the time period for issuing old-specimen passports by only one year.¹ In case of failing to adopt this legislation, the state will have to purchase templates for 300,000 biometric passports every year, each costing 10 euros, thereby causing an annual expenditure need of 3 million euros.

In March 2018, there was a meeting to discuss progress under the international tender for awarding a concession agreement for issuing biometric passports and identification cards in Armenia, introducing a modern automated system for the public certification infrastructure, and servicing and transferring it.² The tender commission presented its work, followed by a presentation of the need to improve the quality of services by issuing biometric passports and identification cards in Armenia and introducing a modern automated system for the public certification infrastructure, as well as the advantages of a new system under the modern international standards, the specificities of the new biometric passport, the activities necessary for a smooth transition to the mandatory biometric passports, and other aspects of the system implementation. The discussion also focused on the key technical requirements concerning new biometric passports and identification cards in line with the standards of the International Civil Aviation Organization (ICAO) and the rights, obligations, and process organization timetable under the proposed draft concession agreement.

Another improvement is that, in the old type of passports, the stamp for validity in a foreign state may be placed at any border-crossing point³.

Starting from August 2017, to improve the quality of services provided to citizens and to avoid unnecessary costs, contracts for receiving a passport within

¹ Government receives a concession: old-specimen passports issuance term will be extended by another year (20.09.2018). <http://operativ.am/?p=291436&l=am>

² Biometric passports and identification cards modernization process discussed with the President (15.03.2018). <http://iravaban.net/184574.html>

³ Exit stamp can also be obtained at a border-crossing point (30.07.2017). <https://168.am/2017/07/30/825505.html>

three business days can be concluded in the regions outside of the capital city, as well.¹

Another change has been made in relation to the so-called “exit stamp”: according to Mnatzakan Bichakhchyan, the Head of the Passports and Visas Department of the Police, when the old type of passport is presented for replacement because of being unusable or when the person has lost the passport and has applied for a new one, and the “exit stamp” validity period in the passport has not expired yet, the remainder of the term is transferred to the new passport, and the citizen does not pay additionally for it.²

For the electronic registration of Armenian citizens that are abroad, a legal act was adopted on 28 March 2017, which will allow Armenian citizens that are located in another state to register through the Internet.³ It is expected that many persons will provide their residence address, but no administrative fine is prescribed for citizens that reside abroad and fail to register, because the enforcement of such fines would not be feasible.

As to the issuance of personal identification documents to citizens of Armenia, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia and the Republic of Armenia Law on Identification Cards prescribe the data that such documents must contain: the passport and the identification card must, in addition to other data, contain the citizen’s name and surname in Armenian and English, and the patronymic only in Armenian. According to information from the Police, problems often arise in practice with the transliteration of personal data (from Armenian to English and vice versa), as well as the Armenian and English writing of the surname and name: discrepancies arise, in particular, when foreign citizens who obtained citizenship of Armenia or Armenian citizens born in foreign states apply to the Passports and Visas Department of the Police to receive a passport and present the properly-

¹ In the regions, passport can from now on be received on the 3rd business day (17.08.2017). <http://armlur.am/721825/>

² In case of losing or changing the passport, the exit stamp stays valid, says M. Bichakhchyan (01.11.2017). <https://news.am/arm/news/418594.html>

³ Electronic recording is introduced for Armenian citizens who are abroad (28.03.2017). <http://armday.am/?p=8717&l=am/artasahmanum+gtnvox+hh+qaxacineri+hamar+naxatesvel+e+elekt ronayin+exanakov+hashvarum>

verified Armenian translation of the passport (or birth certificate or other required document) issued by the respective foreign state. When issuing a personal identification document of an Armenian citizen based on such document, the Passports and Visas Department of the Police enters into the system the Armenian translated personal data, which is automatically transliterated through special software in accordance with the rules approved by the State Language Inspectorate of the Ministry of Education and Science of Armenia. However, the transliteration often gives rise to discrepancies, when the English or other foreign-language Latin writing is not the same as the data written in the document issued to the person by the Republic of Armenia as a result of the automatic transliteration. As a consequence, the person will have two personal identification documents, which contain differing personal data. Citizens often express grievance over the lack of legal regulation of this problem. To correct the document, they then have to again apply to the Passports Department, which in turn requires time and sometimes additional payments. The same problem arises when personal data of Armenian citizens is recorded in the passport in Armenian and transliterated automatically. Citizens often disagree with the result of the transliteration that gets written in their passport. In this situation, the Passports and Visas Department requires the person to present evidence showing that the State Language Inspectorate of the Ministry of Education and Science of Armenia has agreed that the spelling preferred by the citizen does not contradict the transliteration rules and may be written in the personal identification document. To solve these problems and to ensure the consistency of the administration and to minimize the risk of abuse of discretion by the administrative authority, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia and the Republic of Armenia Law on Identification Cards provide for the adoption of a Government decree prescribing the procedure of writing the citizen's name and surname in personal identification documents in English, as well as the name, surname, and patronymic in Armenian.¹

According to Mnatzakan Bichakhchyan, the Head of the Passports and Visas Department of the Police, Armenia will implement in 2019 biometric passports of

¹ New change to affect passport of Armenian citizens (22.06.2017). <http://iravaban.net/164850/html>

a new quality, the electronic chips of which will store several databases.¹ The Armenian Government has developed the Terms of Reference that should guide the company that will win the future tender. The new-quality biometric passports and identification cards were ordered by Armenia for production back in 2016, which was subsequently postponed to 2017, as was discussed officially.² Six of the 11 companies were found eligible to participate in the tender, including the Polish PWPW S.A. The other five companies are Veridos GmbH (Germany), Muehlbauer Services GmbH (Germany), a consortium of Gemalto SA and Gemalto OY (France and Finland), Cetus OJSC (Slovenia), and Idemia (Oberthur Technologies SA) (France). The list of prequalified bidders included companies from the Netherlands, Russia, and Austria.

The preparation of documents is now in the final stages. The tender among the six prequalified companies should have happened within a month, but there is still no final decision. The winning company will not only print passports, but also deliver the software. The Terms of Reference contain some innovation: the biometric passport photo page must be polycarbonate, which does not tear or damage due to any external influence. The level of protection of documents changes every year. The Terms of Reference contain all the parameters. The United Nations office provided an international expert who gave advice. The chips in the identification cards will have several layers of storage, so that in the future, as the e-government system develops, each layer incorporates one of the databases. One layer would contain data on the driver's license, another one the labor history or health history, and so on. All the documents will be in one. The plan is that all the passport divisions will have scanners, and the documents will be scanned and kept in the database. Persons that have military service duty will no longer be required to bring their military card or a copy thereof. It will be possible to apply to the passport division in each city and to replace a military card or other document that has been lost or needs to be replaced, even when the applying citizen is registered in another town or region. The passport division

¹ All documents in the new biometric passport, says Gagik Aghbalyan (04.04.2018).

<http://hetq.am/arm/news/87083/bolor-pastatxtery-nor-kensachapakan-andznagrur.html/#.WsSjfGsR9Lc.facebook>

² New-quality biometric passports and ID cards will be produced in 2017 (08.02.2017).

<https://hetq.am/hy/article/75492>

will be able to download the electronic version of the document, to take the data, and not to overburden the citizen.

In view of Armenia's success in having passports meeting the EU's requirements and the importance of these matters for moving to a Visa Dialogue—the next stage of visa liberalization, ACGRC was carefully following the developments and anticipating that the problem would be properly solved. Back in 2016, ACGRC adopted a statement on the biometric passports, in which it expressed concerns and opinions.¹

Although the issuance of biometric passports is still not a mandatory requirement at the current stage of the Visa Facilitation and Readmission agreements with the EU, it is a mandatory condition for continuing the visa liberalization process.

ACGRC is hopeful that the state authorities in charge will solve all the problems related to the issuance of biometric passports in a short time and prove that Armenia is committed to continue the visa liberalization process with the EU. In a session on 16 February 2017, the Government of Armenia decided to announce a new tender for the printing of biometric passports and ID cards.²

Not everything is smooth in connection with the introduction of e-governance systems and tenders: the Union of Information Technology Enterprises (UITE) has expressed concerns and stated that there have been attempts to keep Armenian companies away from the process of creating e-governance systems, because the tenders for e-governance systems are designed to contain conditions that preclude the participation of local companies, which will drive the contracts to foreign companies. Armenian companies currently deliver similar services to developed countries, and their quality is no worse than or often even better than the solutions proposed by foreign companies. This is proven by the published text of the tender announcement, which contains the following among the terms of participation.

¹ The biometric passport issuance suspension is not concerning: a Statement (28 September 2016), <https://news.am/arm/news/348788.html>

² Government to announce a new tender for printing passports and ID cards (17 February 2017), <https://news.am/arm/news/373675.html>

ACGRC plans to continue monitoring the tender process in the future and expects that the tender will be concluded in accordance with the requirements of the law and that the new contract will be concluded in an accountable and transparent manner.

Taking into consideration the reforms implemented in the system in recent years, it is important to ensure the presence of portable stations for issuing biometric passports and identification cards, especially for citizens with limited mobility, as well as the residents of remote and borderline areas (this was a mandatory requirement of the EU). The Passports and Visas Department informed us that 10 portable stations operate in the PVD and its subdivisions, and that all the subdivisions, save for the Davitashen passport department, have the biometric documentation system.

The availability of equipment in the regional passport authorities is an important step towards document protection, personal data security, and compliance with the EU's technical requirements.

It is essential that the identification cards and biometric passports are ICAO-compliant and have been reviewed by the relevant experts. Their samples are exchanged under the appropriate procedures. Data on stolen and lost documents is provided to Interpol National Central Bureau of Armenia for furthering sharing with the Interpol Central Bureau, and passport samples have been provided to the Interpol NCB for sharing with all foreign states.

According to the law, a biometric passport is issued within 15 working days for a fee of 25,000 Armenian drams. A citizen can obtain a biometric passport faster for an additional fee.¹

A new tool has been added to the “Visa” subsection of the “Consular Service” section of the official website of the Armenian Ministry of Foreign Affairs. The tool allows specifying the person’s citizenship and passport type on the website and immediately seeing whether a visa is required to enter Armenia, as well as the conditions of receiving a visa and residing in the territory of Armenia.²

¹ Republic of Armenia Police clarifies the circulated misinformation (4 July 2014),

<http://www.police.am/news/view/%D5%A1%D5%BA%D5%A1%D5%BF%D5%A5%D5%B2%D5%A5%D5%AF%D5%A1%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6.html>

² <http://mfa.am/hy/visa/>

Parallel to aligning the Armenian passports with the international standards and improving the protection and security of personal data and documents, there are cases of falsifying documents, including passports.

A company operating in the field of personal data should follow a number of principles. First of all, the personal data must be processed for a legitimate purpose. The lawful purpose here is that the company will collect data for the process of issuing visas to Armenian citizens. The second principle is that personal data must be collected not more than is necessary for achieving the legitimate purpose. The company cannot use data collected for one purpose for other purposes. Whenever there is a danger or suspicion that the data may be used for other purposes, clearly, the government, namely the Personal Data Protection Agency of the Ministry of Justice, should intervene.¹

The existence of such cases reconfirms that, whilst appreciating the reforms implemented by the Armenian authorities towards personal data protection and passport security and protection, further efforts should be continued in line with the world's best practices, namely the best practice in European states, as it will help, among other things, to fight irregular migration.

Based on 2018 data, the Henley & Partners Visa Restrictions Index presented the 2018 Global Visa Restrictions Index, where Armenia ranked 80th, down two positions relative to 2017.² Henley & Partners Visa Restrictions Index, with the support of the International Air Transport Association (IATA), analyzes the visa laws of about 200 countries and ranks them in terms of the number of countries that have visa free access. According to the new chart, Armenian citizens may travel visa-free to 61 countries. The list is topped by Japan, citizens of which may visit 190 countries. Among the other leaders are Singapore (189 countries), South Korea, Germany, and others. As to Armenia's neighbors, Georgia advanced

¹ VisaMetric may not use data collected for one purpose for other purposes. It will be supervised by the Personal Data Protection Agency (29.03.2018). <https://168.am/2018/03/29/928469.html>

² Henley Index: Japanese passport now world's most powerful (09.10.2018). [https://yerevan.today/all/society/21890/andznagrayin-indeqsi-hamashkharhayin-canky-hh-n-80-rdn-e](https://edition.cnn.com/travel/article/most-powerful-passport-henley-index-2018/index.html?fbclid=IwAR1cKlKsmIdfw_wv2H53_FQCLrtYcek9xdSDcQ9yj0Nc4_tdsJfdoLG90Tk; Armenia is 80th in the Visa Restrictions Index (09.10.2018). <a href=)

significantly owing to the right of access to the Schengen area granted to this country in 2017.¹ Georgia is currently 50th (112 countries), Turkey is 51st (111 countries), and Azerbaijan is 75th (66 countries).

The Passports and Visas Department operates a hotline for accepting and processing citizens' complaints. Legal explanations on issues related to this sector are frequently provided in the mass media and the social media.

As a part of the reform process, SMS notices about application progress are now sent to the mobile phone of the citizen. Citizens can also track progress on the official website of the Police. From September 2016, a written confirmation is immediately printed and provided to the citizen when filing a citizenship application at the Passports and Visas Department. This document contains the individual code and the means through which the citizen can obtain information about the application progress.²

The activities aimed at improvement of services continued in 2018. Starting from 19 June, a citizen wishing to receive an old-specimen passport or a validity stamp in the passport may apply to any passport service, regardless of where he or she is registered. The only exception are those who have no registration: they must apply to the authorities in their place of residence in order to become registered and to obtain a passport.³

In 2018, there were cases of falsifying passports and falsifying the registration. They were exposed, and based on them, state officials were prosecuted for committing official fraud and abusing their official position.⁴

The relevant state authorities must continuously take steps to discover such cases and deepen cooperation with their peer organizations in other countries, especially European countries, to combat such practices. A good example of

¹ Henley & Partners <https://ru.henleyglobal.com/passportindex/>; Armenian citizens can travel visa-free to about 60 countries in 2018 (09.01.2018): <http://www.panarmenian.net/arm/news/250600/>

² SMS notices on the application progress will now be available (9 May 2016), <http://iravaban.net/137425.html>

³ New procedure of issuing passports to be implemented from 19 June (18.06.2018). <http://iravaban.net/194295.html>

⁴ False passports, false diplomas, and false records, done by police officers, says the Special Investigative Service (29.01.2018). <http://www.a1plus.am/1592591.html>

cooperation is the agreement between the authorities of Armenia and Germany on enhancing data sharing between the Armenian and Thuringia police.¹

Importantly, Armenians abroad can pose questions to a representative of the Police through Skype, including questions on acquiring or terminating Armenian citizenship, obtaining or exchanging an Armenian citizen or identification card, registering at a place of residence, acquiring a residence permit, and on other key functions of the Passports and Visas Department.

These initiatives are aimed at improving transparency and the quality of citizen services. While the Passports and Visas Department has implemented commendable reforms (including improved citizen services, technical refurbishment, and introduction of more protected documents), a number of questions still remain, about which we will present comments and recommendations in the Conclusions.

¹ Armenia and Thuringia police services to enhance data sharing (06.03.2018).
<https://armeniasputnik.am/world/20180306/10801601/armenia-germania-vostikanutyun.html>

Chapter Three.

State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia; Monitoring of the Implementation of the Armenia-EU Readmission Agreement

The aim of this Report is to study the implementation and effectiveness of Armenia's commitments under the Agreement on the Readmission of Persons Residing without Authorisation between the EU and Armenia in the course of 2018, to study the reintegration problems faced by Armenian citizens returning to Armenia, and to present policy recommendations in this field with a view to improving the process.

1. STATE POLICIES ON RETURN AND REINTEGRATION

The 2018 Program of the Armenian Government enshrines that a key priority of the Armenian Government's foreign policy is to launch the visa liberalisation dialogue with the EU.¹ The launch of the visa liberalisation dialogue with Armenia will, among other key issues, depend largely on Armenia's readiness to facilitate the return of Armenian citizens that are in the EU Member States with irregular status.

In this context, the readmission agreements are an effective tool, as they allow establishing the identity of persons that do not meet or no longer meet the conditions of entry into or stay or residence in the territory of the inquiring state, provided that it is proven or can be reasonably presumed on the basis of produced *prima facie* evidence that they are citizens of Armenia.² Under readmission agreements, Armenia undertakes to readmit its own citizens, as well as third-country citizens and stateless persons.

The Migration Service believes, in addition, that although the person's citizenship can be established under the readmission agreements, the actual return may be protracted or not occur at all due to a variety of reasons.

¹ Program of the Government of Armenia, 2018, pp. 8-9. <http://www.gov.am/files/docs/2782.pdf>

² Agreement on the Readmission of Persons Residing without Authorisation between the EU and Armenia, p. 5. <http://smsmta.am/upload/readmisia.pdf>

In view of the fact that Armenian citizens wishing to reside, work, receive medical services, or otherwise settle in the EU often use or abuse the EU's asylum system, it can be concluded that the return/readmission trend will not decline. This is confirmed by the recent years' statistics on asylum applications lodged in the EU by Armenian citizens: in the past, the number of asylum applications lodged in the EU by Armenian citizens was around 4,000 to 6,000, but in 2016, the number reached about 8,000. During 2015 and 2016, Armenia ended up in the list of 30 countries (together with Turkey, Morocco, and India), from which the 28 EU Member States received asylum applications.¹

1.1 State Migration Policy of Armenia in the Field of Return and Reintegration

The following questions were posed to the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia, considering that the State Migration Service is the agency responsible for the implementation of the readmission agreements in Armenia:

1. What steps were and/or are being taken by the Migration Service to facilitate the successful and sustainable reintegration of migrants returning to Armenia?
2. How many readmission requests were received in 2018, and what are the trends in terms of readmission requests from EU countries?
3. What are the recent developments in the state policies on return and reintegration?
4. Please, provide information on the progress of developing and implementing the Readmission Case Management Electronic System.

The letter sent by the Migration Service on 14 January 2019 provides the following information.

The flow of returning Armenian citizens is historically a new migratory flow for Armenia, which has formed as a consequence of the large-scale emigration flows that emerged after the country regained independence. People in this

¹ EUROSTAT http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

group, not being migrants in the classical sense of the word, will not have the integration problems typical of immigrants upon their return to their country of origin and citizenship, including the cultural environment that is dear to them. However, there is, instead, a need for their reintegration. Upon their return to Armenia, Armenian citizens and their family members face a number of challenges in the country, including, but not limited to, economic, social, cultural, and psychological ones.

This is an important area, given that Armenian citizens that emigrated from Armenia are returning to Armenia voluntarily or compulsorily and need support to be reintegrated in Armenia.

In the past, reintegration assistance was a part of the EU Member States' programs to encourage voluntary return and was not framed as a problem of Armenia. Over the years, however, it has become necessary for Armenia to regulate and develop a state policy on this matter.

According to data provided by the Migration Service, return and reintegration policy documents are currently being developed, alongside institutional changes, which will lead to the implementation of specific steps to assist reintegration. Work is underway to develop a common integration concept paper, which will contain also an action plan for the reintegration of returnees. An inter-agency working group has been set up for this purpose.

According to information provided by the Migration Service, work is underway to develop and sign inter-state readmission agreements. On 20 June 2018, a protocol was signed between the Republic of Armenia and the Benelux countries (the Kingdom of Belgium, the Grand Duchy of Luxembourg, and the Kingdom of Netherlands) on putting into effect the Agreement on the Readmission of Persons Residing without Authorisation between the European Union and the Republic of Armenia.

The drafting of readmission agreements and their implementation protocols is underway with Bulgaria, Georgia, Iran, Kyrgyzstan, Kazakhstan, and Uzbekistan.

1.2 Return and Reintegration Programs

For years, return and reintegration support programs have been implemented in Armenia largely at the initiative of and with funding from the EU Member States. They have been implemented in Armenia through NGOs, international organizations, and at times, with the participation of state structures.

Presently, a number of organizations in Armenia (International Organization for Migration, the French Office of Immigration and Integration, the French-Armenian Development Foundation, the Armenian Caritas, and the International Centre for Migration Policy Development) are implementing reintegration programs, the beneficiaries of which are migrants referred or compulsorily returned from EU Member States. The reintegration support programs working in Armenia offer, with some variations, the following types of support: information and counseling, referral to the relevant structures, support to social and health needs, professional training, and small business grants. The goal of these programs is to make long-term and sustainable assistance available to the returnees.

An important project was launched in Armenia by the European Return and Reintegration Network (ERRIN) on 8 November 2018: it is called Assistance to Armenian Migrants in the Return and Reintegration Process.¹ This EU-funded program is implemented by the Armenia office of the International Centre for Migration Policy Development (ICMPD) jointly with the Migration Service under the Ministry of Territorial Administration and Development of Armenia.

The program is an initiative of the European Return and Reintegration Network, which is a consortium of 15 member states. The lead organization is the Repatriation and Return Service of the Justice and Security Ministry of the Netherlands. It is funded by the European Union's Asylum, Migration and Integration Fund (AMIF). The overall goal of the program is to strengthen

¹ Armenia's accession to the European Return and Reintegration Network will play a key role for the country, says Terteryan (08.11.2018).

https://armenpress.am/arm/news/953792.html?fbclid=IwAR1jwCrgE3KJnWW3oWCtk5dmRyMHVfWunovYCqVsC-9TK1dihUmOI_OibkQ

Armenia's capacity to manage migration, as well as to provide social and economic reintegration support to Armenian citizens voluntarily and/or compulsorily returning from EU Member States.

The project was launched with the signing of a memorandum of understanding between the International Centre for Migration Policy Development and the Migration Service under the Ministry of Territorial Administration and Development of Armenia. Under the program, around 400 returnees will receive information and advice and referral on reintegration and various mechanisms of direct social and economic assistance.

Importantly, the program will not only provide practical support to returnees, but also help to develop the capacity of the relevant state bodies.

The EU Member States participating in the program are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Luxembourg, Malta, Holland, Norway, Spain, Sweden, Switzerland, and the United Kingdom.

1.3 The Return and Reintegration Forum

The Migration Service has initiated and coordinates quarterly meetings of the Return and Reintegration Forum (stipulated by the Action Plan to Ensure Effective Implementation of the 2017-2021 Migration Policy Strategy of Armenia, paragraph 3.1.b.1.), with the aim of effectively implementing return and reintegration in Armenia.¹ It is an informal cooperation platform that brings together state, international, and non-governmental organizations dealing with the problem. It enables all stakeholders in the sector to exchange information on the reintegration programs implemented in Armenia, to discuss the existing problems and challenges, and to share experience. The Forum had three meetings in 2018 (on 27 March, 24 July, and 8 November), during which it discussed problems related to return and reintegration in Armenia, measures aimed at solving these problems, and matters related to state policy in the sector.²

¹ See for details: http://smsmta.am/?show_news&news_id=635

² See for details: http://smsmta.am/?show_news&news_id=664

1.4 The Reintegration Single-Window Service

On 22 February 2018, at the Migration Service of Armenia, a Memorandum of Understanding was signed between the French-Armenian Development Foundation and the Migration Service under the Ministry of Territorial Administration and Development. The signing of the Memorandum is aimed at deepening the cooperation between the sides and, through the “single-window” service, to ensure the continuity of support to migrants returning to Armenia. The return single-window service is for Armenian citizens returning to Armenia from EU Member States and other European countries, irrespective of whether they return compulsorily or voluntarily, provided that they need support and advice in order to establish themselves in Armenia after return. The service provides returnees the necessary information on reintegration programs, the organizations that implement them, the types of support offered, and the state bodies related to return and reintegration. If necessary, returnees are referred to other organizations and programs in view of their needs.

During the nine months of the activities of the service, the “single-window” service received applications from 44 returning migrants, which have been referred to reintegration programs, including 38 from Germany, three from France, two from Austria, and one from Poland. Only 13 of the 44 migrants had returned voluntarily; the others had been returned compulsorily.¹

In total, need-specific counseling and referral services were provided to 72 citizens. They were referred to not only specific programs for receiving reintegration support, but also to state bodies and structures, such as the State Employment Agency under the Republic of Armenia Ministry of Labor and Social Issues, the State Service for Social Security, the Republic of Armenia Ministry of Defense, Republic of Armenia Ministry of Education and Science, the Agency for Registration of Civil Status Acts, and the Passports and Visas Department of the Police.

The single-window service contains regularly updated information on all reintegration programs available in Armenia.

¹ Reintegration advisor at the reintegration single-window service.

1.5 Electronic System for Processing Readmission Requests

According to information provided by the Migration Service, the development of an electronic system for processing readmission requests is still underway. Once in place, it will improve the speed and effectiveness of receiving readmission requests and responding to them.

The implementation of this system is supported in Armenia by the Support to Migration and Border Management in Armenia program implemented by the International Centre for Migration Policy Development (ICMPD) with the EU's financial support. The system is planned to be operational from February 2019, when the relevant authorities of the EU Member States and Armenia will join the system.

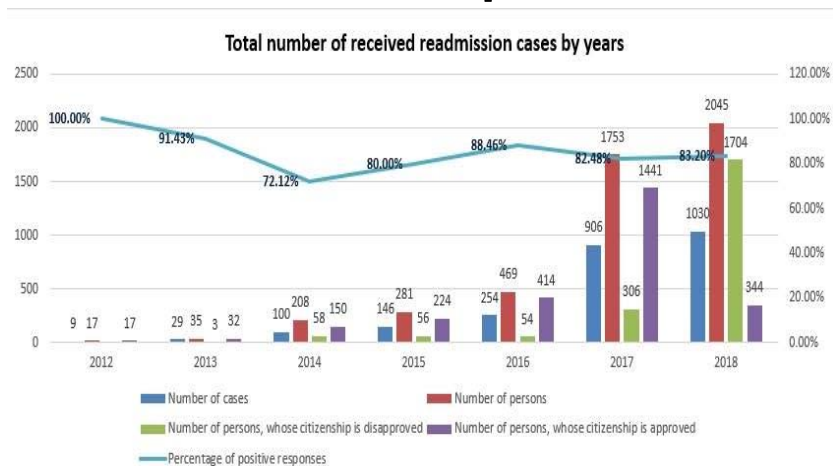
One of the advantages of the system is that it will make accessible information, including statistics, on the actual return of persons to Armenia.

1.6 Readmission Requests: Statistics for 2018

According to information provided by the Migration Service, the total number of readmission requests received from EU countries has grown considerably in recent years. While in 2015, a total of 146 requests were received from EU Member States, the number reached 989 in 2018.

Annex 1

The Number of Readmission Requests Received, trends, 2012-2018



While in 2014, only two Member States of the EU (Sweden and Poland) sent readmission requests, the number of requesting Member States reached eight in 2018. About 80 percent of the responses confirmed the fact of the person having Armenian citizenship. In the last two years, Germany has topped the list of countries sending readmission requests: while in 2017, Germany sent 499 requests (concerning 1,022 persons),¹ it sent 681 requests in 2018 (concerning 1,385 persons).

Annex 2

Number of Readmission Requests Received, by countries, 2018						
	<i>Requesting country</i>	<i>Number of requests received</i>	<i>Number of persons mentioned in the requests</i>	<i>Number of persons with confirmed citizenship</i>	<i>Number of persons without confirmed citizenship</i>	<i>% of positive responses</i>
1	a) EU Member States	989	1995	1670	333	83.37%
2	Austria	73	182	116	66	63.74%
3	Belgium	21	44	43	3	93.48%
4	Bulgaria	3	3	1	1	50.00%
5	Germany	681	1385	1211	189	86.50%
6	Poland	23	38	30	3	90.91%
7	The Netherlands	53	139	109	32	77.30%
8	Sweden	37	78	50	27	64.94%
9	France	98	126	110	12	90.16%
	b) EEU countries					
1	Russia	41	50	34	11	75.56%
	Total	1030	2045	1704	344	83.20%
* The % of positive responses is calculated relative to the sum of the number of persons with confirmed citizenship and the number of persons without confirmed citizenship during the year.						

Experts believe that the day-by-day increase in the number of readmission requests received under the Armenia-EU Readmission Agreement is due to:

¹ <http://smsmta.am/upload/Report2017.pdf>

1. The tightening of migration policies of EU Member States such as Germany, Austria, Sweden, and other countries that had received extensive migratory flows in 2015 and 2016. For this reason, return and reintegration remain priorities in the migration policy agenda of EU Member States.
2. Additionally, a number of EU Member States consider Armenia a "safe" and democratic country that does not have mass violations of human rights, war, or life-threatening situations. Hence, asylum is provided under the expedited procedure (under the French legislation, for instance, the asylum application is examined within 15 days, and decision is taken on whether or not to grant refugee status).

2. NEEDS ASSESSMENT OF THE RETURNING MIGRANTS

To assess the needs of migrants returning to Armenia, interviews were conducted with 10 migrants who returned from different EU countries, the majority of whom had been returned compulsorily. Only a few of them had returned voluntarily. Some returned voluntarily after their asylum application being refused, and some suspended the asylum application process and voluntarily returned to their home country. However, in this case, the return was not exactly voluntary, because the returnees viewed it as an alternative to the compulsory return (deportation) or an irregular status in the destination country. Benefiting from the programs supporting voluntary return, which are mostly funded by the EU or the sending countries, migrants returned to their home country and benefited from the reintegration assistance offered under the aforementioned programs, which, in addition to counseling and information, offer also assistance to social and health needs, professional training, and small business grants.

By offering reintegration assistance in the home country, these programs on the one hand encourage the migrants' return to their country of origin, and on the other, help to do away with undesirable migrant groups, especially the ones that have no legal status in the host country.

Overall, the return factor depends on the legal status of migrants in the destination country, for example, documented migrants or

undocumented/irregular migrants. All those that were in European countries irregularly, with false documents, an invalid visa, or did not leave the country after receiving a refusal and continued to stay there irregularly, were discovered and deported. Some of the ones returned compulsorily were returned to Armenia under readmission agreements.

As to needs assessment of the returnees, they were not too different and were common for almost all the groups of returnees. The interviews revealed that some of the returnees had documentary problems related to passport loss or absence, because once they enter Europe, most of them rip their passports or show false documents in order to stay as long as possible in the destination country. In such situations, at the time of return, they are issued a certificate of return for the Republic of Armenia, which is later replaced with a passport. The problem is different for countries born abroad, due to the absence of apostil in their birth certificates. This, too, is an obstacle to the reintegration of some returnees.

Considering that some families sell their houses before they travel in order to pay for the travel costs, the first problem they have upon return is a housing problem. This is a most serious problem for virtually all groups of returnees, because they are in reality not sufficiently informed about the laws and migration policies of European countries, and have illusions of a rather easy life in Europe, so they sell everything they own and travel to Europe as a whole family, in hopes of receiving a residence status and work permit. However, confronted with reality, when for years, they have to live in refugee camps and dormitories with persons of other nations, sharing everyday life with strangers, they get disillusioned and decide to return to the home country.

After a lengthy stay outside of the home country, the situation is further complicated by the problem of finding employment after return. Most of them either cannot find employment or find low-paying jobs. The ones that were educated abroad are unable, upon their return, to find a job matching their qualification, where they could apply the new skills gained abroad.

Another problem typical of the returnees, especially the deportees, is the prevalence of health problems. It is perhaps no secret that many of the Armenian migrants travel to Europe to receive quality treatment: they “surrender” themselves in a camp in a European country and receive free treatment.

However, in quite a few cases, a person is deported from the hospital without notice or warning, disregarding even the person's health condition.

Language problems, too, hinder the reintegration of returnees. This problem is more typical of children born and educated abroad, who subsequently have to return to Armenia and do not have a sufficient command of Armenian, which hinders their access to schooling.

These and a number of other problems drive them into psychological stress, which is largely due to the fact that the return was not voluntary: their subsequent reintegration becomes hard, as they were forced to return to Armenia unwillingly.

Successful reintegration depends largely on the duration of a migrant's stay abroad, the migration experience, and the return conditions. Migrants whose asylum application was refused, as well as the ones that could not find employment abroad are much more negative about their migration experience; hence, it is important to note that the voluntary nature of the return is key to the successful reintegration.

3. MONITORING OF THE MEDIA

The media monitoring in the course of 2018 revealed that the following topics were discussed the most in the electronic media:

- *Arajin Lratvakan*¹ reports that an Armenian family that traveled to the Czech Republic a year ago and received asylum there is now facing problems and is unable to return to Armenia. Since last November, the Armenian family informed the local authorities that they want to return to Armenia, but there were problems with documents. A number of factors are worth mentioning here:
 - a) The Armenian family went to the Czech Republic from Germany, from where they were deported, because they had originally applied for asylum in the Czech Republic;

¹ Armenian family "hostage" in the Czech Republic: local authorities do not allow them to bring their 10-month-old child to Armenia with them (06.06.2018). <http://www.1in.am/2366734.html>

- b) The Armenian family was ready to leave the Czech Republic, but not without their newborn child;
- c) The newborn daughter did not have documents for leaving the country;
- d) Armenia's Ambassador to the Czech Republic is aware of the problem, as he posted on his Facebook page that the family eventually cooperated with the Armenian Embassy, leading to solution of some of the problems, and the family returned to Armenia on 2 June 2018.
- *Tert.am*¹ posted a video showing that about 50 Armenians were deported from Germany, and they arrived in Armenia on a charter flight. Several factors deserve attention here:
 - a) Most of the Armenians deported from Germany had health problems and were in Germany for treatment;
 - b) For many, the deportation order was a surprise, without any prior warning;
 - c) The deportation of Armenians from Germany has become a frequent occurrence;
 - d) They are deporting even persons with health problems in the course of treatment, without waiting for them to be cured; and
 - e) They are deported, because Armenia requested their return.
- For quite a long time, international and Armenian media were focusing on the story of Armine Hambarzumyan, a mother deported to Armenia from the Netherlands, and her two children subject to deportation.² A number of factors deserve attention here:

¹ About 50 Armenians are deported from Germany, and they arrived in Armenia on a charter flight (06□04□2018). <http://www.tert.am/am/news/2018/04/06/Germany/2656489>

² Mother of Howick and Lili refuses all help: 'She never showed up': <https://navva.org/netherlands/nation/mother-of-howick-and-lili-refuses-all-help-she-never-showed-up/>;

Armenian children deported from the Netherlands will receive the assistance of Armenia's Migration Service under all possible integration programs (05.11.2018).

<https://armenpress.am/arm/news/946127.html>;

Two Armenian children are deported to Armenia from the Netherlands (04.11.2018).

<https://mediamax.am/am/news/society/29995>

- a) 13-year-old Hovik and 12-year-old Lily moved to the Netherlands with their mother from Russia in 2008;
- b) They applied to the Netherlands for asylum, and they received the response nine years later—only in 2017: the response was negative, and it was decided to deport them to Armenia;
- c) Armine Hambardzumyan was deported, but the children stayed in the Netherlands, because the authorities had no information about their whereabouts;
- d) The mother did not cooperate with the authorities and was hiding her children’s whereabouts;
- e) On 3 September 2018, the children emerged from hiding. The problem was solved when the Netherlands State Secretary for Justice and Security Mark Harbers exercised his exceptional authority to grant the children temporary residence status in the Netherlands.¹

As the interconnected processes of readmission and visa facilitation are crucial for the EU, they entered into force concurrently. The procedures of returning irregular migrants are defined by the domestic legislation of the EU Member States. The readmission agreements define only the inter-state procedures of return.

Four bodies are involved in the readmission process on the part of the Republic of Armenia—the State Migration Service, the National Security Service, the Police, and the Ministry of Foreign Affairs. For further details on the readmission process, see the Second Monitoring Report on the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas, pp. 47-53.²

However, the return process is rather complicated [and bureaucratic], so the person is not necessarily returned after his citizenship has been established. According to the State Migration Service, a bilateral memorandum on the return procedures needs to be concluded with each Member State of the EU, in addition

¹ Armenian child asylum-seekers allowed to stay in Netherlands (08.11.2018). <https://www.apnews.com/629901f590264ed682b3a2f038016ed5>

² Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (report of the second monitoring round), <http://acgrc.am/ENG%20Version.pdf>

to the readmission agreement, in order to expedite the return of citizens. Under the EU-Armenia Readmission Agreement, bilateral implementing protocols have already been received from Estonia, France, Lithuania, Latvia, Poland, and the Benelux countries. The conclusion of implementing protocols in the field of readmission with EU Member States and the conclusion of readmission agreements and implementing protocols with third party states will allow to respond to readmission requests properly and in due time, ensuring compliance with the commitments under the agreement.

In 2017, an implementing protocol was signed with Estonia¹. Readmission agreements are currently being negotiated with Moldova, Ukraine, Belarus, and Kazakhstan.

As we became convinced once again in the course of this study, citizen awareness on readmission is significantly lower, although it is a very important procedure. Having basic knowledge about readmission would cause Armenian citizens to think twice before leaving Armenia for good.

Various projects and types of support are available for the reintegration of returnees, from advice to the provision of a certain amount of funding for starting a small private business, or professional training, children's education, health care, and the like. Such projects are implemented by the government, international organizations, and/or non-governmental organizations, and are not sustainable. However, the returnees need lasting support. Otherwise, they may become motivated to emigrate again.²

Social-economic reintegration and adaptation of returnees is a key aspect of reintegration. As has been noted numerous times, raising awareness and discussing the risks of irregular migration are equally important. These activities should be organized among the target groups with the greatest migration risks, namely students, the unemployed, and inhabitants of communities at high risk of

¹ <https://www.e-gov.am/gov-decrees/item/29380/>

² V. Bakhshetzyan, Concept Paper on Reintegration Policy for Armenian Citizens Returning to Armenia,

<https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjokMu8rcTRAhWiCpoKHSL5D->

[0QFggZMAA&url=http%3A%2F%2Fwww.smsmta.am%2Fupload%2FVeraimtegrum_.doc&usg=AFQjCNGMNCYVNiHMuGdcsUNvdIc788vChw](http://www.smsmta.am%2Fupload%2FVeraimtegrum_.doc&usg=AFQjCNGMNCYVNiHMuGdcsUNvdIc788vChw)

migration. A toolkit safeguarding sustainable results is necessary to reduce the re-migration risks for returnees. These groups, often lacking a clear understanding of the reality awaiting them in Europe, believe the stories of friends and relatives and travel based on such stories or encouragement. Deploying a variety of means and reaching the EU, they then have to put up with the destiny of an irregular migrant in the EU.

To sum up, Armenia has made considerable progress in implementing her commitments under the Agreement on the Readmission of Persons Residing without Authorization. On a number of occasions, senior EU officials have highly appreciated the efforts made by the Armenian authorities and their commitment to effective implementation of the Agreement.¹ It was mentioned in the fourth joint session on the Armenia-EU Visa Facilitation and Readmission Agreements held in Brussels on 24 January 2018.

It has also been confirmed by the large percentage of cases (80%) in which the Armenian side establishes the citizenship of the persons concerned, as well as the practical steps that are taken to make the process faster and more effective, such as the implementation of the electronic system for managing readmission requests.

Nonetheless, the state is still not paying sufficient attention to assisting the return and reintegration of Armenians returning to Armenia.

We highly appreciate the willingness of the State Migration Service to cooperate and the detailed response to our inquiry, as well as the active involvement of its representatives in our events, although much still remains to be done in solving the problems related to migration. We are particularly grateful to Haykanush Chobanyan, Head of the Foreign Relations Unit in the Migration Service under the Ministry of Territorial Administration and Development for her valuable advice during the elaboration of the third chapter.

¹ https://eas.europa.eu/delegations/armenia/4080/fact-sheet-eu-armenia-relations_en<https://www.mfa.am/en/press-releases/2018/11/27/armenia-eu/8778> ; https://eas.europa.eu/delegations/armenia/47043/remarks-high-representativevice-president-federica-mogherini-joint-press-conference-following_ka

Conclusions and Recommendations

The monitoring carried out in 2018 and the collected materials have helped to identify the key issues, as well as certain conclusions and recommendations, which are presented below as per the addressees.

Consular Services of EU Member States in Armenia

- ✓ The consulates should avoid issuing single-entry or 1-6-month visas to applicants with a positive Schengen visa history. The one-year or longer visas should become the rule, rather than the exception. This step, too, will help reduce migration risks. Although they have started to issue longer-term (especially two-five-year) visas, it is still rare, although doing so more frequently could very much ease the life of travelers to the EU and reduce the workload of the consulates and visa centers. Each next visa should not be for a term shorter than the previous one.
- ✓ The consular services should inform eligible applicant of their right to apply for a long-term visa.
- ✓ The consulates should not demand the long-term visa applicants to provide invitations and precise plans for their future visits, for visas with a term of one year or longer, because it is often virtually impossible to present such an invitation.
- ✓ The consulates should accept the electronic versions of documents, especially if they are sent from abroad: this would not increase the likelihood of falsifying documents; rather, it would considerably streamline and speed up the collection of the necessary documents by the applicant. In some cases, applicants were unable to attend planned events due to late arrival of the original invitation.
- ✓ The consular services should be more transparent by providing statistical data on the number of visa applications, the number and types of visas issued, and the number of refusals.
- ✓ The consular services should continue the process of harmonizing the visa requirements and procedures. The common list of documents and the common procedures are not used to the fullest in order to safeguard equal rights to citizens (the same holds true for the additional list of

documents¹). The EU Delegation in Armenia should oversee the consulates' compliance with the requirements on the common list and additional list of documents.

- ✓ It is necessary to consider the conditions, requirements, and introduction of procedures for waiving the interview requirement in certain cases and filing an application for an urgent visa.

Visa Centers Operating in Armenia

- ✓ The selected companies should strictly comply with the Armenian and EU legislation, especially the provisions concerning data privacy and document security and transportation.
- ✓ We urge the visa centers to operate more transparently and not to turn down cooperation offers (for instance, the Unified Visa Applications Center did not respond to our inquiry letters at all).
- ✓ The visa centers should improve the selection and training of their technical personnel, including on topics of customer service and dealing with applicants, as there are issues of document security, storage, transportation, and return, in addition to professional knowledge and skills.
- ✓ Visa centers should have adequate conditions and facilities for the visa applicants (including queue management systems, capacity, seats, sun and rain cover, and the like).

The European Union

- ✓ It is crucial for the European Commission to provide additional statistics in order to better assess compliance with and effectiveness of the Visa Code and the Visa Facilitation and Readmission Agreements and to comprehensively analyze the data related to visas. The EU's official statistics do not break down the visas in terms of their validity terms (for Germany: only MEVs valid for more than 1 year are included)². If possible, the statistics should contain specific data on 3-5-year visas, as

¹ ANNEX II, List of supporting documents to be presented by visa applicants in Armenia, (https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/borders-and-visas/visa-policy/docs/20150320_1_annexe_acte_autonome_cp_part1_v4_en.pdf)

² European Commission Migration and Home Affairs-Visa Policy http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

well as the number of citizens who requested and received political asylum. The number of issued visas is not the same as the number of persons that received Schengen visas, because the same person often has to apply for a visa two or three times a year.

- ✓ Persons having a positive visa history should benefit from the facilitated rules even if they do not belong to the categories that are entitled to a facilitated visa under the Agreement.
- ✓ Consider the possibility of introducing a 10-year visa, provided that the previous visa was for three or five years (similar to the USA, where a five- or 10-year visa is issued even if the application is for a short-term visit).
- ✓ We recommend to the EU and to the consular services of EU Member States in Armenia to play close attention to appeals against refusals and to ensure a more transparent, accessible, and streamlined process of reviewing decisions, which will enable the appealing citizens to get replies within a reasonable period. There is no data on the number of decisions changed as a result of appeals, which would make it possible to assess the effectiveness of the appeal process. Alternative avenues of appeal should be introduced, which will provide genuine opportunities for the exercise of the rights of applicants.
- ✓ EU Member States should be encouraged to open visa centers in other towns of Armenia (Gyumri, Vanadzor, and Kapan), so that especially citizens of remote towns can complete the visa procedures in a more convenient manner.
- ✓ The decision to collect or not to collect a visa fee in consulates and visa centers needs to be clarified. The visa fee waiver provision is often not too clearly construed by the consular officers and the visa center employees (for the same type of visit purpose, a visa fee is sometimes collected, and sometimes waived). It will be good, possibly, for example, that the application form provides the answer related to the need of the visa fee after filling it in.
- ✓ The possibility of introducing an electronic visa (eVisa) system should be considered. The 21st century technology advances and the opportunities provided by the Internet should be more extensively used in order to facilitate faster and easier visa and readmission processes. The UN's

World Tourism Organization, too, recommends using e-visas as a safer and more effective alternative to a paper visa¹. An important step is planned in this direction by Japan, which will introduce, as from April 2020, an electronic system for submitting applications for tourist visas.² They are easier to obtain, do not require physical presence of the applicant or presentation of the passport, which is especially important for countries having few consulates, such as Armenia. By the way, Armenia is issuing e-visas³. Clearly, the introduction of e-visas, when the applicant is not required to be present at a consulate, may become an important step towards visa facilitation. E-visas could facilitate the application process, whilst reducing the workload of the diplomatic missions and improving immigration oversight.

- ✓ The visa center selection transparency should be boosted, enabling local companies to participate in the selection tenders, too.
- ✓ Consider the possibility of organizing visa-free trial visits of tourist groups from Armenia, provided they have biometric passports.
- ✓ Allow Member States to develop and implement a special procedure for granting an entry visa for up to 15 days on the border, which will be valid only in the issuing state.
- ✓ Allow applying for a visa up to six months prior to the planned visit (instead of the current three-month limitation), which will allow persons to plan the trips in advance, to prepare for the visa application, and to avoid applying for a visa during the busy holiday season.
- ✓ Continue taking steps to further simplify the visa application process and to reduce the time needed to take decisions.
- ✓ Engage active civil society organizations from Armenia in the visa and migration processes, namely in monitoring and evaluating the reforms implemented by the Armenian authorities in these fields.

¹ United Nations World Organization, Visa Facilitation, Stimulating Economic Growth and Development Through Tourism

http://www3.weforum.org/docs/TTCR/2013/TTCR_Chapter1.3_2013.pdf

² Japan plans to introduce e-visas (15.10.2018). <https://news.am/arm/news/475890.html>

³ **E-VISA** Issuance System, Ministry of Foreign Affairs of the Republic of Armenia
<https://evisa.mfa.am/>

Armenian Citizens and State Authorities

- ✓ Citizens applying for a visa are urged to be more diligent in the preparation and collection of documents required for a visa, to refrain from providing false data and documents, and refrain from changing the reasoning documents after receiving a visa (for instance, changing the destination country), because the visa may be canceled in such cases, or entry may be prohibited at the border.
- ✓ We recommend various public awareness-raising activities in this field, including publishing and dissemination of information materials. This recommendation concerns especially the non-governmental organizations active in relation to visas and migration.
- ✓ We recommend to the Armenian state authorities to continue organizing seminars, study tours, and training programs for their staff working in this field.

Passports and Visas Department of the Police

- ✓ Ensure the uninterrupted process of issuing biometric passports. Accountability and transparency of the calls for bids, tenders, and new contract awards should be ensured in accordance with the letter and spirit of the law.
- ✓ The fee for biometric passports should be reduced in order to make them affordable for the whole population.
- ✓ The passport samples should be regularly exchanged with the EU, and there should be cooperation in matters of document security.

Government of the Republic of Armenia

- ✓ Specific procedures should be developed for biometric data processing, storage, provision, and use. The grounds and procedure of providing biometric data to other countries should be prescribed clearly, as well.
- ✓ The Republic of Armenia Law on Protection of Personal Data should be supplemented in order to ensure the independence of the personal data protection authority from state bodies, to prescribe its rights and obligations, and to provide it with sufficient financing.
- ✓ To ensure the effective operation of the personal data protection authority, it should be equipped with sufficiently experienced and knowledgeable human resources, professional equipment, and

methodology. There should be a practice of reporting to the public in the form of an annual report that will be presented to the National Assembly and published.

- ✓ Take measures to conduct the tender for selecting the biometric documents provider in accordance with the law and in a reasonable period, ensuring accountability and transparency of the process of concluding the new contract.
- ✓ Enable Armenian companies to participate in this and other similar tenders.

Migration Service under the Ministry of Territorial Administration and Development of the Republic of Armenia

- ✓ Develop a state policy to assist the reintegration of Armenian citizens returning to Armenia under readmission agreements. It is very important to provide state assistance to the reintegration of migrants returning under readmission agreements. To this end, we propose developing a policy document, for instance an action plan for Armenian citizens returning to Armenia under the Readmission Agreement, which will specify actions, the responsible authorities, and the implementation timetable.
- ✓ Ensure that the state implements the programs of assistance to the reintegration of Armenian citizens returning to Armenia under readmission agreements. Citizens returning to Armenia under readmission agreements should receive some assistance and preferences in the initial period in order to facilitate their reintegration in Armenia. Despite the existence of a number of reintegration programs in Armenia, there is currently no program of state assistance. Therefore, it is necessary to develop a strategic document, and in parallel, to take specific steps to provide concrete assistance.¹

¹ Georgia is an example of this: starting from 2015, state-funded assistance has been provided to the reintegration of returning Georgian migrants by providing grants to non-governmental organizations, which also promotes the strengthening of non-governmental organizations active in this field.

<http://mra.gov.ge/eng/static/8769>; http://migration.commission.ge/files/mra_liaflet_eng.pdf

- ✓ Raise public awareness of migration-related matters.¹ A key challenge for Armenia in the sphere of migration is the low level of public awareness of the risks and consequences of irregular migration. This is confirmed by our interviews and the online media monitoring. Prior to the launch of the visa liberalisation dialogue with Armenia, it is necessary to organize information campaigns for the public at large on the entry, residence, and work permits requirements of individual EU Member States as well as the Schengen Area as a whole. Such campaigns will help migrants to be more informed and to make sound decisions, because they often do not have information or rely on false information. It is important to engage the public at large in this process, including the mass media, non-governmental organizations, educational institutions, and the like.

Parallel to the visa facilitation process, and in order to carry out systemic assessment of the effectiveness of the Agreements, as well as to deepen the Armenia-EU cooperation in this sphere, it is necessary to monitor the visa issuance process, including the visa refusals, the citizens refused entry on the EU border, the number of Armenian citizens arrested while staying unlawfully in EU territory, and the number of Armenian citizens seeking asylum in the EU. It is also necessary to carry out comparative analysis of the number of decisions to return to Armenia and the number of returned persons. The monitoring provides comprehensive information within the same analysis.

The Armenia-EU relations in the field of visas and migration were also affected by the situation in the EU, given the unprecedented influx of migrants to the EU. The migration crisis remains a serious challenge for the EU. According to data of the EU's Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), over 1.26 million irregular migrants from 146 countries crossed the border into the EU during 2015. In 2014, however, the total number of migrants into the EU was just 280,000². In 2017, the number of irregular migrants

¹ The Eastern Partnership (EaP) Panel on Migration, Mobility and Integrated Border Management meeting held in Tbilisi on 11-12 October 2018 was dedicated to information campaigns.

<http://eapmigrationpanel.org/en/meetings/panel-meeting-information-campaigns>

² 710,000 migrants entered EU in first nine months of 2015 (13 October 2015),

<http://frontex.europa.eu/news/710-000-migrants-entered-eu-in-first-nine-months-of-2015-NUiBkk>

applying for status in the EU¹ countries was about 707,000, which was 43% less than in 2016. In January-December 2018, the number of asylum applicants was 634,700, which was 10% less than the number in the same period of 2017. 20 percent of all applications were lodged by citizens of countries that had been granted a visa-free regime.² However, the number of applications is still rather high—over 65,000 in October and about 56,000 in November.

To sum up, it should be recalled that Georgia and Ukraine received visa-free regime in 2017, and Armenia signed the CEPA, which will hopefully enable the launch of the Armenia-EU visa dialogue. From this perspective, the experience of Georgia and Ukraine can be very interesting, especially to compare and analyze the trends in the number of asylum applications. As noted already, Georgia had issues related to a sharp increase in the number of asylum applications. In December 2017 alone, there were 1,465 applications (over one third of them—lodged in Germany), which was about three-fold the number in December 2016. The number of asylum-seekers grew by 39 percent relative to 2016 and reached 10,465. Although these numbers are negligible on the background of the numbers for North Africa and the Middle East, the growth pace is close to the 50% threshold set by the EU, whereby an EU Member State may engage the so-called “suspension mechanism.”³ From October 2017, the number of asylum applications and rejections for Georgian citizens grew considerably: 1,062

¹ EU Member States plus Norway and Switzerland.

<https://books.google.am/books?id=3xZLDwAAQBAJ&pg=PA15&lpg=PA15&dq=what+is+EU%2B&source=bl&ots=gBFRzCQzGA&sig=rL4qtHVPsklDFlmp--AFZU0c4KM&hl=hy&sa=X&ved=0ahUKEwjVwtyUgOXZAhVDVSwKHSR-C4oQ6AEIdjAJ#v=onepage&q=what%20is%20EU%2B&f=false>

² <https://www.easo.europa.eu/sites/default/files/2018-EU-Asylum-Trends-Key-Findings.pdf>

³ European Asylum Support Office, https://www.easo.europa.eu/latest-asylum-trends#_edn1; Georgia’s visa-free regime with Europe under question (28.02.2018).

<https://www.civilnet.am/news/2018/02/28/%D4%B5%D5%BE%D6%80%D5%A1%D5%B4%D5%AB%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%A5%D5%BF-%D5%8E%D6%80%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6%D5%AB-%D5%A1%D5%B6%D5%A1%D5%B5%D6%81%D5%A1%D5%A3%D5%AB%D6%80-%D5%BC%D5%A5%D5%AA%D5%AB%D5%B4%D5%A8%D5%9D-%D5%B0%D5%A1%D6%80%D6%81%D5%A1%D5%AF%D5%A1%D5%B6%D5%AB-%D5%BF%D5%A1%D5%AF/330745>

applications in October (793 refused and 10 granted), 1,297 applications in November (837 refused and 7 granted), 1,465 applications in December (879 refused and 13 granted), and 1,748 applications in January 2018 (1,288 refused and 13 granted).¹

For Ukraine, the situation is rather optimistic, because after granting visa-free travel, the numbers of asylum applications and refusals even somewhat declined at yearend 2017.²

Nonetheless, it should be remembered that one of the grounds for suspending visa-free travel is the increase in asylum applications and irregular migration. The revised visa suspension mechanism adopted in February 2017 (effective from 28 March 2017) provides the following grounds for reviewing the decision:

- A significant (more than 50%) increase in irregular migration, including persons residing illegally and persons refused on the border;
- A significant (more than 50%) increase in asylum applications and a low probability (around 3 to 4%) of positive decisions;
- Weaker/declined cooperation in readmission, especially an increase in refusals of readmission requests;
- Higher security risks in the EU Member States, especially with respect to grave crime.³

Similarly, the 2016-2018 data for asylum applications, positive decisions, and refusals were studied in detail for Armenian citizens. According to EUROSTAT, in 2016, the number of Armenian citizens seeking asylum in EU Member States was 7,745; the number in 2017 was 6,805, and the 2018 numbers are not available yet.⁴ In 2016, the highest numbers were in August, September, and October 2016 (1,104, 1,173, and 979, respectively). As Figure 9 below shows, in August, September, and October 2017, the application numbers declined considerably to

¹ European Asylum Support Office. https://www.easo.europa.eu/latest-asylum-trends#_edn1

² https://www.easo.europa.eu/latest-asylum-trends#_edn1

³ European Commission - Fact Sheet Visa Liberalisation Report: Questions and Answers (20.12.2017). http://europa.eu/rapid/press-release_MEMO-17-5364_en.htm

⁴ Asylum and first time asylum applicants by citizenship, age and sex. Annual aggregated data (rounded) <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

577, 695, and 524. In the same months of 2018, the numbers virtually did not change (around 400 to 500 per month)¹.

Figure 9. Asylum Applications of Armenian Citizens
(January 2016 to January 2018)²

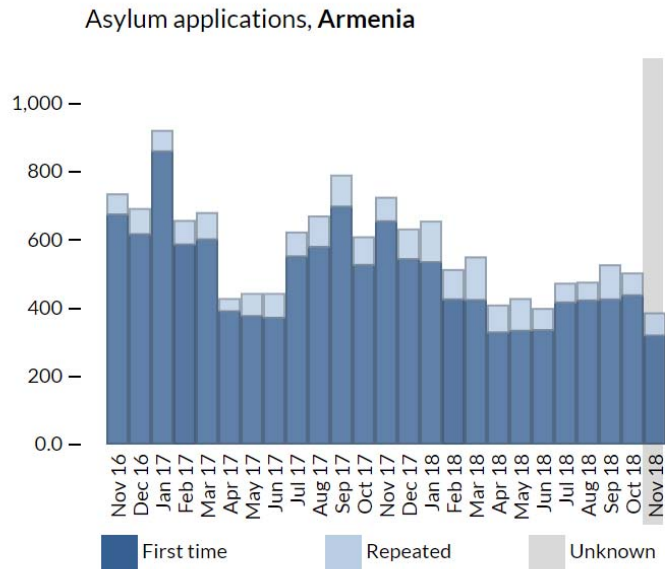
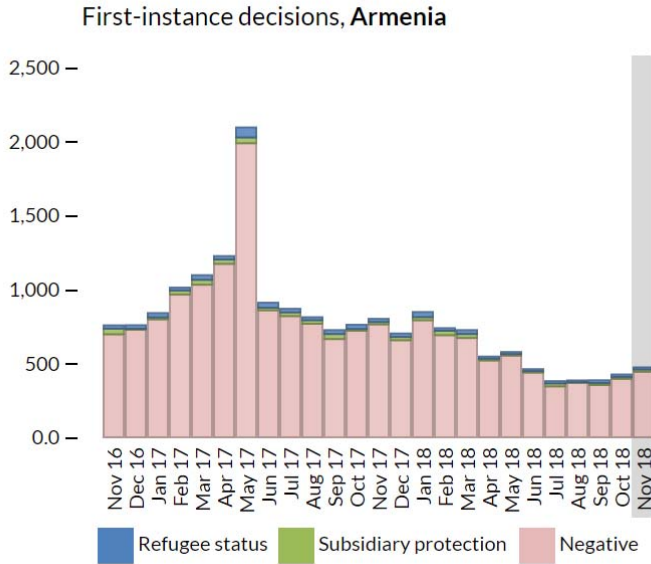


Figure 10 shows that the number of refusals of applications by Armenian citizens declined, from 791 in January 2018 to about 440 in November 2018. Most of the Armenian citizens seeking asylum are refused, and a very small percentage of the applications are granted: every month, only about 15-20 applicants are granted refugee status, and another 15-20 are granted subsidiary protection.

¹ https://www.easo.europa.eu/latest-asylum-trends#_edn1

² Blue marks first-time applicants, light blue—applicants for the second time or more.

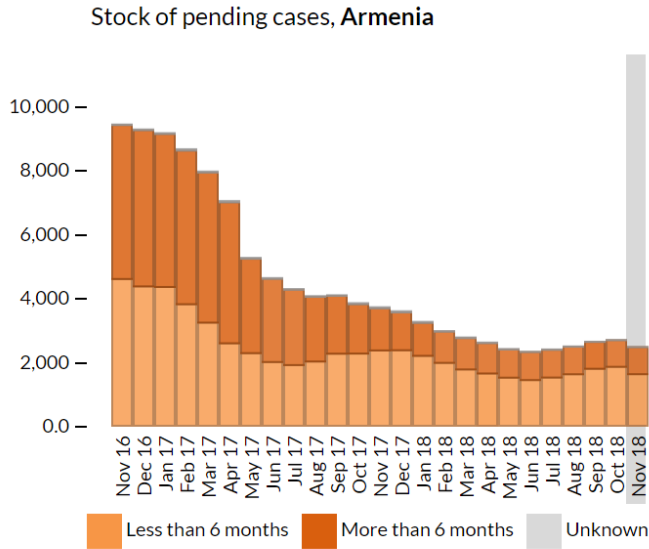
Figure 10. First Instance Decisions (Citizens of Armenia)¹



In 2016, the highest number of pending applications was recorded in August-October (around 10,000). Figure 11 clearly shows that, from November 2016, the number declined steadily to 9,400, reaching 2,450 in November 2018, reflecting almost a three-fold reduction.

¹ Blue marks persons granted refugee status, light green marks persons granted additional support, and pink marks refusals.

Figure 11. Pending Applications (Citizens of Armenia)¹



These numbers prove that, despite the increase in the numbers of Armenian citizens applying for asylum and the number of pending cases in mid-2016, the numbers declined gradually and stabilized from August 2017. The numbers continued to decline in 2018. Compared to the neighboring countries, Armenia performs more favorably in terms of the numbers of asylum seekers, refusals, and asylum applications granted. However, to compare asylum application and refusal data on citizens of Armenia, Georgia, and Azerbaijan, it is clear that EU Member States less frequently refuse citizens of Azerbaijan than those of Armenia and Georgia. Out of 100 asylum-seekers, 8 of the persons granted asylum were from Georgia, 11 from Armenia, and 21 from Azerbaijan. This is also due to the democracy index of the countries: the lower a country’s democracy index, the more probable it is that political pressure may occur in the country.²

This approach is being gradually adopted by EU Member States. Austria, for instance, declared in early-2018 that applications by citizens of Armenia and

¹ Light brown marks applications waiting for an answer for less than 6 months, and brown marks those waiting for longer than 6 months.

² 90 percent of Armenians seeking asylum in Europe are rejected (07.02.2017). <https://hetq.am/arm/news/75419/evropayum-apastan-khndrats-hayastancineri-90-y-merzhvel-e.html>

Ukraine will be considered more swiftly and rejected more swiftly, too. Armenia will be included in Austria's list of "safe countries." The list will also include Ukraine and Benin. If the application is *prima facie* not eligible for asylum, the immigration authorities will reject it immediately. Experience shows that in such cases the number of applications falls drastically (Algeria and Morocco are examples of this situation).¹ Those who are integrated well in the labor market and know the country's language should not be allowed as refugees.

Thus, in terms of irregular migration, Armenia has become more stable, which in turn should help EU Member States to consent to the launch of the visa dialogue, although Armenia's authorities should continue closely cooperating with the EU and implementing appropriate measures, with the EU's support, for stabilizing and improving the situation.

Since granting visa liberalisation to Georgia, the number of applications by Georgian citizens has increased sharply. The trend continued in 2018. From time to time, European officials make statements expressing concern over the increase in the number of asylum-seekers from Georgia. While Georgian officials admit that much remains to be done and steps should be taken to reduce the increase pace, they nevertheless state that Georgia's visa liberalisation with the European Union is not at risk of being suspended.² The results need to be discussed with the European Commission, if these trends persist.³ This is not the first time that the issue is raised after granting visa liberalisation: it was discussed in January 2018, too. In Norway and Switzerland, for example, the number of applications tripled in the course of just one year. In Sweden, too, the number of applications rose rapidly: here, Syrians top the list, and Georgians are second. Experience shows, however, that the initial wave of asylum-seekers is short-lived. There was earlier

¹ Austria's Ministry of Interior will reject Armenians straight away, although Armenia is in the list of "safe" countries (14.02.2018). <https://armeniasputnik.am/world/20180214/10529281/armenia-avstria-visa.html>

² Квирикашвили: Безвизовому сообщению с Евросоюзом не грозит приостановление (08.03.2018). <https://www.newsgeorgia.ge/kvirikashvili-bezvizovomu-soobshheniyu-s-evrosoyuzom-ne-grozit-priostanovlenie/>

³ Georgia's visa liberalisation with European Union comes under threat (09.03.2018). <https://www.schengenvisainfo.com/georgias-visa-liberalisation-with-european-union-comes-under-threat/>

similar experience with the Balkans.¹ Georgian authorities have pledged to develop new measures to contain the outflow of asylum-seekers and criminals. The new legislation will make it harder to change names, making it difficult for Georgian citizens deported from the EU to return to Europe with a changed identity. Studying and analyzing all of these problems is very important for Armenia to draw appropriate conclusions to avoid similar problems in the future and to find faster solutions.

This year, as Georgia celebrated the first anniversary of visa liberalisation with the EU, the achievements of the process and its positive impact on Georgia's European integration were discussed. According to data provided by the EU Integration Committee of the Georgian Parliament, as of July 2018, since concluding the agreement (on 28 March 2017), around 255,429 citizens have benefited from the possibility of entering the Schengen Area. The total number of visits was 357,990, which means that some citizens travelled to the Schengen Area several times.²

According to the UN High Commissioner for Refugees, over 68 billion people were forced to leave their homes during 2017 because of armed conflicts, oppression, and persecution. This figure has increased about 1.5-fold in the last 10 years, and is the highest since the UN has been compiling such estimates.³ According to the report, at least one person is forced to leave his or her home somewhere in the world roughly once every two seconds. It predominantly

¹ Giorgi Lomsadze, author of the article entitled Georgia's visa liberalisation with European Union comes under threat, discusses the probability of terminating the visa-free regime between Georgia and the European Union (28.02.2018).

<https://www.civilnet.am/news/2018/02/28/%D4%B5%D5%BE%D6%80%D5%A1%D5%B4%D5%AB%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%A5%D5%BF-%D5%8E%D6%80%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6%D5%AB-%D5%A1%D5%B6%D5%A1%D5%B5%D6%81%D5%A1%D5%A3%D5%AB%D6%80-%D5%BC%D5%A5%D5%AA%D5%AB%D5%B4%D5%A8%D5%9D-%D5%B0%D5%A1%D6%80%D6%81%D5%A1%D5%AF%D5%A1%D5%B6%D5%AB-%D5%BF%D5%A1%D5%AF/330745>

² Main developments in Georgia's foreign policy in 2018 (24.12.2018).

<https://armenpress.am/arm/news/959237.html>

³ UN reports a record-high number of refugees in the world due to wars and oppression (19.06.2018). <https://168.am/2018/06/19/969840.html#>. Wyk-m-cc2NA.facebook

affects developing countries. About two thirds of this number are refugees from Syria (6.3 million persons), Afghanistan (2.6 million), South Sudan (2.4 million), Myanmar (1.2 million), and Somalia (986 thousand). According to the data published, Turkey received the largest number of refugees in 2017 (3.5 million persons), followed by Pakistan and Uganda (1.4 million each).

Furthermore, the office of the UN High Commissioner for Refugees reported that, in December 2017, the number of persons waiting for an official answer to their refugee status application was over 3 million around the world. The forced resettlement issue requires an increasingly more comprehensive approach. Every year, the Office of the UN High Commissioner for Refugees publishes reports based on data collected by UNCR and national governments and various humanitarian organizations in the preceding year.

As far as the acceptance, distribution, and other issues related to refugees are concerned, not everything is smooth between the EU Member States. Agreement can be reached on certain issues, but sometimes, it is not easy at all. Germany, Greece, and Spain have confirmed their support to the agreement to reform the pan-European migration system in 2018, through which the principle of fair distribution of responsibility will be balanced with the principle of cohesion. Greece and Spain have agreed to accept back the refugees that were arrested by the German authorities on the border of Germany with Austria.¹

At a session of the foreign affairs ministers of the EU Member States in Brussels on 7 March 2017, it was decided to allow checking data of persons traveling in the EU through electronic means, except when such checks seriously complicate the border crossing and create long queues. It was yet another measure in response to irregular migration and terrorism. To date, data of citizens of non-member states was checked at the EU's external borders only upon entry into the EU. Under the new rules, data of EU citizens, too, will be checked when entering into and leaving the EU area. Data of all persons crossing the Schengen border will be checked through the Schengen Information System (SIS) and the

¹ Germany, Greece, and Spain agree on the issue of migrants (29.06.2018).
<https://news.am/arm/news/459301.html>

Interpol database for lost/stolen documents¹. As to the land borders, Member States may perform only targeted database checks during the transitional six-month period, which may in exceptional cases be extended to one month.

The flow of refugees to the EU does not stop, and countries consider that restoring controls on the borders is a means to withstand the influx of migrants. To control migratory flows and to ensure security, some countries decided to temporarily “close down” their borders, thereby reducing also their costs of deporting illegal migrants.

In July 2018, the Czech Republic, for instance, was ready to comply strictly with the principle of voluntary acceptance and resettlement of migrants within the EU, but criticized Italy’s proposal on distributing migrants saved in the Mediterranean Sea among the EU Member States, as it could contribute to an increase in the revenues of the criminal groups that organize the transfer of migrants to Europe; it would be more effective to help the migrants in their home countries, to stop them from even initiating such travel.²

In October 2018, the European Commission once again urged to stop implementing border controls within the Schengen Area. The EU Commissioner for Migration stated that the level of security improved considerably for visitors to the Schengen Area in recent years. Thus, there is no longer a need to implement border controls. The countries implementing border controls are France, Germany, Denmark, Sweden, Austria, and Norway. The measures taken were explained by the existence of migration flows within the EU, as well as Islamic terrorism.³

The European Commission declared that the migration crisis can no longer be cited as a reason for extending border controls. The EU witnessed various

¹ EU toughens up external border control (08.03.2017). <http://www.dw.com/ru/%D0%B5%D1%81-%D1%83%D0%B6%D0%B5%D1%81%D1%82%D0%BE%D1%87%D0%B0%D0%B5%D1%82-%D0%BA%D0%BE%D0%BD%D1%82%D1%80%D0%BE%D0%BB%D1%8C-%D0%BD%D0%B0-%D0%B2%D0%BD%D0%B5%D1%88%D0%BD%D0%B8%D1%85-%D0%B3%D1%80%D0%B0%D0%BD%D0%B8%D1%86%D0%B0%D1%85/a-37847288?maca=rus-facebook-dw>.

² Czech Republic criticized Italy’s proposal to distribute migrants between EU Member States (15.07.2018). <https://news.am/arm/news/461830.html>.

³ European Commission plans to cancel border controls within the Schengen Area (21.10.2018). <https://www.1in.am/2446602.html>

types of internal and external border walls being built under a “domino effect” with the aim of stopping illegal migrants from entering their territories. However, the construction of such walls was not stipulated by the Schengen agreements. Moreover, it undermines the very idea and spirit of the Schengen Area.¹ It is unclear to what extent the constant extension of the border controls is necessary and helpful.

There will be an interesting situation after the United Kingdom leaves the EU. The European Commission has decided that, after the Brexit, the British have to pay 7 euros per 3 years for entering the EU territory. To visit the Schengen Area, the British will have to fill out an electronic application in the ETIAS (European Travel Information and Authorization System), the launch of which is planned for 2021.² ETIAS is the visa-free entry into a country like the American ESTA system, for which 14 dollars are paid. Currently, citizens of 61 countries (including the USA, Japan, and Australia) may enter the Schengen Area for a maximum of 90 days. Their citizens, too, need to fill out an electronic application in the ETIAS system. The implementation of the system can be seen as a step to reinforce security in the frameworks of enhancing border controls and the fight against terrorism. According to the Brexit plan, during the 21-month transition period, the UK will remain in the EU customs area, and British citizens will have the right to freedom of movement and employment. The scheduled date of the Brexit is March 2019.

Deaths of migrants and refugees reached a record high in 2018, and about 1,600 persons were missing. This was stated in the annual report of the Office of the UN High Commissioner for Refugees. According to the report, the total

¹ The Future of the Schengen Area: Latest Developments and Challenges in the Schengen Governance Framework since 2016 (March 2018)

[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604943/IPOL_STU\(2018\)604943_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604943/IPOL_STU(2018)604943_EN.pdf)

² Британцы будут платить 7 евро за посещение стран Евросоюза после «брексита» (15.12.2018).

https://tvrain.ru/news/britantsy_budut_platit_7_evro_za_poseschenie_stran_evrosojuza-477081/?fbclid=IwAR0QR4oCwDaDx_POQBybc7p-3EHkA_0v7i7F5C_kHJChU7DwCIqaVOI7h_Y

number of persons I forced displacement declined by 42 percent in 2018, but mortality among refugees increased sharply.¹

In an attempt to withstand irregular migration flows and to improve the effective management of the migration process, countries are introducing new mechanisms and improving the existing ones. The Government of Germany, for instance, adopted a package of measures in February 2017 for improving the system for deporting migrants rejected asylum. It was emphasized that migration policy has two sides—rapidly integrating those that have the right to stay in a country and deporting those that are not granted such right. To deport, a refugee could be arrested for a term of up to four days, but the bill will now extend the period to 10 days and allow using electronic monitors to track the movement of those whose deportation is of “special interest.” It is permitted to examine the refugees’ mobile phones in order to check their personal data. The authors of the bill are confident that if a passport is lost, the necessary information can be obtained from a phone.²

All of this is of course not tantamount to the end of the idea of the Schengen Area. All of the country limitations concern only the irregular migrants. Persons having the right to enter and stay in the Schengen Area lawfully (tourists, students, and others) may move freely within the area, simply spending more time on the border checks.

This monitoring has shown that there is clearly progress. Much work is being carried out by the EU and Armenia, but it is important to note that active efforts in this field should be continued, and the cooperation should be deepened.

Hopefully, the analysis, conclusions, and recommendations presented in this Study will help to develop the EU-Armenia relationship and serve as a basis for launching the EU-Armenia visa dialogue and subsequently reaching a visa-free regime, and more importantly, support the implementation of reforms and the deepening of cooperation in a number of areas, including migration, readmission, human rights, personal data protection, and other related fields.

¹ Record number of migrants died in the Mediterranean Sea in 2018: UN report (03.09.18). <http://www.tert.am/am/news/2018/09/03/world/2780902>

² German Government adopts a package of measures to speed up deportation of refugees (22.02.2017). <https://news.am/arm/news/374918.html>

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<http://eapmigrationpanel.org/page19891.html>
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<http://www.vfsglobal.com/greece/armenia/>
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<https://www.tlscontact.com/am2it/login.php>

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http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf
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http://www.mfa.am/u_files/file/Agreement_EU_Readmission_Arm.pdf
- Recommendations on Forming and Implementing the Roadmap to the Symmetrical Visa-free Regime between the EU and Armenia:
<http://www.acgrc.am/publications.html>

Monitoring Report

**Agreement between the European Union and the Republic of
Armenia on the Facilitation of the Issuance of Visas
(5th monitoring)**

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