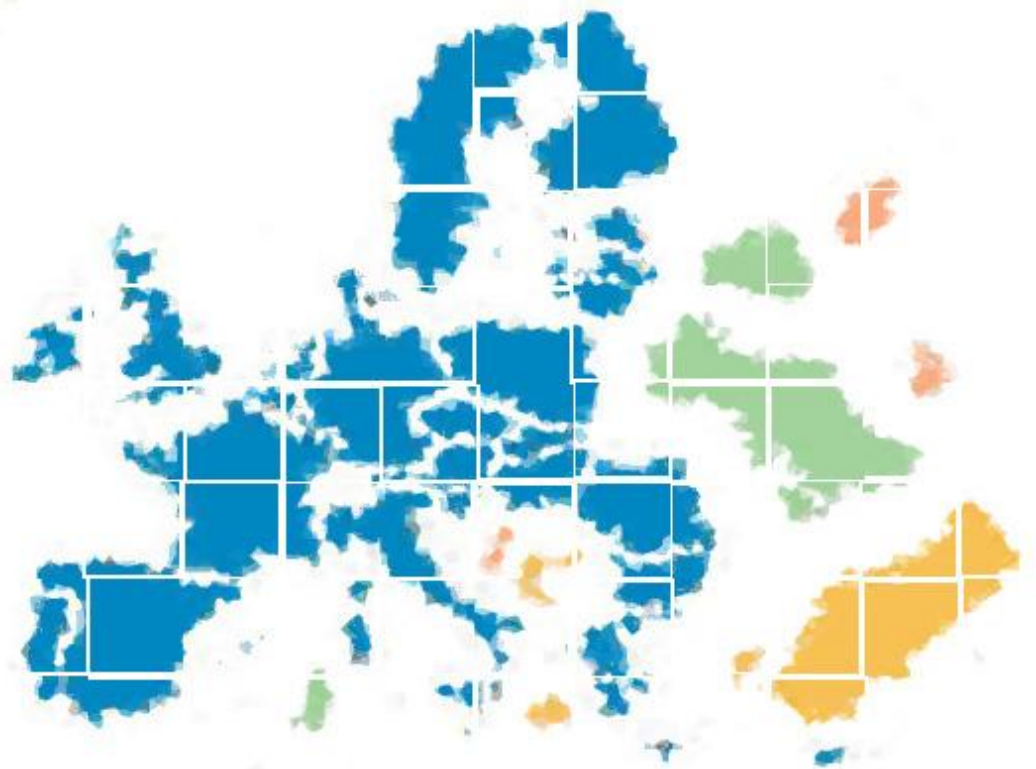


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EU-Armenia: Visa Facilitation Possibilities

Armen Grigoryan



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Armen Grigoryan

Armen Grigoryan is a policy analyst based in Armenia. His research interests include post-communist transition, EU relations with Eastern Partnership countries, energy security and conflict transformation. He is the author of several conference reports and op-ed articles.

Presently, he is a Visiting Fellow of the Open Society Institute Local Government and Public Service Reform Initiative (LGI). The following policy brief has been written as part of the visiting fellowship. The views expressed in the brief belong to the author and do not represent the official position of OSI/LGI.

EU-Armenia: Visa Facilitation Possibilities

The Eastern Partnership (EaP) initiative, launched in May 2009, offered an opportunity for closer cooperation between the European Union, on the one side, and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, on the other side. Cooperation with any particular country would be individualised and developed within four thematic platforms: Democracy, good governance and stability, economic integration and convergence with EU policies, energy security and interpersonal relations.

Accordingly, during the EaP Civil Society Forum (CSF) organised by the European Commission in Brussels on 16-17 November 2009, representatives of more than 200 civil society organisations from the EU member countries and EaP countries formed four working groups. Three of four working groups of the forum (WG1: Democracy, Human Rights, Good Governance and Stability; WG2: Economic Integration and Convergence with the EU Policies; WG4: Contacts between People) mentioned visa facilitation and liberalisation in their communiqués as an issue important for development of cooperation between the EU and EaP countries.

The importance of dialogue between the EU and Armenia on matters related to the movement of people, including readmission and visa issues, had already been emphasised in the EU-Armenia Action Plan signed in 2006 as a part of the European Neighbourhood Policy.¹ More recently, in April 2009, the need for conclusion of visa facilitation and readmission agreements between the EU and Armenia had been highlighted again during a meeting of the EU-Armenia Parliamentary Cooperation Committee.

The current stage of negotiations and technical issues

Negotiations towards conclusion of an EU-Armenia association agreement began in July 2010. The EU Council has also recommended starting negotiations over the readmission agreement together with presenting a road map for visa liberalisation; negotiations with Azerbaijan are at the same stage.² During the first meeting of the Armenia-EU sub-committee on Justice, Freedom and Security in Yerevan on 6 July 2010, the EU representatives noted a number of issues to be solved, particularly related to illegal migration, border management,

¹ Available at http://ec.europa.eu/world/enp/pdf/action_plans/armenia_enp_ap_final_en.pdf.

² Meeting report of the CSF WG1 visa liberalisation subgroup, 7-8 October 2010.

security of travel documents and data protection.³ On 26 November 2010, the head of the European Commission delegation to Armenia Raul de Luzenberger signed an agreement with the minister of economic development Nerses Yeritsyan, providing that in 2011-2013 the EU would allocate 32 million euros within the framework of the Comprehensive Institution Building Programme, aiming, particularly, at supporting law enforcement and border security.⁴ Then, during a press conference, Mr. de Luzenberger again emphasised the importance of signing a readmission agreement with the EU, as well as “carefully monitoring reliability of Armenian citizens’ documents”.⁵ It may be noted that Armenia signed bilateral readmission agreements with several EU countries (Belgium, the Czech Republic, Denmark, Germany, Latvia, Lithuania, Luxembourg, the Netherlands and Sweden) and other countries participating in the Schengen agreement (Iceland, Norway and Switzerland), but not yet with the EU, while that is an important prerequisite for visa facilitation.

It had been planned to begin issuing biometric passports in April 2011; however, in late November 2010 the government just announced a tender for passport printing, and on 17 December, director of the Department of Passports and Visas Norayr Muradkhanyan stated that issuing of biometric passports would begin in September 2011. Mr. Muradkhanyan also noted that biometric passports would be issued optionally, and citizens would have an opportunity to opt for old type passports as well.⁶ Apparently, such an approach could be adopted because of considerably higher price of biometric passports. However, in order to proceed with visa facilitation agreement, issuing only biometric passports might be a better solution.

Concerning other issues that need solutions, namely, border management and data protection, additional problems may arise because Armenia’s borders with Iran and Turkey are controlled by the Russian border guards, who also supervise the border control service at Yerevan international airport. Data protection and privacy is a particularly sensitive issue, since Armenian authorities, probably, hand over personal data of visa applicants (including EU citizens) to the Russians. This suggestion may be substantiated: For example, in 2008, during the Russo-Georgian armed conflict, two Polish reporters intended to travel to Georgia via Armenia, but were denied visas at Yerevan international airport and had to return to Warsaw. Such an unfavourable decision could hardly have taken place by independent judgement of Armenian officials, without considering the Russians’ opinion. Therefore, Armenian government will need to regain exclusive control over the country’s borders and guarantee proper approach to data protection and privacy.

³ Karen Hovhannisian: *Visa Liberalization Baseline Study: Armenia*. October 2010, p. 3.

⁴ Regnum News, 27 November 2010, <http://regnum.ru/news/fd-abroad/armenia/1350761.html>.

⁵ PanArmenian News, 27 November 2010,

http://www.panarmenian.net/eng/world/news/57457/Armenia_must_undertake_deportation_of_citizen_illgally_residing_in_EU_territory.

⁶ Press conference report available at <http://www.lragir.am/armsrc/society42044.html>.

A short comparison with other countries involved in the Eastern Partnership initiative

Georgia, in comparison, has moved to a more advanced stage: EU-Georgia visa facilitation agreement was signed on 17 June 2010, and on 22 November 2010 readmission agreement was signed. As Georgia had already started issuing biometric passports and enhanced its border security and data protection measures, ratification of the recent readmission agreement would allow, according to a statement by European Commissioner for Enlargement Štefan Füle, “both the visa facilitation and readmission agreements [...] enter into force, facilitating mobility for Georgian citizens who want to come to the EU. It will make it easier, cheaper and quicker to obtain a short term Schengen visa.”⁷ After the ratification, visa fee may be set at 35 euros, instead of the present 60 euros.

In the Moldovan and Ukrainian cases, visa facilitation agreements entered into force in 2008, moreover, reduced visa fee had been applied since 2006. Moldova has been using the visa liberalisation roadmaps for Balkan countries as a point of reference. From 2008, optional issuing of biometric passports began, and from 2011, only biometric passports fully complying with the ICAO standards will be issued, while the Integrated Border Management System will be fully functional from 2012.⁸ In the Ukrainian case some of the proceedings may complicate the issue of visa liberalisation: As noted in a recent study by the Centre for Peace, Conversion and Foreign Policy of Ukraine, the reintroduction of old type passports (sample of 1994, with paper photo) in June 2010 may be just one of the problematic issues.⁹

Possible improvements of the visa application process

While visa facilitation for Armenian citizens depends on fulfilment of aforementioned technical issues, some issues concerning visa application process could be solved earlier, and it would be desirable to take appropriate measures as soon as possible. One of such problematic issues is the need to submit visa applications to consular authorities

⁷ *European Union signs readmission agreement with Georgia*, Brussels, 22 November 2010, MEMO/10/601, Europa press releases RAPID, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/601&format=HTML&aged=0&language=EN&guiLanguage=en>.

⁸ Leonid Litra, *Moldova's Foreign Policy Statewatch* Issue 5, June 2010, p. 2. Institute for Development and Social Initiatives “Viitorul”, Chisinau, available at <http://www.viitorul.org/public/2880/en/Policy%20Statewatch5.pdf>.

⁹ *Visa-Free Europe for the Eastern Partnership: a Way to Achieve*, Kyiv: 2010, p. 27. Available at http://novisa.com.ua/file/publics/novisa_publics1283767367.PDF.

situated in other countries. The EU Visa Code, which entered into force since 5 April 2010, stipulates that “Member States should be present or represented for visa purposes in all third countries whose nationals are subject to visa requirements. Member States lacking their own consulate in a given third country [...] should endeavour to conclude representation arrangements in order to avoid a disproportionate effort on the part of visa applicants to have access to consulates”¹⁰ and “Member States shall cooperate to prevent a situation in which an application cannot be examined and decided on because the Member State [...] is neither present nor represented in the third country where the applicant lodges the application”.¹¹ Presently, in Armenia there are consular representations of six members of the Schengen agreement: France, Germany, Greece, Italy, Lithuania and Poland. Whereas short-term visas in most cases can be issued (the French consulate is authorised to issue such visas on behalf of Denmark, Iceland, Latvia, Norway and Portugal, the German consulate – on behalf of Austria, Belgium, Luxembourg, the Netherlands and Sweden, the Italian consulate – on behalf of Finland and Spain, the Lithuanian consulate – on behalf of Estonia and Hungary), five member states are not represented in Armenia, so applications for visas for the Czech Republic and Switzerland must be submitted to the consulates in Tbilisi, and for Malta, Slovakia and Slovenia – in Moscow. The situation regarding D-type visas for stays exceeding 90 days (for study, employment, etc.) is even worse, as in most cases applications must be submitted in Moscow. In addition, some of the consulates used to accept applications and deliver issued visas via intermediaries before the current Visa Code was applied, but now refuse to do so, therefore, when travelling to Moscow is required, the cost of submitting an application exceeds 400 euros. This may really be defined as a ‘disproportionate effort on the part of visa applicants’.

There are other issues regarding the member states’ compliance with the Visa Code rather than signing of visa facilitation and readmission agreements. For instance, the Visa Code stipulates that if the consular authority refuses to issue a visa, the applicant must be notified about the reasons for such a decision, and a specimen of the standard form on which notification has to be made is provided.¹² However, explanations of refusal decisions are not issued by all consulates, as required; for instance, the French consulate, which deals with a large share of applications submitted by Armenian citizens, plans to introduce notification procedure only in the second half of 2011, according to consul Frédéric Grapin.¹³

Another issue is the interpretation of the term ‘non-exhaustive list of supporting documents’ by some consulates. The Visa Code provides that documents showing an applicant’s family ties as proof of integration

¹⁰ *Regulation of the European Parliament and of the Council establishing a Community code on Visas (Visa Code)*, preamble, p. 3. Available at <http://register.consilium.europa.eu/pdf/en/09/st03/st03625.en09.pdf>.

¹¹ *Visa Code*, article 5, p. 21.

¹² *Visa Code*, article 32, p. 60.

¹³ Regnum News, 21 October 2010, <http://regnum.ru/news/fd-abroad/armenia/1338681.html>.

into the country of residence may be required.¹⁴ Based on that, some of the consulates require only marriage certificates and children's birth certificates; but in other cases, adult persons are also required to present their parents' marriage or divorce certificates, siblings' passports and so forth, moreover, applicants who have travelled several times and used previous visas lawfully are still asked to present a maximum amount of supporting documents. Besides, some of the consulates accept certain supporting documents (such as job certificates or bank statements) in Armenian; but, for example, the Italian consulate, though employing local staff, still requires notarised translations into English or Italian, thus adding to the cost of visas. Such practices, in addition to a relatively high percentage of refusals, cause frustration and suspicions about subjective judgement of the applications, as the author's interviews with visa applicants and representatives of civil society organisations that participate in the EaP CSF show.

A final point to be mentioned is that most of the interviewed CSF participants hope that EU-Armenia cooperation within the EaP, and visa facilitation in particular, will not be limited to solution of technical issues, but will also work as a tool for advancement of democratic reforms, as a component of EU's 'soft power'.

¹⁴ *Visa Code*, article 14, p. 33 and annex II, p. 4.

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Published:

Center for EU Enlargement Studies
Central European University

Contact:

Nádor utca 9, Budapest, H-1052, Hungary
Tel.: + 36 1 237-3000 ext. 2391
cens@ceu.hu

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