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## **LAW OF THE REPUBLIC OF ARMENIA**

Adopted on 27 November 2008

### **ON REFUGEES AND ASYLUM**

#### **CHAPTER 1**

##### ***GENERAL PROVISIONS AND DEFINITIONS***

###### **Article 1. Subject-matter of the Law**

1. The Law of the Republic of Armenia “On Refugees and asylum” (hereafter referred to as “the Law”) regulates in the Republic of Armenia the relations pertaining to recognition of a refugee and grant of asylum, as well as ensures the application of the 1951 Convention relating to the Status of Refugees (hereafter referred to as “the Convention”) and its 1967 Protocol, and recognises the right of all aliens and stateless persons to seek asylum in the territory of the Republic of Armenia and at the state border crossing points of the Republic of Armenia, as well as the right to be granted asylum, if they fulfil the necessary requirements -- prescribed by this Law -- for granting asylum.
2. This Law, in compliance with the principles and norms of international law, ensures also the protection of all aliens and stateless persons against expulsion to their country of nationality or former habitual residence, or any other country where they are in danger of being subjected to torture, inhuman or degrading treatment.
3. If the international treaties of the Republic of Armenia stipulate norms other than those provided for by this Law, the norms of the international treaties shall apply.

###### **Article 2. Asylum**

1. Asylum is a protection granted in the Republic of Armenia to a foreign national or stateless person, which guarantees the application with respect to him/her of the principle defined in Article 9 of this Law, as well as all the rights granted under the Convention, this Law, and other legal acts of the Republic of Armenia to persons recognised as refugees in the Republic of Armenia.
2. Asylum, as defined in part 1 of this Article, extends also to a foreign national or stateless person recognised as a refugee by another State, if he/she has entered the territory of the Republic of Armenia in the prescribed manner and holds a residence status -- granting the right of residence -- prescribed by the legislation of the Republic of Armenia.
3. The atmosphere of the process of granting asylum must be peaceful and humanitarian, and it [the granting of asylum] must not grow into an unfriendly attitude, as it does not imply any criticism of the country of nationality or former habitual residence of a refugee, or of any other country.

### **Article 3. Grant of asylum in case of a mass influx**

1. When a decision on granting temporary protection is adopted by the Government of the Republic of Armenia pursuant to the procedure established by this Law, asylum may be granted in the Republic of Armenia to groups of foreign nationals or stateless persons, who, owing to the reasons referred to in Article 6(1) of this Law, have left the territories of the States bordering the Republic of Armenia.
2. Without undergoing the individual procedure as prescribed by this Law, the rights and obligations of refugees who have been granted asylum in the Republic of Armenia in an individual procedure shall extend to persons referred to in part 1 of this Article. The exclusion from, cessation and cancellation of, recognition as a refugee and grant of asylum shall be carried out pursuant to this Law, under the provisions and procedures established for refugees who have been granted asylum in an individual procedure.

### **Article 4. Voluntary return**

1. Voluntary return is the return of an asylum seeker or a refugee to the country of his/her nationality or former habitual residence, which is carried out with the assistance of the state body authorised by the Government of the Republic of Armenia (hereafter referred to as “the Authorised Body”), pursuant to the procedure established in Article 60 of this Law.
2. The principle of voluntariness must be respected by all competent bodies dealing with asylum and refugee issues, and this means that an asylum seeker or refugee:

(1) is informed of the situation of the country of his/her nationality or former habitual residence and is able to make a conscious decision on his/her return;

(2) has made a free choice to return to the country of his/her nationality or former habitual residence or to stay in the territory of the Republic of Armenia, before a final decision on his/her asylum claim is made or before cessation of recognition of a refugee.

3. All competent bodies of the Republic of Armenia dealing with asylum and refugee issues must, within the scope of their competence, facilitate the voluntary return of a refugee or asylum seeker, upon the request submitted by the asylum seeker, refugee, or the Office of the United Nations High Commissioner for Refugees (hereafter referred to as “UNHCR”).

#### **Article 5. Asylum seeker**

1. An asylum seeker is a foreign national or stateless person, who has submitted an asylum claim in the Republic of Armenia pursuant to Article 13(1) of this Law.
2. A person recognised as a refugee by a State signatory to the Convention, who has submitted an asylum claim in the Republic of Armenia pursuant to part 1 of this Article, shall also be considered an asylum seeker.
3. A foreign national or stateless person, who has submitted an asylum claim in the territory of the Republic of Armenia, shall, before the taking of a final decision on his/her application for being granted asylum, be considered an asylum seeker and shall enjoy, in the Republic of Armenia, all the rights of asylum seekers prescribed by this Law.

#### **Article 6. Refugee**

1. A refugee is:
  - (1) a foreign national who, owing to well-founded fear of being persecuted for the reasons of race, religion, nationality, membership to a particular social group or for political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of the country of his/her nationality; or who, not having a nationality and being outside the country of his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it;
  - (2) a foreign national who is compelled to leave the country of his/her nationality, or, in case of a stateless person, the country of his/her former habitual residence due to generalised violence, foreign aggression, internal conflicts, massive violations of human rights, or other serious events disrupting public order.
2. In case of a person who has more than one nationality, the term "the country of his/her nationality" shall mean each of the countries of which he/she is a national. In this case a person shall be deemed to have lost the protection of the countries of

his/her nationality, if he/she is unable to avail himself/herself of the protection of any of the countries of his/her nationality due to the reasons referred to in part 1(1) and (2) of this Article.

3. A foreign national or stateless person, who has been officially recognised as a refugee by other States signatory to the Convention, shall also be considered a refugee.

#### **Article 7. Asylum for family members and family reunification**

1. The spouse, the child under 18 years of age and any other dependent of a refugee who has been granted asylum in the Republic of Armenia shall also be considered a refugee and to have been granted asylum in the Republic of Armenia, if they reside together with the refugee in the Republic of Armenia and do not possess the nationality -- different from that of the refugee -- of any other country providing effective protection.
2. Other relatives or in-laws of a refugee who has been granted asylum in the Republic of Armenia may also be considered refugees and to have been granted asylum in the Republic of Armenia, if they reside together with him/her in the Republic of Armenia, are dependent on the refugee and do not possess the nationality -- different from that of the refugee -- of any other State providing effective protection.
3. The parents of a child who has been recognised as a refugee in accordance with the requirements of Article 6 of this Law and has been granted asylum in the Republic of Armenia, his/her siblings under 18 years of age, as well as siblings who are above 18 years of age and lack active legal capacity, shall also be considered refugees and shall be granted asylum in the Republic of Armenia, if they reside in the Republic of Armenia together with the child who has been granted refugee status, and do not possess the nationality -- different from that of the child -- of any other State providing effective protection.
4. Refugees who have been granted asylum in the Republic of Armenia shall have the right to reunification -- in the territory of the Republic of Armenia -- with their family members referred to in parts 1 and 3 of this Article, pursuant to the procedure established in Article 54 of this Law.
5. The person who was the first recognised as a refugee in the Republic of Armenia from among his/her family members (hereafter referred to as “the person who was the first recognised as a refugee”), in case of cessation or cancellation of recognition of a refugee pursuant to Article 53 of this Law or in case of cessation of asylum granted to that refugee, his/her family members who had been recognised as refugees pursuant to parts 1, 2 or 3 of this Article and had been granted asylum in the Republic of Armenia, their decisions of recognition of a refugee and grant of asylum shall be ceased or cancelled together with the person who was the first recognised as a refugee. However, they shall not be deprived of the possibility to submit an asylum claim immediately thereafter, based on their personal reasons. Moreover, if they are recognised as refugees and are granted asylum, these may not be conferred to those

family members who have lost their right of being recognised refugee and granted asylum through cessation, revocation, or cancellation.

**Article 8. Unaccompanied minor asylum seekers and refugees and minor asylum seekers and refugees separated from family**

1. Within the meaning of this Law, an unaccompanied minor or a minor separated from the family is an asylum seeker or refugee child under the age of 18, who does not have a legal representative (parents (parent), guardian, custodian) in the territory of the Republic of Armenia.
2. An unaccompanied minor or a minor separated from family shall be subject to the general asylum procedures provided for by this Law, unless otherwise provided for by this Law and other laws of the Republic of Armenia. Unaccompanied minors or minors separated from family shall have the same rights as prescribed for asylum seekers or refugees, unless otherwise provided for by this Law and other laws of the Republic of Armenia.
3. The Authorised Body must assist an unaccompanied minor or a minor separated from family as regards placement of the child and provision of care for him/her as prescribed by the legislation of the Republic of Armenia, as well as concerning issues of realisation of all his/her rights prescribed by the legislation of the Republic of Armenia.
4. All state bodies -- specified in Article 32 of this Law -- dealing with the issues of unaccompanied minor asylum seekers or refugees must assist them within the scope of their competence, taking into account the special situation of unaccompanied minor asylum seekers or minor asylum seekers separated from family, and acting in the best interest of the child.

**Article 9. *Non-refoulement***

1. According to this Law and international law, the principle of *non-refoulement* is not returning a refugee in any manner whatsoever to the frontiers of territories where his/her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, political opinion or generalised violence, foreign aggression, internal conflicts, massive violations of human rights, or other serious events disrupting public order.
2. An asylum seeker may not be expelled from the territory of the Republic of Armenia prior to the making of a final decision on the asylum claim submitted by him/her pursuant to Article 47 of this Law.
3. A foreign national or stateless person may not be expelled, returned or extradited to another country where there is a danger, as per well-founded reasons, that he/she would be subjected to cruel and inhuman or degrading treatment or punishment, including torture.

## **Article 10. Grounds for ceasing recognition of a refugee and grant of asylum**

1. A person ceases to be recognised as a refugee, if he/she:
  - (1) has voluntarily re-availed himself/herself of the protection of the country of which he/she was a national; or
  - (2) having lost his/her nationality, has voluntarily re-acquired it; or
  - (3) has acquired the nationality of the Republic of Armenia or of any other State and enjoys the protection of that State; or
  - (4) has voluntarily re-established himself/herself in the country which he/she left or from where he/she departed owing to fear of persecution; or
  - (5) can no longer refuse the protection of the country of which he/she is a national because the circumstances owing to which he/she has been recognised as a refugee have ceased to exist; or
  - (6) not having a nationality, is able to return to the country of his/her former residence because the circumstances owing to which he/she has been recognised as a refugee have ceased to exist; or
  - (7) is not, for personal reasons, any longer willing to be considered a refugee.
2. Part 1(5) and (6) of this Article shall not apply to refugees who are able to invoke compelling reasons arising out of previous persecution for refusing the protection of the country of their nationality, and in case of having no nationality – for refusing to return to the country of their former residence.
3. Asylum granted in the Republic of Armenia to a refugee shall be ceased, if, owing to well-founded reasons, he/she is regarded to be dangerous for the national security of the Republic of Armenia, or if he/she has been convicted of committing a serious or particularly serious crime.
4. Asylum granted in the Republic of Armenia to a refugee shall be ceased, if he/she has left the Republic of Armenia and remains outside the territory of the Republic of Armenia following the term of validity of the Convention Travel Document issued based on Article 30 of this Law.
5. Recognition of a refugee and asylum granted to him/her shall be ceased only by the Authorised Body, pursuant to the procedure established in Article 53 of this Law.

## **Article 11. Grounds for exclusion from recognition as a refugee and for refusal to grant asylum**

1. A foreign national or stateless person shall not be recognised as a refugee, if there are serious reasons to believe that he/she:

- (1) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
  - (2) has committed a serious non-political crime outside the territory of the Republic of Armenia, before he/she became an asylum seeker in the Republic of Armenia;
  - (3) has been found guilty of committing acts contrary to the purposes and principles of the United Nations.
2. The grant of asylum may be refused to a refugee who has arrived from a safe third country where he/she has no fear of persecution, human rights violations, or *refoulement* to his/her country, as referred to in Article 6(1)(1) and in Article 9(1) and (3) of this Law, or has no fear of being subjected to external aggression, generalised violence, foreign domination, internal conflicts, or other serious events (dangers) disrupting public order, as referred to in Article 6(1)(1) of this Law, and can lawfully return to that country.
3. A decision on refusal to recognise as a refugee and to grant asylum shall be made only by the Authorised Body, pursuant to the appropriate procedures established in Article 53 of this Law.

#### **Article 12. Cancellation of recognition of a refugee**

1. Recognition of a refugee shall be cancelled by the Authorised Body when it comes to light that the person manifestly does not fulfil the requirements for recognition as a refugee under this Law because newly discovered evidence indicates that the statements made, and documents submitted, previously are false.
2. Cancellation of recognition of a refugee shall be carried out only by the Authorised Body, pursuant to the procedures established in Article 53 of this Law.

#### **Article 13. Asylum claim**

1. Asylum claim is a request or application submitted by a foreign national or stateless person to the bodies specified in parts 2 and 3 of this Article for the purpose of being granted asylum in the Republic of Armenia.
2. Any statement made orally, in writing, with the help of sign language, or by any other means of communication and in person at the state border crossing points of the Republic of Armenia to the Border Guard Troops of the Republic of Armenia (hereafter referred to as “the Border Guard Troops”) under the state body authorised by the Government of the Republic of Armenia for national security issues (hereafter referred to as “the Authorised Body for National Security Issues”), and in the territory of the Republic of Armenia – to the Authorised Body as well as to the state body authorised by the Government of the Republic of Armenia for issues of combating crime and illegal infringements and maintaining public order (hereafter referred to as

“the Police”), which expresses his/her willingness to find protection in the Republic of Armenia, shall be considered an asylum request.

3. Asylum application is a written request submitted in the territory of the Republic of Armenia by a foreign national or stateless person to the Authorised Body for the purpose of being granted asylum. The application form shall be approved by the Government of the Republic of Armenia. An asylum application may be submitted subsequent to an asylum request under part 2 of this Article for the purpose of completing the process of claiming asylum, as well as directly, without an asylum request.
4. An asylum request and application for the entire family -- as specified in Article 7(1) and (3) of this Law -- seeking asylum may be submitted by any family member present in the territory of the Republic of Armenia; this, however, shall be without prejudice to the right of other family members to submit individual applications based on personal reasons, pursuant to the procedure established in part 3 of this Article.

#### **Article 14. Temporary reception centre for asylum seekers**

1. Temporary reception centre for asylum seekers (hereafter referred to as “the Temporary Reception Centre”) is a special establishment where the Authorised Body places asylum seekers until a final decision on their asylum claim is made.

## **CHAPTER 2**

### ***RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS AND REFUGEES***

#### **Article 15. Basic rights and obligations of asylum seekers and refugees**

1. Asylum seekers and refugees shall have rights and obligations equal to those of foreign nationals and stateless persons lawfully residing in the Republic of Armenia, unless this Law provides otherwise.

#### **Article 16. Right to apply to UNHCR**

1. Asylum seekers and refugees shall have the right to apply to UNHCR at any time.
2. The bodies referred to in Article 13 of this Law shall be obliged to inform all asylum seekers and refugees of this right when accepting an asylum claim.

#### **Article 17. Exemption from exceptional measures**

1. Exceptional measures which may be taken against the person, property, or interests of nationals of another State, shall not be applied to those refugees, who, being nationals of another country, have been granted asylum in the Republic of Armenia.



### **Article 18. Personal law**

1. The personal law of refugees who have been granted asylum in the Republic of Armenia shall be determined by the legislation of the Republic of Armenia.
2. The personal law of a refugee who has been granted asylum in another country shall be determined by the legislation of the country that has granted asylum to him/her.
3. Previously acquired rights dependent on the personal status of a refugee, in particular those attaching to marriage, shall be respected by the state bodies of the Republic of Armenia.

### **Article 19. Right to property**

1. Asylum seekers and refugees shall enjoy the same rights as provided for nationals of the Republic of Armenia as regards acquisition and transfer of movable property, leases of immovable property, as well as in other property legal relations.
2. In legal relations pertaining to acquisition, disposal, possession, use of immovable property as well as transfer of the right of ownership, refugees who have been granted asylum in the Republic of Armenia shall be accorded treatment not less favourable than that prescribed for foreign nationals by the legislation of the Republic of Armenia.

### **Article 20. Intellectual property rights**

1. In respect of rights in intellectual property, such as inventions, utility models, industrial designs, trade marks, and trade names, as well as rights of ownership in literary, artistic and scientific works, refugees who have been granted asylum in the Republic of Armenia shall be accorded the same protection as is accorded to nationals of the Republic of Armenia.
2. As regards the protection of the rights referred to in part 1 of this Article, refugees who have been granted asylum in another country, shall enjoy the same protection in the Republic of Armenia as nationals of the country that has granted asylum to the refugee concerned.

### **Article 21. Right to wage-earning employment**

1. Asylum seekers and refugees who have been granted asylum in the Republic of Armenia shall have the right to seek employment and work in the territory of the Republic of Armenia under the same conditions as nationals of the Republic of Armenia, unless otherwise provided for by law.

### **Article 22. Right to engage in entrepreneurship**

1. Refugees who have been granted asylum in the Republic of Armenia shall have the right to engage in entrepreneurship equal to that of nationals of the Republic of Armenia, pursuant to the procedure established for nationals of the Republic of Armenia by the legislation of the Republic of Armenia.

#### **Article 23. Right to social security and medical care**

1. Refugees who have been granted asylum in the Republic of Armenia shall have the right to benefit from social services stipulated by the legislation of the Republic of Armenia for nationals of the Republic of Armenia, to receive state benefits and other financial assistance, benefits granted for cases of temporary inability to work, employment injury in production, accidents and occupational diseases, to receive free medical care and services guaranteed by the State, as well as shall have the right to pension security and to social protection in case of unemployment as prescribed by the legislation of the Republic of Armenia, if they fulfil the requirements prescribed by the legislation of the Republic of Armenia governing the relevant field.
2. Asylum seekers and refugees who have not been granted asylum in the Republic of Armenia shall have the right -- equal to that of nationals of the Republic of Armenia - - to receive free medical care and services guaranteed by the State, if they fulfil the requirements of the legislation of the Republic of Armenia governing that field.

#### **Article 24. Right to housing**

1. The Authorised Body shall place asylum seekers, who have applied to the Authorised Body pursuant to Article 47(1) of this Law, and their family members as specified in Article 7(1) and (3) of this Law (hereafter referred to as “family members of the asylum seeker”) in the Temporary Reception Centre, as specified in Article 14 of this Law, where they shall be provided with food (three times per day), linen, personal hygiene accessories, as well as clothes and shoes where necessary (hereafter referred to as “subsistence conditions”).

Procedure for placing in the Temporary Reception Centre and for provision of subsistence conditions shall be established by the Government of the Republic of Armenia.

Following the registration of the asylum application pursuant to Article 48 of this Law, asylum seekers may either remain in the Temporary Reception Centre or reside at another place on their own means.

2. The Authorised Body shall place asylum seekers, who have applied to the Authorised Body pursuant to Article 47(2) of this Law, and family members of the asylum seeker in the Temporary Reception Centre, as specified in Article 14 of this Law, where they shall be provided with subsistence conditions according to part 1 of this Article until a final decision on their application is adopted.

3. Refugees who have been refused asylum may be permitted by the Authorised Body to continue to reside in the Temporary Reception Centre until they leave the Republic of Armenia or are granted asylum under Article 58(2) of this Law.

#### **Article 25. Public education**

1. Asylum seekers and refugees who have been granted asylum in the Republic of Armenia shall have the right to basic general education equal to that of nationals of the Republic of Armenia.
2. Refugees who have been granted asylum in the Republic of Armenia shall have rights equal to those of foreign nationals as regards access to studies, the recognition of foreign school certificates, diplomas and academic degrees, the remission of fees and charges and the award of scholarships.

#### **Article 26. Administrative assistance**

1. When the exercise of a right by a refugee who has been granted asylum in the Republic of Armenia normally requires the issuance of documents or certifications by the authorities of a foreign State, to whom refugees cannot have recourse, UNHCR shall issue such documents or certifications to him/her.
2. Documents or certifications so issued to refugees shall stand as official documents issued to aliens by their national authorities. They shall be recognised by all state bodies and the court of the Republic of Armenia and shall be given credence in the absence of proof to the contrary.
3. When verification of the lawfulness and terms of validity of the documents presented by an asylum seeker or refugee is required, the Authorised Body shall, pursuant to Article 37(2) of this Law, carry out such verifications through the diplomatic representation of the Republic of Armenia in the respective country.

#### **Article 27. Freedom of movement**

1. Refugees who have been granted asylum in the Republic of Armenia as well as asylum seekers and their family members as specified in Article 7(1) and (3) of this Law, who apply to the Authorised Body pursuant to Article 47(1) of this Law, shall enjoy the same rights as prescribed for nationals of the Republic of Armenia with respect to the right to choose their place of residence and to move freely within the territory of the State.
2. The free movement of persons who have applied to the Authorised Body pursuant to Article 47(2) of this Law, including that of failed asylum seekers, asylum seekers and their family members as specified in Article 7(1) and (3) of this Law, may be subject to restrictions prescribed by the law of the Republic of Armenia.

## **Article 28. Illegal entry into the Republic of Armenia**

1. Asylum seekers and refugees shall not be subjected to criminal or administrative liability for illegal entry into, or presence in, the Republic of Armenia.
2. When an asylum seeker deliberately fails to co-operate as specified in Article 55(1) of this Law, delays the extension of the term of validity of the identity paper, or fails to comply with the restrictions of movement prescribed in Article 27(2) of this Law, he/she may be subjected to liability pursuant to the procedure established by law.

## **Article 29. Identity paper of an asylum seeker**

1. The Authorised Body shall, free of charge, issue an identity paper to every asylum seeker and his/her family members, after submitting an asylum claim pursuant to Article 13(2) of this Law. Information on family members under the age of 16 shall be included in the identity papers of their parents or guardians, who have submitted an asylum claim. Unaccompanied asylum seekers under the age of 16 and/or asylum seekers under the age of 16 separated from family shall be issued an individual identity paper.
2. The identity paper of asylum seekers shall be issued for three months, and, until a final decision with regard to the asylum claim is made, the term of validity of such paper shall be extended by the Police each time for three months.
3. The identity paper shall confirm the fact of legal residence of an asylum seeker and shall be valid within the entire territory of the Republic of Armenia. It shall grant the asylum seeker a right to choose a place of residence in any settlement pursuant to Article 27(1) of this Law, with the exception of asylum seekers who are subject to restrictions of freedom of movement in accordance with Article 27(2) of this Law.
4. The identity paper shall lose its validity one week after a final decision on rejection of the asylum claim is sent to the asylum seeker, and in case the claim is granted – upon the issuance by the Authorised Body of a Convention Travel Document to the asylum seeker pursuant to Article 30 of this Law. Refugees who have not been granted asylum in the Republic of Armenia shall, pursuant to Article 58(2) of this Law, continue to hold the identity paper issued to them.
5. In case of loss of an identity document or its being unfit for use, the Authorised Body shall, after a thorough investigation of the case, if necessary in co-operation with the law enforcement bodies, issue a new identity paper to asylum seekers with the term of validity of the previous paper. During the investigation of the case, the Authorised Body shall issue a statement of information to the asylum seeker certifying his/her being an asylum seeker and the loss of the identity paper.

*(Article 29 amended by HO-66-N of 3 March 2011)*

### **Article 30. Convention Travel Document**

1. The Convention Travel Document shall be the valid document which certifies the identity and the legal residence in the Republic of Armenia of a refugee and is intended for leaving the Republic of Armenia. It shall also serve as a basis for a refugee to exercise the rights and freedoms prescribed by this Law.
2. The Police shall, free of charge, pursuant to Article 58(1) of this Law, issue a Convention Travel Document to refugees who have been granted asylum in the Republic of Armenia. Data on refugees under the age of 16 shall be included in the Convention Travel Document of the parents. Unaccompanied minor refugees under the age of 16 or minor refugees under the age of 16 separated from family shall be issued a Convention Travel Document which may not be used in case of leaving the Republic of Armenia without a guardian.
3. The Convention Travel Document shall be valid for two years, following which the document shall, upon an application of the refugee, be renewed by the Police for additional two years each time. The Convention Travel Document shall lose its validity one week after making a final decision on cancellation or cessation -- as prescribed in Article 53 of this Law -- of the decision on granting asylum or recognition of a refugee.
4. In case of loss, damage or theft of the Convention Travel Document, the Police shall inform the Authorised Body thereon and shall, after a thorough investigation of the case, issue a new Convention Travel Document with the term of validity of the previous document. During the investigation of the case, the refugee shall be issued a statement of information by the Authorised Body, certifying his/her being a refugee, and one by the Police, certifying the loss of the Convention Travel Document.
5. The description of the Convention Travel Document shall be defined by the Government of the Republic of Armenia in accordance with the Schedule to the Convention.

*(Article 30 amended by HO-66-N of 3 March 2011)*

### **Article 31. Guaranteeing the rights of asylum seekers and refugees by state and non-state bodies**

1. All the rights of asylum seekers and refugees prescribed by this Law as well as by other laws of the Republic of Armenia and international treaties of the Republic of Armenia shall be respected by all state and non-state bodies of the Republic of Armenia.

2. The identity document issued to asylum seekers and refugees pursuant to Articles 29 and 30 of this Law shall serve as a basis for exercising their rights and freedoms prescribed by the legislation of the Republic of Armenia.
3. The Authorised Body shall, within the scope of its competence, assist asylum seekers and refugees in their relations with other bodies as regards the protection of all the rights accorded to them by this Law, as well as other laws of the Republic of Armenia and international treaties of the Republic of Armenia.

### **CHAPTER 3**

#### ***POWERS OF COMPETENT STATE BODIES FOR ASYLUM ISSUES AND OF THE UNHCR REPRESENTATION IN ARMENIA***

#### **Article 32. Competent state bodies for asylum issues in the Republic of Armenia**

1. In the Republic of Armenia, the competent state bodies for issues of granting asylum to foreign nationals and stateless persons (hereafter referred to as “aliens”), recognition of a refugee, realisation of the rights of asylum seekers and persons recognised as refugees in the Republic of Armenia, and for other legal relations stipulated by this Law, are:
  - (1) the Government of the Republic of Armenia;
  - (2) the Authorised Body;
  - (3) the Authorised Body for National Security Issues, including the Border Guard Troops;
  - (4) the Police;
  - (5) the state body authorised by the Government of the Republic of Armenia for foreign affairs (hereafter referred to as “the Authorised Body for Foreign Affairs”);
  - (6) the state body authorised by the Government of the Republic of Armenia for labour and social issues (hereafter referred to as “the Authorised Body for Labour and Social Issues”);
  - (7) the state body authorised by the Government of the Republic of Armenia for education issues (hereafter referred to as “the Authorised Body for Education Issues”);
  - (8) the state body authorised by the Government of the Republic of Armenia for health issues (hereafter referred to as “the Authorised Body for Health Issues”);
  - (9) the guardianship and custodianship bodies (hereafter referred to as “the Guardianship Bodies”);
  - (10) the child protection units under the staff of Marzpetarans [regional governors’ offices] of the Republic of Armenia (of the Office of the Mayor of Yerevan) (hereafter referred to as “the Child Protection Units”);
  - (11) other competent state bodies of the Republic of Armenia (hereafter referred to as “other bodies”).

2. The state bodies listed in part 1 of this Article must view the grant of asylum in the context of the interests of the Republic of Armenia, and under no circumstances shall any information on an asylum seeker or refugee be exchanged with the authorities of the country of his/her nationality or former habitual residence in the course of application of this Law or other legislative acts of the Republic of Armenia relating to asylum and refugees.

### **Article 33. Powers of the Government of the Republic of Armenia**

1. The Government of the Republic of Armenia shall:
  - (1) adopt and approve the procedures, regulations and decisions reserved to the competence of the Government under this Law;
  - (2) envisage in the draft State Budget of the Republic of Armenia the amounts of financial means for the implementation of the measures provided for by this Law;
  - (3) establish the Temporary Reception Centre specified in this Law and establish the procedure for the functioning and maintenance of the Centre;
  - (4) approve the forms and the procedure for the issue of identity documents of asylum seekers and refugees established by this Law, as well as of Convention Travel Documents issued to refugees.

### **Article 34. Powers of the Authorised Body for Migration Issues**

1. The Authorised Body shall:
  - (1) conduct centralised registration of asylum seekers in the Republic of Armenia and of refugees who have been granted asylum in the Republic of Armenia, maintain an information bank and constantly update the bank;
  - (2) conduct the procedures -- relating to an asylum claim -- established by this Law and shall have exclusive competence to take appropriate decisions with regard to such procedures;
  - (3) apply, where necessary, to the Authorised Body for National Security Issues for an opinion on the potential danger to the national security of the Republic of Armenia posed by asylum seekers who have entered the Republic of Armenia illegally;
  - (4) apply, where necessary, to the Authorised Body for National Security Issues and the Authorised Body for Foreign Affairs Issues as well as to the Police for assistance in the verification of the identity of asylum seekers;
  - (5) inform the Police, within three working days, on final decisions adopted on asylum applications pursuant to the procedure established by this Law;
  - (6) co-operate with the state bodies specified in Article 32 of this Law and with UNHCR on issues of full-fledged exercise of its competence as well as realisation of the rights of asylum seekers in the Republic of Armenia and of persons who have been granted asylum in the Republic of Armenia;

- (7) provide UNHCR with full information relating to refugee and asylum issues, including general statistical data as well as the lists of names of registered asylum seekers and refugees, personal files of asylum seekers and refugees, upon their consent;
- (8) apply, upon submission of an application for granting asylum by unaccompanied minor asylum seekers and minor asylum seekers separated from family, to the Authorised Body for Labour and Social Issues and, where necessary, to the Child Protection Units for arranging the placement of, and care for, unaccompanied minor and disabled asylum seekers and minor and disabled asylum seekers separated from family;
- (9) exercise powers prescribed by this Law and other laws and legal acts of the Republic of Armenia.

*(Article 34 edited by HO-66-N of 3 March 2011)*

### **Article 35. Powers of the Authorised Body for National Security Issues**

1. The Authorised Body for National Security Issues shall, upon the request of the Authorised Body, assist the latter in the verification of the identity of an asylum seeker and in the examination of the facts presented by an asylum seeker in the course of the asylum procedure, as well as issue an opinion on the potential danger posed to the national security of the Republic of Armenia by an asylum seeker.
2. The Border Guard Troops shall check all the documents of asylum seekers at the border crossing points of the Republic of Armenia, pursuant to the legislation of the Republic of Armenia governing the border crossing procedures, as well as:
  - (1) notify asylum seekers, who have legally entered the Republic of Armenia and submitted an asylum request pursuant to Article 46 of this Law, on the necessity to approach the Authorised Body, informing of the location of that Body and of the procedure for submission of an asylum application defined in Article 47 of this Law;
  - (2) accept asylum claims from asylum seekers who have entered the Republic of Armenia illegally (in violation of the border regime) and register such claims in the prescribed manner, in a registry book established specifically for that purpose, as well as inform the Authorised Body and the Police of the asylum claim. The Border Guard Troops may hold these persons for up to 72 hours in the special shelter provided for in Article 37(1) of the Law of the Republic of Armenia “On aliens”.

### **Article 36. Powers of the Police**

1. The Police shall:
  - (1) notify persons, who appear before it with an asylum claim, on the necessity to approach the Authorised Body, informing of the location of that Body and of the



procedure for applying to it. Where necessary, it shall assist asylum seekers -- not able to approach the Authorised Body on their own means -- in reaching there;

(2) upon the request of the Authorised Body, assist the latter in the verification of the identity of an asylum seeker and in the examination of the facts presented by an asylum seeker in the course of the asylum procedure;

(3) ensure the expulsion -- pursuant to the procedure established for aliens by law -- from the Republic of Armenia of persons who have not been granted asylum in the Republic of Armenia, and who do not benefit from the principle of *non-refoulement* defined in Article 9 of this Law;

(4) issue, in the prescribed manner, a Convention Travel Document to refugees who have been granted asylum in the Republic of Armenia.

*(Article 36 supplemented by HO-66-N of 3 March 2011)*

### **Article 37. Powers of the Ministry of Foreign Affairs**

1. The Ministry of Foreign Affairs shall, upon the request of the Authorised Body, assist the latter in the verification of the identity of an asylum seeker and in the examination of the facts presented by an asylum seeker in the course of the asylum procedure.
2. The diplomatic and consular representations of the Republic of Armenia shall validate the documents and acts -- drawn up by the competent bodies of their consular areas -- presented by asylum seekers in the Republic of Armenia and by refugees who have been granted asylum in the Republic of Armenia. The consular services shall also assist in the family reunification -- as prescribed in Article 54 of this Law -- of refugees who have been granted asylum in the Republic of Armenia.

### **Article 38. Powers of the Ministry of Labour and Social Issues**

1. The Ministry of Labour and Social Issues shall take measures aimed at realisation of the rights -- prescribed in Articles 21 and 23 of this Law -- of asylum seekers in the Republic of Armenia and of refugees who have been granted asylum in the Republic of Armenia.
2. The Ministry of Labour and Social Issues shall, upon the motion of the Authorised Body and in co-operation with the Guardianship Bodies and Child Protection Units, arrange the placement of, and the care for, unaccompanied minor asylum seekers and minor asylum seekers separated from family.

### **Article 39. Powers of the Ministry of Education and Science**

1. The Ministry of Education and Science shall take measures aimed at realisation of the right to education -- prescribed in Article 25 of this Law -- of asylum seekers in the Republic of Armenia and of refugees who have been granted asylum in the Republic of Armenia.

2. Upon the request of the Guardianship Body, it shall arrange the issue of admission to an educational institution of unaccompanied minor asylum seekers and refugees who have been granted asylum as well as of minor asylum seekers and refugees -- who have been granted asylum -- separated from family.

#### **Article 40. Powers of the Ministry of Health**

1. The Ministry of Health shall take measures aimed at realisation of the rights -- prescribed in Article 23(1) and (2) of this Law -- of refugees who have been granted asylum in the Republic of Armenia.
2. Upon the motion of the Ministry of Health, it shall ensure the free of charge medical examination of asylum seekers, implementation of preventive and, where necessary, restrictive measures.

#### **Article 41. Powers of the Guardianship Bodies**

1. The Guardianship Bodies shall, upon the motion of the Authorised Body for Labour and Social Issues or Child Protection Units, arrange -- within their community -- the appointment of a guardian (or) custodian for unaccompanied minor asylum seekers or minor asylum seekers separated from family.

#### **Article 42. Powers of the Child Protection Units**

1. The Child Protection Units shall, in cases specified in Article 34(8) as well as Article 38(2) of this Law, arrange -- in co-operation with the Guardianship Bodies -- the placement of, and the care for, unaccompanied minor asylum seekers or minor asylum seekers separated from family.

#### **Article 43. Powers of other competent state bodies of the Republic of Armenia**

1. All state bodies of the Republic of Armenia shall be obliged to solve, in accordance with the legislation of the Republic of Armenia, any problem -- reserved to their competence under this Law and other laws of the Republic of Armenia -- of asylum seekers in the Republic of Armenia and of refugees who have been granted asylum in the Republic of Armenia.

#### **Article 44. Powers of UNHCR**

1. UNHCR shall be granted broad support and co-operation by all bodies competent in refugee and asylum issues, in order to supervise the application of the Convention and its 1967 Protocol in the Republic of Armenia.
2. UNHCR representatives may, at any time, establish contact with asylum seekers or refugees in the territory of the Republic of Armenia, including those arrested or those imprisoned according to the legislation of the Republic of Armenia, as well as

participate in interviews held at the Authorised Body with asylum seekers pursuant to Article 51(8) of this Law.

3. UNHCR shall provide the Authorised Body as well as the bodies listed in Article 32 of this Law with information necessary for the exercise of their competence with respect to refugees and asylum, organise training courses, submit recommendations concerning solutions for the problems of particular asylum seekers and refugees, as well as concerning the improvement of mechanisms for the application of this Law.

## **CHAPTER 4**

### ***ASYLUM PROCEDURES***

#### **Article 45. Procedure for granting asylum**

1. Within the meaning of this Law, the procedure for granting asylum is the administrative proceeding -- for recognition of a refugee and granting asylum -- conducted by the Authorised Body.
2. The procedure for granting asylum shall be conducted in accordance with the Law of the Republic of Armenia “On the fundamentals of administrative action and administrative proceedings”, unless this Law provides otherwise.

#### **Article 46. Asylum request**

1. Foreign nationals who wish to be granted asylum in the Republic of Armenia shall submit an asylum request to the bodies specified in Article 13(2) of this Law.
2. An asylum request shall be submitted by an asylum seeker pursuant to Article 13(2) of this Law, and in case asylum is sought by families referred to in Article 7(1)-(3) of this Law – also pursuant to Article 13(4) of this Law, by one of the family members.
3. An asylum request shall express the desire to find protection in the Republic of Armenia. An asylum request shall also contain the personal data of the person and all accompanying family members, as well as a description of the travel from the country of origin to the Republic of Armenia.
4. The Border Guard Troops or the Police shall hold an interview with the asylum seeker to collect the necessary information specified in part 3 of this Article and shall register the asylum request in the appropriate registry book.  
The form of the registry book shall be approved by a joint decision of the Border Guard Troops, the Police and the Authorised Body for Migration Issues.  
The interview shall be recorded in writing by the bodies that have received the asylum request, and then, together with the asylum request submitted in writing, if such exists, it shall be forwarded to the Authorised Body, and copies shall remain with the afore-mentioned bodies.

5. Where the asylum seeker and the accompanying family members specified in Article 7(1)-(3) of this Law hold a valid travel document and a valid entry permit, the Border Guard Troops or the police authorities shall inform them of submitting an asylum application to the Authorised Body.
6. In case the asylum seeker and the accompanying family members specified in Article 7(1)-(3) of this Law do not hold a valid travel document or a valid entry permit, the Border Guard Troops may hold them for up to 72 hours in the special shelter provided for in Article 37(1) of the Law of the Republic of Armenia “On aliens”, after which they must be transferred to the Temporary Reception Centre specified in Article 14 of this Law. The conditions for holding in the special shelter must comply with the international standards.
7. In case of operation of part 6 of this Article, the bodies specified in the same part shall, without delay, inform the Authorised Body of the arrest, granting the representatives of the latter the right to unhindered access to the asylum seeker and his/her family members, in order to collect the asylum application from them, to institute an administrative proceeding on the issue of granting asylum, as well as to facilitate their transfer to the Temporary Reception Centre and to regularise their residence status. The UNHCR staff shall have the right to unhindered access to an asylum seeker and his/her family members.
8. In case of difficulties in, or impossibility of, covering by an asylum seeker or his/her family members of the expenses of their transfer from the place of submission of the asylum request to the central office of the Authorised Body, the Border Guard Troops or the police authorities shall, without delay, inform thereof the Authorised Body. The latter shall arrange the transfer of the asylum seeker and his/her family to the central office of the Authorised Body, in co-operation with non-governmental organisations and UNHCR where necessary.
9. The Border Guard Troops or the Police must inform an asylum seeker and his/her family members of their rights and obligations and, in particular, of applying to UNHCR.

#### **Article 47. Asylum application**

1. Foreign nationals present legally within the territory of the Republic of Armenia, who intend to be granted asylum, shall apply to the Authorised Body and directly submit the asylum application pursuant to Article 13(3) of this Law, or shall submit their asylum application pursuant to the procedure established in Article 46(5) of this Law.
2. Foreign nationals present illegally within the territory of the Republic of Armenia, who intend to be granted asylum, shall either directly apply to the Authorised Body and submit the asylum application pursuant to Article 13(3) of this Law, or shall

submit their asylum application pursuant to the procedure established in Article 46(5)-(7) of this Law.

3. In the case provided for in part 2 of this Article, where the asylum application is directly submitted to the Authorised Body, the latter shall, after collecting the asylum application, inform the Police in order to ensure the exercise of the power prescribed for the latter in Article 46(6) and (7) of this Law. In case of a temporary arrest of an asylum seeker by the Police, the representatives of the Authorised Body shall have the right to unhindered access to the asylum seeker and his/her family members, in order to continue the administrative proceeding instituted for the purpose of granting asylum as well as to facilitate the regularisation of their residence status.
4. Pursuant to Article 13(3) of this Law, the asylum application shall be submitted by an asylum seeker to the Authorised body, in writing, in the Armenian language or in his/her mother tongue or in one of the languages of the United Nations.
5. In case of families seeking asylum, the asylum claim of each family member as specified in Article 7(1)-(3) of this Law shall, pursuant to Article 13(4) of this Law, either be included in the joint asylum application filed by one of the family members, or be submitted under an individual application. The consent to be included in the application filed by another family member shall be recorded by the Authorised Body and shall be validated by the signature of the asylum seeker concerned.
6. In his/her application an asylum seeker shall state in detail the reasons for seeking asylum in the territory of the Republic of Armenia and substantiate the fear of possible persecution or, as referred to in Article 6(1) of this Law, shall state the compelling reasons owing to which he/she has left the country of his/her nationality or former habitual residence.
7. The Authorised Body shall assist an asylum seeker in completing the asylum application, providing, when necessary, a translator free of charge, and if the asylum seeker so desires, shall assist him/her in establishing contact with an advocate or UNHCR.
8. In case asylum is sought by an unaccompanied minor person and/or minor person separated from family referred to in Article 8(1) of this Law, the Authorised Body shall, pursuant to Article 8(3) of this Law, assist in the appointment of a guardian. The appointed guardian shall take part in the examination of the asylum application by the Authorised Body and other bodies as well as in all further legal relations provided for under the proceeding instituted for recognition of a refugee and grant of asylum.

#### **Article 48. Registration of asylum applications at the Authorised Body**

1. Upon accepting and registering an asylum application, the Authorised Body shall register the asylum seeker in the information bank of the state Authorised Body and

open a personal file of the asylum seeker. Family members and other dependants specified in Article 7(1)-(3) of this Law, who are in the territory of the Republic of Armenia and want to apply for asylum as prescribed in Article 47 of this Law, without submitting an individual asylum application, shall be registered together with the asylum seeker who has submitted an application under individual procedure and shall be included in his/her personal file.

2. Family members and other dependants, who have submitted an individual asylum application pursuant to Article 47(2) of this Law, shall be registered as individuals, and a personal file shall be opened for each of them.
3. A person registered as an asylum seeker pursuant to part 1 of this Article shall be informed of the obligation to report, without delay, to the Authorised Body any changes of the information provided by him/her in the course of registration and, in particular, of a change of his/her address; he/she shall also be informed of the legal consequences -- specified in Article 55 of this Law -- in case of a failure to comply with this obligation, as well as of possible termination -- pursuant to the same Article of this Law -- by the Authorised Body of further examination of the application, if it is not able to establish contact with the asylum seeker due to the latter's failure to comply with the procedure established in this part.
4. When registering the application of an asylum seeker and opening an individual file concerning the latter, the Authorised Body shall, pursuant to Article 29 of this Law, issue to the asylum seeker as well as his/her family members and dependents an individual identity document of asylum seekers, as well as a notification on conducting an interview specified in Article 51(2) of this Law.

#### **Article 49. Counselling**

1. When accepting, registering an asylum application and opening a file pursuant to Article 48 of this Law, the Authorised Body shall provide free of charge counselling to the asylum seeker on his/her rights and obligations.
2. Through counselling the asylum seeker shall be informed of his/her obligation to co-operate with the bodies specified in Chapter 3 of this Law; the asylum seeker shall, in particular, undertake to:
  - (1) provide oral and written necessary and full information to the relevant bodies;
  - (2) observe the officially adopted deadlines and procedures for reporting to the Authorised Body;
  - (3) apply to the Authorised Body for extension of the term of validity of the identity document of an asylum seeker at least three working days before its expiry; otherwise, in case of expiry of the term of validity of the identity document of an asylum seeker, he/she will find himself/herself in an illegal status;

- (4) present to the Authorised Body all documents in his/her possession, containing necessary information for the procedure for granting asylum.
3. An asylum seeker shall be informed that in case of inadequate co-operation with state bodies or providing false information, his/her asylum application may be rejected, as well as in case of non-fulfilment of the obligation prescribed in part 2(3) of this Article, he/she may be subjected to fines as prescribed by law.
4. An asylum seeker shall be informed of his/her right to hire a translator and an advocate on his/her own means and to appear for the interview with them, as well as of his/her right to avail himself/herself, pursuant to Article 51 of this Law, of free services of a translator during the interview, and of the right of a female asylum seeker to avail herself of free services of a female translator if she so desires. An asylum seeker shall also be reminded of his/her right to apply to UNHCR at any time.

**Article 50. Guarantees for unaccompanied minor asylum seekers or minor asylum seekers separated from family**

1. In case of an unaccompanied minor asylum seeker(s) or minor asylum seeker(s) separated from family (hereafter referred to as “unaccompanied minor asylum seeker(s)), the Authorised Body shall immediately inform the Authorised Body for Labour and Social Issues, for the purpose of assisting in the appointment of a guardian (custodian) for unaccompanied minor asylum seekers.  
The Authorised Body must initiate the tracing of the child’s parents or other relatives for the purpose of family unification, except in cases when such tracing and unification is not in the interests of the child.
2. The Authorised Body for Labour and Social Issues shall, jointly with the Child Protection Units, initiate the process of placing of, and appointment of a guardian for, unaccompanied minor asylum seekers.
3. When placing a child, the Guardianship Bodies of the Republic of Armenia shall ensure the joint residence of minor asylum seekers who are members of one family, proceeding from the interests of the children.
4. The guardian(s) shall be obliged to duly represent the interests of the unaccompanied minor asylum seeker(s) during the asylum procedure.
5. The Authorised Body shall not initiate any steps regarding the asylum procedure without the involvement of the guardian and must ensure that the interview is conducted as prescribed in Article 51 of this Law, in the presence of the latter, and the official who conducts the interview must possess the necessary knowledge and skills for working with minors.
6. All the officials involved in the asylum procedure of an unaccompanied minor asylum seeker shall, in their actions, proceed from the principle of protection of the interests of the child.

**Article 51. Interview**

1. Every asylum seeker, with the exception of family members who have refused to submit an individual asylum application provided for in Article 13(4) of this Law, must participate in the interview conducted by the Authorised Body. The Authorised Body may make a decision on grant of asylum or recognition of a refugee without an interview, if there is sufficient information in a particular case for making such a decision.
2. Pursuant to Article 56 of this Law, asylum seekers shall be informed of the interview upon a written notification, within three days following the registration of the asylum application. The notification shall contain information on the place, date, time of the interview and other information on the interview. An asylum seeker shall confirm the receipt of the notification with his/her signature. Copies of the notification and the receipt shall be kept in the individual file of the asylum seeker.
3. The interview with an asylum seeker shall be held by the officer(s) of the relevant unit of the Authorised Body, who shall compile a complete written record of the interview, which shall be signed by the asylum seeker. The record shall make an integral part of the personal file of the asylum seeker. If the asylum seeker refuses or is not able to sign the record, the reasons for not signing shall be recorded in writing and attached to the main record of the interview.
4. If an asylum seeker does not have sufficient command of the Armenian language, he/she shall, free of charge, be provided with a translator by the state Authorised Body. The asylum seeker may also avail himself/herself of the services of a translator hired on his/her own means.
5. During the interview, the asylum seeker may, on his/her own means, be represented by his/her advocate, who shall be granted the right to unhindered access to the personal file of the asylum seeker and to any information on him/her. The presence of an advocate shall be without prejudice to the right of the asylum seeker to respond to questions himself/herself.
6. The interview with a female asylum seeker shall, if she so desires, be held by a female officer of the Authorised Body, through a female translator where necessary.
7. An asylum seeker shall state the facts underlying the well-founded fear of persecution or human rights violations, and provide necessary data on the place of residence, travel route, refuge in other countries, submission of asylum claims in other countries, as well as any other information necessary for his/her case.
8. Pursuant to the Law of the Republic of Armenia “On personal data”, information obtained during the interview shall be confidential and shall not be subject to publication. The confidentiality of the interview with an asylum seeker shall be guaranteed by law. A UNHCR representative may participate in the interview.



## **Article 52. Adoption of a decision by the Authorised Body**

1. The Authorised Body shall, with respect to an individual asylum application, gather all the information provided by the asylum seeker or any other interested party and file it, in the prescribed manner, in the individual file of the asylum seeker concerned.
2. Within the framework of a commenced administrative proceeding, the Authorised Body shall, before making a decision on granting asylum, hold an interview with the asylum seeker, verify the data presented, and fill out documentation necessary for the case and specified by the legislation of the Republic of Armenia.
3. The Authorised Body shall make a decision on the basis of the information contained in the individual file, available information on the country of origin, as well as the term “refugee” and the principle of *non-refoulement* as defined in Articles 6, 7, and 9 of this Law, applying, if necessary, the exclusion grounds defined in Article 11 of this Law.
4. Insufficiency of evidence may not serve as a basis for a failure to make a decision or making a decision of rejection by the Authorised Body. An asylum seeker shall be granted the benefit of the doubt for events which occurred outside the territory of the Republic of Armenia.
5. The decision on recognising an asylum seeker as a refugee by the Authorised Body shall also include the decision on granting the asylum seeker asylum in the Republic of Armenia or refusing such asylum. The Authorised Body may refuse the granting of asylum only in cases specified in Article 11(2) of this Law and shall be obliged to inform the asylum seeker in writing of the reasons for not granting asylum.
6. With regard to an asylum seeker who has already been recognised as a refugee by a State signatory to the Convention, the Authorised Body shall make a decision only on granting or not granting asylum to the refugee.
7. A written decision of the Authorised Body on not recognising an asylum seeker as a refugee shall also include the statement of the reasons for rejecting the asylum application, as well as the possibility of applying the principle of *non-refoulement* as defined in Article 9(3) of this Law, particularly the permissibility of expulsion of the person to the country of his/her origin or any other country.
8. The decision made by the Authorised Body shall be sent to the asylum seeker within three working days following the day it was made. Attached to the decision a written notification shall also be given, which shall include a description of further actions of the asylum seeker: in case of a positive decision, it shall contain information on the legislation governing issues of his/her further residence in the Republic of Armenia,

and in case of a negative decision – necessary information on appealing against the decision.

### **Article 53. Procedures for exclusion, cessation and cancellation**

1. In cases when one of the reasons for exclusion, cessation or cancellation as defined in Article 7(5), Article 10, Article 11 or Article 12 of this Law exists with respect to a refugee who has been granted asylum in the Republic of Armenia, the Authorised Body shall initiate a cessation or cancellation process.
2. The procedures for cessation and cancellation with regard to a refugee who has been granted asylum in the Republic of Armenia shall follow the procedure established in Article 45 of this Law, including the right to an interview and the right to appeal against the decision made by the Authorised Body.
3. In the course of cessation and cancellation procedures, the Authorised Body shall not review the applicability of the criteria of the term “refugee” as defined in Article 6 of this Law; rather, while making a decision, it shall take as a basis the principle of *non-refoulement* as defined in Article 9(3) of this Law.
4. A refugee who has been granted asylum in the Republic of Armenia and with respect to whom a procedure established in part 1 of this Article has been initiated, shall continue to hold the Convention Travel Document pursuant to Article 30 of this Law and shall fully enjoy the right to asylum in the territory of the Republic of Armenia until the final negative decision is made with respect to his/her case.
5. In case of an apparent existence of one of the reasons for exclusion defined in Article 11(1) of this Law, the Authorised Body shall consider the issue of exclusion under the procedure for exclusion of asylum established in this Chapter. In case of an asylum seeker, the Authorised Body shall, before determining the exclusion grounds, follow Article 6(1) of this Law.

### **Article 54. Procedure for family reunification**

1. Family members -- specified in Article 7(1) and (3) of this Article -- of a refugee who has been granted asylum in the Republic of Armenia, shall have the right to be recognised as a refugee or be granted asylum in the Republic of Armenia, even if they are outside the boundaries of the Republic of Armenia.
2. Persons referred to in part 1 of this Article, who reside outside the boundaries of the Republic of Armenia and intend to join their family member who has been recognised as a refugee and has been granted asylum in the Republic of Armenia, shall apply to the diplomatic representation and consular office of the Republic of Armenia in a respective country, with a request for family reunification. The relevant diplomatic representation and consular office of the Republic of Armenia shall register their application and forward it to the Authorised Body.

In cases of absence of a diplomatic representation and consular office of the Republic of Armenia in a respective country, the persons referred to in part 1 of this Article, who reside outside the boundaries of the Republic of Armenia and intend to join their family member who has been recognised as a refugee and has been granted asylum in the Republic of Armenia, shall apply to the diplomatic representation and consular office of the Republic of Armenia in the closest country, with a request for family reunification.

3. The Authorised Body shall, in co-operation with the Authorised Body for Foreign Affairs Issues, verify the information provided by asylum seekers in terms of its compliance with the requirements of Article 7(1) and (3) of this Law.
4. Where the Authorised Body believes that the requirements of part 3 of this Article are met, it shall, as prescribed in Article 52(3) and Article 53(5) of this Law, make a decision on recognising those persons as refugees and granting them asylum, informing -- through the Authorised Body for Foreign Affairs Issues -- thereof the relevant diplomatic representation and consular office of the Republic of Armenia in the respective country, based on which it shall issue a permit to enter the Republic of Armenia (hereafter referred to as "visa") to the family members. The Police shall issue Convention Travel Documents to these persons upon arrival in the Republic of Armenia.
5. Where the Authorised Body considers that the requirements of part 3 of this Article are not met, it shall, as prescribed in Article 52(7) of this Law, adopt a decision on rejecting the asylum application, informing the diplomatic representation and consular office of the Republic of Armenia in the respective country through the Authorised Body for Foreign Affairs Issues. The consular office shall inform thereof the persons who have submitted an asylum application. A refugee who has been granted asylum in the Republic of Armenia may appeal against the decision of the Authorised Body as prescribed in Article 57 of this Law.

*(Article 54 amended by HO-66-N of 3 March 2011)*

#### **Article 55. Suspension, termination and reopening of a process initiated with respect to an asylum claim**

1. The Authorised Body shall suspend a process for granting asylum, if:
  - (1) the asylum seeker fails -- without valid reasons -- to appear for an interview pursuant to a notification specified in Article 51(2) of this Law, or refuses to cooperate with the Authorised Body in making a decision on the asylum claim;
  - (2) the asylum seeker fails to appear before the Authorised Body within two weeks following the receipt of a notification referred to in Article 56(2) of this Law.

2. A process for granting asylum may be reopened, if, within three months following the receipt of the decision to suspend the process for granting asylum, the alien concerned addresses the Authorised Body in writing, substantiating the reasons for the failure to co-operate with the latter.
3. The Authorised Body shall terminate a process for granting asylum, if:
  - (1) the asylum seeker withdraws in writing the asylum claim submitted by him/her to the Authorised Body;
  - (2) following a suspension of the administrative proceeding pursuant to part 1 of this Article, the asylum seeker does not provide a substantiation -- specified in part 2 of this Article -- for the failure to co-operate with the Authorised Body, within three months following the receipt of the decision on suspending the proceeding;
  - (3) there is an effective administrative or judicial act concerning the same asylum seeker's asylum claim with the same grounds.
4. A decision on suspending or terminating an asylum procedure shall be sent to the asylum seeker within three days, pursuant to the procedure established in Article 56 of this Law.

**Article 56. Notifying on the proceeding on granting asylum and on the adopted decision**

1. All notifications addressed to asylum seekers must be in writing, in Armenian or in a language the asylum seeker understands, and must be sent by the Authorised Body.
2. If, after being sent in the prescribed manner, a notification does not reach the asylum seeker, the Authorised Body shall try to ascertain the place of residence of the asylum seeker. If the place of residence of the asylum seeker is not ascertained within one month, the Authorised Body shall send a note -- on appearing before the Authorised Body without delay -- to the last known place of residence of the asylum seeker.
3. All decisions adopted by the Authorised Body, including decisions on suspending and terminating an asylum procedure, shall be provided to an asylum seeker pursuant to parts 1 and 2 of this Article, by sending a notification to the asylum seeker on collecting the decision at the Authorised Body. If the decision cannot be delivered to the asylum seeker, and the asylum seeker does not apply to the Authorised Body within one month after a notification has been sent pursuant to part 2 of this Article, the decision shall take legal effect.

**Article 57. Appealing against decisions adopted with respect to an asylum claim and recognition of a refugee**

1. Asylum seekers and refugees shall have the right to appeal -- through a judicial procedure -- against any negative decision made by the Authorised Body as a result of an asylum procedure instituted with respect to an asylum claim or recognition of a

refugee, as well as other administrative procedures provided for by this Law, within 30 days after being informed of such decision.

2. After missing the time-limit referred to in part 1 of this Article, the decision made by the Authorised Body shall become final. The time-limit for appeal may be renewed only in case of being missed for a valid reason. Missing the time-limit for appeal shall be considered to be for valid reasons, if the time-limit has been missed for reasons beyond the control of the asylum seeker or refugee.
3. After the reason(s) for missing the time-limit for appeal ceases to exist, the asylum seeker may lodge an appeal with the court within 15 days, but not later than within 3 months starting from the day he/she was informed of adoption of the decision made by the Authorised Body with respect to the asylum claim.
4. A negative decision of the Authorised Body shall include information on the right to appeal and the time-limits for appeal as defined in parts 1 and 2 of this Article, as well as on applying to the appropriate court.
5. Decisions -- not satisfying an asylum seeker or refugee -- on an asylum claim or recognition of a refugee shall be considered final by the Authorised Body, if the asylum seeker has not lodged an appeal within the time-limit referred to in part 3 of this Article.

#### **Article 58. Procedures following the making of a final decision**

1. On the basis of the decision of the Authorised Body, the Police shall, pursuant to Article 30 of this Law, issue a Convention Travel Document to a person who has been recognised as a refugee and has been granted asylum.
2. The Authorised Body shall extend the term of validity of the identity document issued to a person who has been recognised as a refugee but has not been granted asylum upon a final decision. The term of validity of an identity document shall be extended for six months. The Authorised Body shall, in co-operation with the Police, be responsible for voluntary or involuntary departure of a refugee, who has not been granted asylum, from the territory of the Republic of Armenia to another country specified in Article 11(2) of this Law, within six months following the receipt of the negative decision as prescribed in Article 56 of this Law. If the departure is not possible, the Authorised Body shall, without an additional procedure, grant asylum to the refugee, and the Police shall issue a Convention Travel Document pursuant to part 1 of this Article.
3. The Authorised Body shall inform the Police of a final decision within one week, confirming that a foreign national with respect to whose application for granting asylum a final decision on rejection has been taken, cannot return to his/her country of origin or any other country by virtue of the *non-refoulement* principle as defined in

Article 9(3) and Article 52(7) of this Law. The Police shall be responsible for resolving the issue of the residence status of that alien in accordance with the legislation of the Republic of Armenia. The Authorised Body shall ensure that the Police are informed of all finally rejected asylum seekers and refugees not granted asylum in the Republic of Armenia, so that they are allowed to take the necessary steps pursuant to the relevant laws of the Republic of Armenia.

*(Article 58 amended by HO-66-N of 3 March 2011)*

#### **Article 59. Subsequent submission of an asylum application**

1. A new asylum proceeding, which shall be conducted pursuant to the procedure for granting asylum established by this Law, shall be instituted with respect to each subsequent application for granting asylum, submitted as prescribed in Article 13 of this Law, after making a final negative decision on granting asylum in accordance with Article 52 of this Law, as well as after suspending the asylum procedure in accordance with Article 55 of this Law. In such cases an asylum seeker shall enjoy all the rights that are provided for persons seeking asylum for the first time, in particular, the right prescribed in Article 9(2) of this Law.
2. In the course of an asylum proceeding instituted on the basis of a subsequent asylum application and, in particular, when deciding on the recognition of a refugee and the grant of asylum, the Authorised Body shall consider only those events and facts which occurred after the last interview held with the asylum seeker in the course of examination of the asylum seeker's previous application.
3. The provisions of part 2 of this Article shall not apply in cases where a family member of a refugee who has been granted asylum in the Republic of Armenia submits an individual asylum application, or an asylum seeker applies with a request for granting asylum for his/her family following a final decision of rejection with respect to his/her asylum application submitted as prescribed in Article 47(5) of this Law.

#### **Article 60. Voluntary return procedure**

1. Asylum seekers and refugees may apply to the Authorised Body for assisting and supporting their voluntary return as defined in Article 4 of this Law. In that case asylum seekers shall submit a request on suspending the asylum procedure, and persons recognised as refugees – a request on ceasing the recognition of a refugee.
2. In order to assist the voluntary return, the Authorised Body shall provide all applicants for voluntary return with information on the situation in their countries of nationality or former habitual residence as well as shall co-operate with UNHCR and International Organization for Migration (hereafter referred to as "IOM").
3. The Authorised Body shall, in co-operation with the Authorised Body for Foreign Affairs Issues and pursuant to the procedure established by the Government of the

Republic of Armenia, assist persons who submit an application for voluntary return in obtaining necessary travel documents and visa for entering their country of origin or main residence or possible third transit countries.

4. An applicant for voluntary return shall have the right to withdraw his/her application any time in the course of the return procedure. Before departure from the Republic of Armenia, an applicant for voluntary return shall continue to enjoy the rights arising out of the status of an asylum seeker or refugee, without any restrictions.
5. After an applicant for voluntary return has left the Republic of Armenia, the Authorised Body shall record the fact of voluntary return in his/her individual file, including the decisions on termination by the asylum seeker of the asylum procedure as prescribed in Article 55(3) of this Law, or cessation of the recognition of a refugee as prescribed in Article 10(1) of this Law.
6. If an asylum seeker or refugee has, as prescribed in this Article, voluntarily returned to the country of his/her nationality or former habitual residence and has later again arrived in the Republic of Armenia and claims asylum, his/her claim shall be examined as prescribed in Article 59 of this Law.

## **CHAPTER 5**

### ***TEMPORARY PROTECTION***

#### **Article 61. Adoption of a decision on temporary protection**

1. For those groups of foreign nationals and stateless persons, who, owing to the reasons referred to in Article 6(1)(2) of this Law, have left the territories of the countries neighbouring the Republic of Armenia and have found themselves in the territory of the Republic of Armenia or at the state border crossing points of the Republic of Armenia, the Government of the Republic of Armenia may adopt a decision on taking those persons under temporary protection.
2. A decision on temporary protection shall clearly define the group of aliens that shall be granted temporary protection in the Republic of Armenia.
3. A decision on temporary protection may be made upon the proposal of the bodies referred to in Articles 34-37 of this Law, as well as upon the proposal of UNHCR and IOM.

#### **Article 62. Grant of asylum in case of temporary protection**

1. Aliens taken under temporary protection by the Republic of Armenia (hereafter referred to as “temporarily protected persons”) shall also be recognised as refugees and shall have the same rights and obligations as prescribed for refugees by this Law.

2. Temporarily protected persons shall be granted asylum in the Republic of Armenia without applying the procedures established in Chapter 4 of this Law. The state authorized bodies referred to in Article 13(2) of this Law shall not require persons subject to temporary protection to submit individual asylum applications and shall inform the latter on the necessity to apply to the Authorised Body without delay.
3. Temporarily protected persons shall apply to the Authorised Body for registration, which shall register them, opening one common file for the whole group, where their personal data, including family composition, shall be recorded.
4. The Authorised Body also shall not accept individual asylum applications from temporarily protected persons, but shall verify the compliance of their data with the requirements of the decision of the Government of the Republic of Armenia on taking this group under temporary protection.
5. Where the Authorised Body believes that a particular person does not fulfil the requirements of the decision of the Government of the Republic of Armenia, that person shall be reserved the right to submit an individual asylum application.
6. The Authorised Body shall view as individual asylum seekers those members of a group temporarily protected upon a decision of the Government of the Republic of Armenia, with respect to whom there are well founded doubts of committing actions - - defined in Article 11(1) of this Law -- that warrant exclusion from recognition of a refugee, and shall, pursuant to Article 5 of this Law, examine, in an individual asylum procedure, the applicability of exclusion grounds with respect to them.
7. The Police shall issue an identity document of a temporarily protected person to refugees who have been granted temporary protection; later, it shall be exchanged with a Convention Travel Document. The procedure for the exchange of documents, the specimen of the identity document of a refugee who has been granted temporary protection and the procedure for its issue shall be approved by the Government of the Republic of Armenia.

*(Article 62 amended and supplemented by HO-66-N of 3 March 2011)*

### **Article 63. Cessation of temporary protection**

1. If there are well-founded indications that the situation of the country of origin of a group of refugees that has been granted temporary protection has normalised, or, if issues -- threatening the national security of the Republic of Armenia -- arise with respect to presence in the Republic of Armenia of a group of refugees that has been granted temporary protection, the Government of the Republic of Armenia may, upon joint suggestion of the Authorised Bodies for Foreign Affairs Issues and National Security Issues, cease the temporary protection with respect to the group concerned.
2. In case of cessation of temporary protection with respect to a group that has been granted temporary protection by the Republic of Armenia, the members of that group shall no longer enjoy the rights prescribed for temporarily protected persons. Persons



who have been deprived of temporary protection shall have the right to submit an individual asylum application which will be examined in an individual asylum procedure established by this Law.

3. Cessation as well as cancellation of recognition of a refugee and of the right to asylum of the members of a group that has been granted temporary protection shall follow the procedures -- provided for refugees who have been granted asylum in an individual procedure -- established by this Law.

## CHAPTER 6

### *TRANSITIONAL PROVISIONS*

#### **Article 64. On persons who were forced to move to the Republic of Armenia in 1988–1992 and persons who have been granted temporary asylum in the Republic of Armenia**

1. Persons who were forced to move to the Republic of Armenia from the Republic of Azerbaijan in 1988–1992, as well as those who have been granted temporary asylum in the Republic of Armenia, shall be recognised as refugees and as persons who have been granted asylum in the Republic of Armenia, if, prior to the entry into force of this Law, they have received and hold, as prescribed by the legislation of the Republic of Armenia, a valid identity document for a refugee and for temporary asylum, respectively, and their recognition as a refugee, as well as the right to temporary asylum have not been ceased in the prescribed manner prior to the entry into force of this Law.

These persons must apply to the Police within two years following the entry into force of this Law, in order to exchange the identity document for a refugee and for temporary asylum with a Convention Travel Document provided for in Article 30 of this Law. Persons, who do not obtain a Convention Travel Document within the mentioned time-limit, must undergo the individual asylum procedure established by this Law, in order to be considered as persons recognised as refugees and granted asylum in the Republic of Armenia.

2. Persons who were forced to move to the Republic of Armenia from the Republic of Azerbaijan in 1988–1992 and who, prior to the entry into force of this Law, have not obtained a refugee identity document referred to in part 1 of this Article, must undergo the individual asylum procedure established by this Law, in order to be considered as persons recognised as refugees and granted asylum in the Republic of Armenia.

*(Article 64 amended by HO-66-N of 3 March 2011)*

#### **Article 65. Entry into force of this Law**

1. This Law shall enter into force on the tenth day following the day of official publication.

2. Upon the entry into force of this Law, the Law of the Republic of Armenia HO-288 of 3 March 1999 “On refugees” shall be repealed.

**President of the Republic of Armenia**

**S. Sargsyan**

23 December 2008

Yerevan

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