

Monitoring Report

Agreement between the European Union and the Republic of
Armenia on the Facilitation of the Issuance of Visas



Yerevan 2014

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Introduction

Mobility is essential for progress and development of any country. Mobility is crucial for not only professionals, students, and experts, but also people-to-people contacts, and is related directly to the visa framework between the Republic of Armenia and other countries. It is a matter of special importance in the relationship between Armenia and the European Union.

This program covered a study of the issuance of EU visas to citizens of the Republic of Armenia, a review of the international and domestic legislation, including the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation. The study looked into the performance of the diplomatic missions and consular posts of the EU Member States in Armenia (Germany, Poland, France, Italy, Lithuania and Greece), as well as the Department for Passports and Visas under the Republic of Armenia Police and the State Migration Service under the Republic of Armenia Ministry for Territorial Administration. The online media were monitored in view of the entry into force, from January 2014, of the visa facilitation and readmission agreements. During the first stage of the program, the official websites of the consular posts and the aforementioned agencies of the Armenian government were reviewed. Then, questionnaires were prepared and sent to the consuls of the relevant EU Member States and to the domestic agencies. The replies to the questionnaires supported a complete analysis of how the situation changed since the entry into force of the aforementioned two agreements. The experience of other Eastern Partners (Ukraine, Moldova, and Georgia) was studied, as well.

The beneficiaries of this program are non-governmental organizations, journalists, state authorities, active groups of civil society, and the public at large.

Information events were organized in Gyumri and Yerevan. A two-day seminar was organized in Tsaghkadzor for journalists.

In a globalizing modern world, visa issuance and people mobility go hand in hand with issues like irregular migration, security, document security and protection of private data, border security and management, fighting and preventing organized crime, terrorism, discrimination, and corruption, and collaboration between law-enforcement agencies. For Armenia, like any developing country, mobility is a key priority in the relationship with the EU.

The foundation for the Eastern Partnership Program was laid in Prague in 2009, where the “Prague Declaration” was adopted.¹ The Armenia-EU Association Agreement talks were launched in July 2010. The negotiations of a Deep and Comprehensive Free Trade Area, part of the Association Agreement, began in June

¹ Joint Declaration of the Prague Eastern Partnership Summit, at http://ec.europa.eu/europeaid/where/neighbourhood/eastern_partnership/documents/prague_summit_declaration_en.pdf

2012 and were concluded in July 2013.

The Eastern Partnership (EaP) is the EU's initiative for the six countries of Eastern Europe and the South Caucasus, including Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan. On 7 May 2009, the summit of heads of state of the EU and the Eastern Partners in Prague marked the launch of the Eastern Partnership. A Joint Declaration on the Eastern Partnership was signed during the Summit, laying the foundation for closer cooperation and the implementation of new initiatives.² The goal of the initiative is to strengthen ties between the EU and its Eastern Partners whilst deepening their political and economic cooperation.

In February 2012, on the backdrop of intensive developments in the Armenia-EU relationship, negotiations of visa facilitation and readmission agreements with the EU were launched in Yerevan. On 17 December 2012, after three rounds of negotiations, Armenia and the EU signed a visa facilitation agreement, and on 19 April 2013 – a readmission agreement.³ The agreements were ratified by the European Parliament on 9 October 2013 and by the National Assembly of Armenia on 12 November 2013. They entered into force on 1 January 2014.⁴

In an important and welcome move, the Government of Armenia adopted a decree that, effective from January 2013, waived the entry visa requirement for citizens of EU Member States and non-member states that follow the provisions of the EU's Schengen Agreement.⁵

After the well-known speech of the President of Armenia on 3 September 2013, a “u-turn” in foreign policy was declared: Armenia expressed a wish to join the Customs Union. This change in the vector of foreign policy caused the EU-Armenia relationship to be limited by cooperation in purely humanitarian, scientific, education, and cultural sectors. One may conclude that visa policy is becoming crucial, because cooperation in the aforementioned sectors implies active movement and mobility of people. This situation is likely to continue until there is a new format of cooperation between Armenia and the EU.

Thus, the visa facilitation and readmission agreements entered into force in January 2014. The main goal of the agreements is to regulate and facilitate the issuance of visas and the readmission of a number of categories of Armenian citizens. However, citizens and society as a whole are generally rather unaware of

² “Armenia between the European Union and Russia” by *Hasmik Grigoryan, expert, Armenia, Issue 1, 2014*, <http://www.russkiivopros.com/?pag=one&id=563&kat=6&csl=65> ; http://eeas.europa.eu/eastern/index_en.htm

³ <http://www.mfa.am/hy/country-by-country/eu/>

⁴ <http://www.europarl.europa.eu/news/en/news-room/content/20131004IPR21533/html/Visas-Parliament-gives-green-light-to-EU-Armenia-visa-facilitation-agreement> , http://armenianow.com/news/49985/armenia_eu_visa_facilitation_readmission_agreement_parliament_ratification

⁵ <http://www.mfa.am/hy/country-by-country/eu/>

this process and of the new rules, which causes the rights of citizens to be violated or neglected in many cases. In view of the low level of awareness, raising the awareness of the mass media becomes very important given the crucial role of the media in sensitizing society. The low level of awareness also causes negative public attitudes and stereotypical opinions about the EU and Armenia. However, considering the many accomplishments of the EU and Armenia in this sphere, the results would need to become visible and tangible.

The first step towards visa-free travel to the EU is usually visa facilitation that is conditioned by effective implementation of the readmission agreement with the EU. When the EU is satisfied with how visa facilitation and readmission agreements work, it may start visa liberalisation dialogue with the country in question. This dialogue usually means assessing the situation in the given country in different policy spheres and institutional framework related security and migration and establishing a list of steps that need to be taken before the country in question can be granted visa-free travel. The documents listing the necessary steps are known as “roadmaps” or “action plans”. When implemented, the benchmarks covered by visa liberalisation action plans steps will help regulate migration and create effective mechanisms for minimizing irregular migration, which in turn will improve the situation in a number of related spheres (fighting and preventing organized crime, terrorism, discrimination, and corruption, and improving border controls and the like) and lead to better governance.

So far, Armenia has successfully completed the first step of visa liberalization. However, the visa facilitation and readmission agreements have been in place for only six months, and it is still premature to fully evaluate their impact.

To implement the present agreements effectively and to continue moving towards visa liberalization, persistent work is required from all the stakeholders, including the state authorities of Armenia, society as a whole, and active groups in society, as well as the European institutions.

The visa liberalization process contains two elements: a technical and a political one. In order to sustain the process, Armenia needs to continue the reforms for bringing a number of sectors into conformity with the EU’s standards. However, taking a political decision and expressing will to continue the process are equally important factors. These achievements and results of the program will be discussed further in the Conclusions.

Methodology

The following methods were used during this study.

1. Review of the relevant Armenian and European legislation

The domestic and international legislation on this sector was reviewed. First of all, the visa facilitation agreement and the agreement on the readmission of persons residing without authorisation between the European Union and the Republic of Armenia were reviewed.⁶ The EU Visa Code,⁷ the Schengen

Agreements,⁸ the Dublin Convention, and other international legal instruments were reviewed. As to domestic documents, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia, annual reports of the Ministry of Foreign Affairs of the Republic of Armenia, a number of decrees of the Republic of Armenia Government on migration and readmission, and other texts were reviewed.

2. Review of the EU consulates' and relevant state authorities' websites

In light of the importance of seeking information from the worldwide web in the contemporary world, the study reviewed the official websites of state authorities in charge of the sector and the consular posts of the diplomatic missions of EU Member States, with a particular focus on whether they contained up-to-date information. It is common knowledge that websites are becoming the most important source of information, which need to contain the most up-to-date information, which is especially important in the sphere of visas and migration. The vast majority of the Internet users are young and middle-aged people, which also happen to be the most active and most mobile parts of society. Therefore, close attention was paid to reviewing the relevant websites and analyzing the information contained therein.

3. Inquiries

After reviewing the legislation and the rules that are in place, questions were prepared during the first stage of implementation of the program, which were intended for the state authorities in charge of the sector and the consular posts of the diplomatic missions of EU Member States. The questions were prepared in view of the importance of visas and migration for the public at large, especially the issues and cases encountered in

⁶ http://mfa.am/u_files/file/Agreement_EU_Readmissiom_Arm.pdf

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>

⁸ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/schengen-agreements/index_en.htm, http://en.wikipedia.org/wiki/Schengen_Agreement

everyday life and especially in the mass media. Individual meetings were conducted with a number of national and international experts (Germany, the Netherlands, Poland, Lithuania, Ukraine) in order to collect information on the most frequent violations of human rights and the common causes of refusals to issue a visa, and the steps that people need to take in order to avoid mistakes to the extent possible.

4. Monitoring of the Online Media

As the Internet is a primary source of information, and the level of public awareness is still low, online media were monitored with a view to comparing the reporting and tracking how various events are reported in the online media. The news websites that are read the most were selected for the monitoring. Without the monitoring of the online media, this study would have been incomplete and unilateral, because they are a key source of news for the public, and the dissemination of accurate information by them is essential.

5. Table desk research

The experience of some other Eastern Partners (Ukraine, Moldova, and Georgia), which have completed the first phase of visa liberalization, was studied, as well. Some of them (such as Moldova) have already achieved a visa-free regime with the EU.

Chapter One

Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas⁹: Provisions and Practice

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

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

Under the Agreement on the Facilitation of the Issuance of Visas, the following categories of Armenian citizens benefit from a facilitated procedure of issuing a visa:

- Close relatives – spouses, children (including adopted), parents (including custodians), grandparents, grandchildren visiting citizens of Armenia legally residing in the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;
- Members of official delegations;
- Pupils, students, post-graduate persons and accompanying teachers;
- Persons travelling for medical reasons and necessary accompanying persons;
- Journalists and technical crew accompanying them in a professional capacity;
- Participants in international sport events and persons accompanying them in a professional capacity;
- Business people and representatives of business organisations;
- Members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events;
- Representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States;
- Persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes;
- Drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia;
- Participants of the official exchange programmes organised by twin cities

⁹ http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf

- and other municipal entities; and
- For visiting military and civil burial grounds.

Fees for processing the visa application are waived for the following categories of persons:

a) Pensioners; (b) children under the age of 12; (c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement; (d) persons with disabilities and the persons accompanying them, if necessary; (e) close relatives – spouse, children (including adopted), parents (including custodians), grandparents or grandchildren – of citizens of Armenia legally residing in the territory of the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals; (f) members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations; (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities; (h) journalists and technical crew accompanying them in a professional capacity; (i) participants in international sport events and persons accompanying them in a professional capacity; (j) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes; (k) persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes; and (l) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative.

Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year¹⁰ to the following

¹⁰ The dates specified on the visa do not give the citizen the right to be present in the Schengen Area throughout the mentioned time period. A single-entry visa contains information on the number of authorized days (e.g. 15 days). As to the multiple-entry visas, the citizen is allowed to stay in the Schengen Area for up to 90 days during a specific 180-day time period. Information about the calculation of eligible visa days in the Schengen Area can be found using the official Schengen Calculator of the European Commission

categories of persons, provided that during the previous year they have obtained at least one visa and have made use of it in accordance with the laws on entry and stay of the visited State.

Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of a minimum of 2 years and a maximum of 5 years to the categories of persons referred to in paragraph 2 of this Article, provided that during the previous 2 years they have made use of the one year multiple-entry visas in accordance with the laws on entry and stay of the visited State unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.

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

For purposes of this Agreement, countries may be divided into three categories:

- Countries that are full participants to the Schengen Agreements (Austria, Belgium, Hungary, Germany, Greece, Spain, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Finland, France, the Czech Republic, Sweden, and Estonia), for which the provisions of those Agreements are binding. Although Iceland, Lichtenstein, Norway, and Switzerland are fully participants to the Schengen Agreements, they are neither EU Member States nor parties to the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas. The governments of Iceland, Lichtenstein, Norway, and Switzerland and the government of Armenia need to concluded bilateral agreements on the facilitation of the issuance of short-term visas, with conditions similar to those of the Agreement between the European Union and the Republic of Armenia (see the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas).¹¹
- Countries with which bilateral agreements need to be concluded (the United Kingdom of Great Britain and Northern Ireland, and Denmark).
- Non-full members of the Schengen Agreements, which may issue only national visas, but the visas for the Schengen Area are valid in their territories (Bulgaria, Cyprus, and Romania).

In many countries, there are so called “visa centers”, authorized by embassies to accept visa applications from citizens. As it is mentioned in the Agreement on

(http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/schengen_calculator_en.html).

¹¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

the Facilitation of the Issuance of Visas, “external service provider may charge a service fee.” The Agreement further provides that “this fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30” (Agreement on the Facilitation of the Issuance of Visas, Article 6, Paragraph 3). Applicants also have the possibility to lodge their applications directly at the consulates. For the Union, the external service provider shall conduct its operations in accordance with the Visa Code and in full respect of Armenian legislation. In Armenia, such a center has been opened by the Embassy of the United Kingdom, which charges, in addition to the visa fee, 50 British pounds for its services. In June 2014, a Spanish visa center was opened, as well.

Although the Agreement contemplates facilitation of the issuance of visas for certain categories of citizens, it is also a complex bureaucratic process, and the decision to issue a visa is subject to some discretion. In addition to the visa issuance discretion, there is the discretion of the border guard on the border—whether or not to let the person in, i.e. having a visa does not preclude the refusal to grant entry on the border (however, this is applied only in exceptional cases), because the destination country border point is the final “checkpoint” for entry into that country.

Having discussed the provisions of the Visa Facilitation Agreement, we will focus on how it works in practice. The key focus of this Study is the operation of the consular posts of the diplomatic missions of EU Member States. As part of this study we reviewed the official websites of the consular posts to determine how updated the information is, and how accessible it is for Armenian citizens. Then, we prepared questions for the consuls of the respective countries, which will provide a more complete picture of the activities of the consular posts since the aforementioned two agreements have entered into force. There have also been meetings with the representatives of the consulates.

The following questions were posed:

- ❖ Do the embassies of EU Member States in Armenia have a coherent list of documents required for visa issuance?
- ❖ Is there information about the new rules of issuing visas on the official website of the embassy of the EU Member State, and if yes, in what language/-s?
- ❖ Does the official website of the embassy of the EU Member State in Armenia contain information about the other countries for which this particular consular post issues visas, as well?
- ❖ What is the process of issuing long-term and multiple-entry visas?
- ❖ What are the statistics of refusing to issue a visa since 1 January 2014?
- ❖ What are the most common reasons for refusing to issue a visa?

The responses were analyzed, and the results for the individual Member States are presented below.

➤ **Germany**

The official website of the German Embassy is up to date and contains rather detailed information on the agreements that entered into force in January 2014, as well as the whole process of applying for a visa in Armenian and in German (there is also brief information in English). Online registration is possible on the site, which is very convenient for applicants. There is a list of the countries (Belgium, Luxembourg, Sweden, Austria, and the Netherlands) for which the German Embassy issues visas. The website also contains memos that clearly explain the steps of applying for a visa. In response to our written inquiry, the German Consul provided statistics of refusals starting from January 2014 (about 10%), which is virtually the same figure as in 2013. According to the Consul's response, the German consular post provides justification of the reasons for the refusal (in the past, the Consul was not required to provide written justification for the refusal). An applicant may demand re-considering the application or appeal the decision in the relevant court of Germany.

However, citizens are very often unaware of these provisions of the law, which confirms the importance of these initiatives and projects in raising the awareness of citizens and building their capacity to protect their rights.

➤ **Poland**

The consular post at the Polish Embassy, too, was very willing to cooperate. The consular post is doing a very good job organizing the daily reception of citizens. The official website contains very detailed and comprehensive information; it specifies the countries, other than Poland, for which the Polish Embassy issues visas (Czech Republic, Slovenia, and Slovakia, and Switzerland effective from March 2014). For each country, detailed three-language (Polish, Armenian, and English) information is provided on the documents required to apply for a visa, the queuing procedure, the possibility of appealing refusals, and the like. The website also contains information on the Agreement on the Facilitation of the Issuance of Visas and the main novelties introduced thereby. According to information provided by the consular post, the Polish consulate has refused about 14% of the applications since January 2014 (407 visas have been issued and 59 refused). The most commonly reported reason for refusal is the failure to properly substantiate the purpose of the trip. An interesting move by Poland was the decision to grant Armenian citizens, as from January 2014, the right to work in Poland for a period of up to six months without a special permit; it is an indication of gradual improvements in the attitudes of the Europeans towards Armenian citizens.

➤ **France**

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

visas, the consular post at the French Embassy is responsible for visas for Portugal and Iceland. To apply for a visa, citizens need to sign up online. The website of the French Embassy is the only one that provides information on the embassies of other EU Member States in Armenia, which is commendable and convenient. In response to our inquiry letter, the French Consulate stated that the information on our questions could be found on their website, save for the statistics. Thus, we do not have this year's statistical data on visas issued or refused by the French Consulate.

➤ **Italy**

The consular post of Italy, too, responded to our inquiry, stating that refusals accounted for about 7% (1,867 visas were issued and 135 refused). Although the official website of the consular post at the Italian Embassy, unlike the websites of the diplomatic missions of the aforementioned three countries, was rather scarce and did not contain any information about the new rules, they stated in their response that efforts are currently underway to upgrade the website. The information on visas is rather generic, complicated, and confusing, and only in English. There is no information on the countries for which the Italian Consulate issues visas (those countries are Malta and Finland). There is no possibility to register online. The reported main reasons for refusal are falsified or inadequate documents or the failure to substantiate the purpose of the trip.

➤ **Lithuania**

The Lithuanian Consulate, too, was willing to answer all the questions. They informed us that efforts are currently underway to upgrade the website with the necessary information. This is a welcome development. The website of the Lithuanian diplomatic mission still does not contain any information on the new changes. There is only generic information for applying for a visa and online registration. Besides the Lithuanian visas, this consular post also issues visas for Latvia, Estonia, Denmark, Spain, and Hungary. In this respect, it is especially commendable that the Lithuanian Embassy is issuing visas for a number of EU Member States that do not have consulates in Armenia. In the past, Armenian citizens had to travel to Tbilisi or Moscow to receive visas for a number of countries. But in the last few years, the Lithuanian Embassy and Consulate have made significant progress. It is commendable that a number of other embassies have done the same. It is a notable achievement for Armenian citizens.

➤ **Greece**

The Greek Embassy is the only diplomatic mission of an EU Member State, which has not responded to our written inquiry in any manner. The official website contains no information on the new rules, and the available information is only in English and Greek.

Although some embassies have quite efficiently organized the reception of citizens applying for visas, there are queues and on-line registration difficulties, especially during the summer holiday season, in the embassies that issue visas for other Member States, as well. After our inquiries, the consulates have taken some steps to address these problems, and we hope that capacity will be further increased in the future in proportion with the need, and with due respect for the seasonality factor. Experience and our studies showed that queues emerge in certain cases, and certain citizens do not manage to get a visa in a timely manner. Hence, it is very important that the consulates have the required technical capacity, increased human resources, queuing systems, waiting areas with chairs, and so on.

According to the responses of the consulates, the process for issuing long-term and multiple-entry visas is virtually the same as that for single-entry visas, except for the requirement to substantiate the goal of frequent visits. However, our studies showed that the consulates are rather reluctant to issue long-term visas.

Having compared the information on the official websites of the consular posts of embassies of EU Member States, their operations, and the provisions of the Agreement on the Facilitation of the Issuance of Visas, it is clear that the consular posts do not necessarily always follow the Agreement. Different consulates follow the Agreement provisions in different ways. There are also differences in the way they organize their daily activities.

The consular posts of some embassies in Armenia neglect or fail to pay sufficient attention to the provisions of the Agreement on the Facilitation of the Issuance of Visas—in some cases refusing to issue a visa without proper justification. Citizens have expressed a number of complaints about these cases, including in the social media. There are frequent cases of refusing long-term (one-year) multiple-entry visas, instead issuing a visa for a shorter term (for instance, six months instead of one year), as mentioned above. In those cases, citizens may demand reviewing their case or apply again, citing the relevant provisions of the Agreement. Even in those cases, though, there is no guarantee of success, and no effective leverage to influence the decision. Therefore, it will be very important, in the future, to conduct surveys of citizens whose visa applications were refused, because some of the refusals are not justified by the consulates. Besides, it will be important to raise the awareness of citizens about the procedures for appealing against such refusals.

The consular staff should respect human dignity and not discriminate between people due to their sex, race, ethnicity, religion, age, or sexual orientation. When the consular staff violates the rights of applicants, they should be able to appeal to consular supervisors or to the Foreign Affairs Ministry of the relevant Member State (the websites of many Foreign Affairs Ministries of Member States enable feedback). Armenian citizens should also study the website of the Visa-free Europe Coalition (www.visa-free-europe.eu), where information can be shared and complaints and grievances expressed (<http://visa-free-europe.eu/about-us/visa-whistle-blower/>).

It is of particular interest to compare refusal statistics with Armenia's neighbouring countries. According to information provided on the website of Democracy & Freedom Watch about visa issuance refusals to citizens of the Eastern Partners and the Russian Federation in 2013, Georgia is the "leader" with a refusal rate of 12%, followed by Armenia (11%), Moldova (4.8%), Azerbaijan (4.2%), Ukraine (1.9%), the Russian Federation (1%), and Belarus (0.8%).¹² Thus, Armenia is the second in terms of the refusal rate. It is noteworthy that Georgia and Armenia have much higher refusal rates than the other countries. This phenomenon may require additional review in the future.

¹² <http://dfwatch.net/georgia-on-top-of-eu-visa-rejection-list-89200>

Chapter Two

Department for Passports and Visas under the Republic of Armenia Police and State Migration Service under the Republic of Armenia Ministry for Territorial Administration

Another element of the monitoring carried out under this program focused on the domestic authorities responsible for the sector. In Armenia, the main authorities in charge of the sector are the Department for Passports and Visas under the Republic of Armenia Police and the State Migration Service under the Republic of Armenia Ministry for Territorial Administration. Questions on the functions and issues covered by this study were prepared and sent to the heads of these authorities in the form of official letters. Written responses were received in a rather short time period with detailed answers to our questions.

Department for Passports and Visas under the Republic of Armenia Police

The following questions were posed to the Department for Passports and Visas under the Republic of Armenia Police:

1. What is the procedure of issuing biometric passports?
2. Have mobile stations been created for issuing biometric passports? Is the issuance of biometric passports possible in all the regional units?
3. What is the procedure of issuing biometric passports to persons with physical disabilities?
4. What are the statistics of issuing biometric passports?
5. Can citizens receive passports of the old specimen? Do they need to receive the “validity” stamp?

Under the law, a passport is issued within 15 working days. However, if a citizen wishes to receive a biometric passport within one working day, he needs to pay an additional 20,000 drams. The fee is 10,000 drams for issuing the passport within two working days, and 5,000 drams for five working days.

According to the reply to the question about the procedure of issuing biometric passports (regulated by Article 5 of the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia), a biometric passport contains a technical part, i.e. data storage of the data required by Paragraphs 2 and 3 of Article 5, as well as the fingerprints of the right and left index fingers. For children, fingerprints are taken starting from age 6, and the photo is replaced every time a passport is issued, regardless of age. The photo and fingerprints are taken at the police station or, if the person is abroad, at the relevant diplomatic mission or consular post of the Republic of Armenia. To regulate irregular migration between the Eastern Partners and the EU, a shared fingerprint system (Eurodac) has been created, which operates under the Dublin Convention.

A key issue is related to the existence of mobile stations for issuing biometric passports and identification cards, which is especially important for citizens that cannot move on their own, as well as the inhabitants of remote and borderline settlements (it is a mandatory requirement of the EU). According to the written response of the Head of the Department for Passports and Visas, mobile stations have been provided to the Passport Unit in the City of Yerevan and the passport units around the regional centers of Armenia, save for the region of Aragatsotn. Negotiations with the Polish company PWPW are currently underway on the acquisition of additional mobile stations and other hardware. Biometric passports are issued at the Department for Passports and Visas and all of the subordinate passport units, save for the Passport Unit of Davitashen. This innovation is a positive step towards better document security and protection of private data, and complies with the requirements of the EU.

At the end of March 2014, the Department for Passports and Visas under the Republic of Armenia Police had received over 35,000 applications for a biometric passport, of which about 30,000 were printed. This is a rather impressive indicator for such a short period of time. Although the issuance of a biometric passport is not required under the visa facilitation and readmission agreements at this stage, and citizens are not required to have a biometric passport in order to benefit from the visa facilitation agreement, it is a mandatory requirement for continuing the visa liberalization process, if Armenia decides to do so and launches the visa dialogue with a view towards subsequent visa liberalization.

Despite commendable improvements in the passport issuance process (improved services for citizens, improved technical capacity, better document security, and so on), a number of shortcomings still remain:

- There were long queues in some of the passport units at the initial stages of issuing biometric passports and identification cards.
- There were difficulties related to the amount of the Government-defined stamp duty for a passport (1,000 drams for passports of the old specimen and 25,000 drams for the new passports). The problem related to the amount of the duty will become more acute when receiving a biometric passport becomes mandatory, which will be during the second stage of the visa liberalization process.
- In the beginning, the plan was to issue biometric passports with a validity term of five years, which caused dissatisfaction. Subsequently, the validity term was changed to 10 years, which is a more acceptable option.
- In some passport units, while biometric passports were being issued, the officers refused to extend the validity term of the old-specimen passports (with the so-called “round seal”). However, this requirement was declared as illegal by the Head of the Department for Passports

and Visas, which is a welcome development. Thus, the holders of old-specimen passports that are still within the validity term do not have to either change their passports or extend the period of validity of their passports in foreign states.

State Migration Service under the Republic of Armenia Ministry for Territorial Administration

The following questions were posed to the State Migration Service under the Republic of Armenia Ministry for Territorial Administration:

1. Is there general monitoring of the implementation of the various provisions of the readmission agreement?
2. Has readmission already been applied in practice (and if possible, present statistics) after the entry into force of the Agreement?
3. What are the specific steps that Armenia must take for Armenian citizens and non-citizens returning/returned to Armenia?
4. Has there been an increase in the number of application asylums after the entry into force of the Agreement?
5. What is the procedure of returning irregular migrants from the EU?

As the interconnected processes of readmission and visa facilitation are crucial for the EU, they entered into force concurrently. The procedures of returning irregular migrants are defined by the domestic legislation of the EU Member States. The readmission agreements define only the inter-state procedures of return. The Migration Service believes that the entry into force of the EU readmission agreement will hardly result in a significant increase in the number of persons returned; rather, it is expected simply to regulate the procedures of return. It is common practice for the receiving side to bear the costs of returning irregular migrants, the readmission agreement with Armenia provides that the sending side will bear the costs of returning irregular migrants.

The State Migration Service under the Republic of Armenia Ministry for Territorial Administration has a crucial role to play in the implementation of the visa facilitation and readmission agreements, as it is the primary agency in charge of implementing the readmission agreements. The State Migration Service under the Republic of Armenia Ministry for Territorial Administration is involved in the process—from drafting the agreement texts to implementing them. Prior to concluding a framework agreement on readmission with the EU, the Republic of Armenia concluded 10 agreements with 13 states since 2003, including 12 European countries (the Czech Republic, Norway, Belgium, Luxembourg, the Netherlands, Sweden, Germany, Bulgaria, Switzerland, Denmark, Latvia, and Lithuania) (for the text of the agreements, see http://smsmta.am/?menu_id=15) and one CIS country (the Russian Federation).

The Republic of Armenia Prime Minister's Decree 1228-A dated 12 December 2012 approved the "Action Plan for the Armenia-EU Readmission Agreement." On 19 March 2014, the Republic of Armenia Government enacted Decree 300-N "On the Measures to Ensure Implementation of the Agreement on the Readmission of Persons Residing without Authorisation between the European Union and the Republic of Armenia." The decree regulates the procedure of Armenian state authorities reviewing applications received under the aforementioned agreement. The State Migration Service under the Republic of Armenia Ministry for Territorial Administration was designated as the "competent authority" of the Republic of Armenia under the agreement. To monitor the implementation of the commitments under the agreement and to discuss the issues that arise, an inter-agency group led by the Head of the State Migration Service was created.

Under the Readmission Agreement, the Republic of Armenia has to review applications on the readmission or transit of Armenian nationals or third-country nationals residing in the territory of a Member State without authorization and to respond within the established time period (from two working days up to 12 calendar days). Under the current procedure, a person may be returned from the first point of entry, which is often quite hard to determine.

A readmission request goes through the following procedure (four bodies are involved in the readmission process on the part of the Republic of Armenia—the State Migration Service, the National Security Service, the Police, and the Ministry of Foreign Affairs): the State Migration Service receives a request and informs the Police for checking whether the person specified in the request is a citizen of the Republic of Armenia. After the citizenship has been checked, the Police replies to the State Migration Service, which in turn informs the Ministry of Foreign Affairs so Armenian consular officers in the Requesting State are informed about the need to issue a return document, and notifies the National Security Service to arrange entry into Armenia at the border. In some cases, an interview attended by a diplomatic officer of the Republic of Armenia may be organized in the EU Member States for the purpose of determining the person's citizenship. However, the return process is rather complicated [and bureaucratic], so the person is not necessarily returned after his citizenship has been established.

According to the State Migration Service, a bilateral memorandum on the return procedures needs to be concluded with each Member State of the EU, in addition to the readmission agreement, in order to expedite the return of citizens.

From 1 January to May 2014, only one request concerning three persons has been received (from Sweden). To compare, 39 readmission requests concerning 65 persons were received and appropriately processed during 2013 under existing readmission agreements from the competent authorities of Sweden, Norway, and the Russian Federation.

According to official data provided by the State Migration Service, the EU

Member States are their destination for only 10% of the migration from Armenia. Armenia is in the “top ten” in terms of the number of citizens seeking asylum in the EU, or even in the “top three” in some countries (such as Belgium and France).

Citizen awareness on readmission is significantly lower, although it is a very important procedure. Having basic knowledge about readmission would cause Armenian citizens to think twice before leaving Armenia for good.

In the context of the readmission agreement, the reintegration of persons returning/returned to Armenia is very important, as well. The government and civil society have certain obligations in this area. In March 2014, the State Migration Service, with the support of the EU Delegation in Armenia, opened a Referral Center for Reintegration in Yerevan, which can serve as a good example of fulfilling these obligations.¹³ The Targeted Initiative for Armenia project was concluded within the context of the EU-Armenia Mobility Partnership. The goal of the project is to strengthen Armenia’s capacity in the field of migration management, with a focus on reintegration activities. Armenian citizens that have lived in a European country for at least one year and have contacted the Center for support within at least six months of their return may apply to the project.

These types of projects demonstrate how important it is for the EU to further improve the management of migration flows in Armenia. They also demonstrate the extensive support provided for capacity building of the relevant agencies for improving migration management and the reintegration process.

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

Publishing and disseminating information materials and organizing various events are important ways of raising the awareness of returnees and the public at large on these matters. To this end, the project organized a seminar for journalists in the Town of Tsaghkadzor, and awareness-raising events in Gyumri and Yerevan with the aim of presenting the changes in this sphere to the public. These activities demonstrated strong public interest in these matters (as illustrated by the large numbers of persons participating in the events organized under the project) and the low level of awareness, which confirms the need for such events and projects covering the various regions of Armenia, given their importance for individual and collective rights of persons.

Although the reintegration of returnees is very important, the readmission

¹³ <http://www.azatutyun.am/content/article/24936167.html>

agreement does not address those issues. Some of them are addressed in Priority Area 8 of the “2012-2016 Action Plan for Implementation of the State Policy of Migration Regulation of the Republic of Armenia” approved by the Republic of Armenia Government Decree 1593-N dated November 2011. Moreover, starting from 2004, various reintegration projects have been implemented in Armenia by the State Migration Service, the Yerevan Office of the International Organization for Migration, the “International Center for Human Development” NGO, the Czech NGO “People in Need,” the French-Armenian Foundation, the Armenian Caritas, and the Yerevan Office of the Swiss Development Cooperation. The projects implemented by the IOM and the Czech NGO “People in Need” have covered quite a few of the EU Member States. The other projects mostly focused on supporting the reintegration of Armenian citizens returning from one country. The main beneficiaries of these projects are voluntary returnees, save for the project implemented by the Netherlands Ministry of the Interior during 2010-2013, which could also cover forced returnees.

Although the State Migration Service still has much to do, we highly appreciate its willingness to cooperate and the detailed responses to our questions. This study revealed the existence of specific arrangements within the system, as well as well-coordinated practices and the willingness to continue the active work. There is a need to develop joint projects in the fields of readmission and migration. Government agencies need to remain focused on and work hard in these fields. However, it is obvious that additional research and studies are needed in these fields. We are also interested in the reasons for so few people being returned to Armenia from the EU, because, according to some estimates, dozens of thousands of Armenian citizens are currently residing illegally in the EU Member States. Hence, this topic is very relevant.

Chapter Three

Eastern Partnership Visa Liberalisation Index

Eastern Partnership Visa Liberalisation Index shows the progress made by all the Eastern Partnership countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine – on the way to visa-free travel with the European Union in an accessible and interactive way. On this website you can find up-to-date, independent assessment of the fulfillment of criteria for visa liberalization by all the six Eastern Partnership countries. This unique tool gives you an opportunity to check and compare the progress made by each EaP state in each required policy area.

Visa liberalisation between the European Union and the Eastern Partnership is both a political and a technical process. Since visa policy is aimed as a safeguard against unlimited and unwanted migration as well as trans-border organised crime, visa-free regime is granted to countries that are deemed safe and well-governed, ensuring security and public order and not being a potential source of undocumented economic migrants or asylum seekers. Thus, visa liberalisation is conditional upon meeting a number of criteria in several policy areas.

So far, out of the six Eastern Partnership countries, only three have been granted a clear set of benchmarks to meet in order to start negotiations on visa-free regime with the EU. Both Moldova and Ukraine received the Visa Liberalisation Action Plans in 2010, and Georgia in 2013. Moldova fulfilled all criteria of the Plan and since 28 April 2014 the visa-free regime has been established between Moldova and the EU. All documents are very similar and contain a list of criteria grouped into four policy areas: (1) security of documents, including biometrics; (2) migration including readmission; (3) public security and order; and (4) external relations and fundamental rights. Additionally, the process has been divided into two phases: the legislative phase and the implementation phase. The European Commission first checks the level of legislative and institutional alignment, and only then passes on to the evaluation of how well the introduced legislative and institutional reforms are implemented.

Eastern Partnership Visa Liberalisation Index project is coordinated by the Stefan Batory Foundation in cooperation with Visa-free Europe Coalition Members.

Methodology

The development of the Index comprised several stages and combines quantitative and qualitative methods. Information from existing sources is combined by empirical data gathered by national experts.

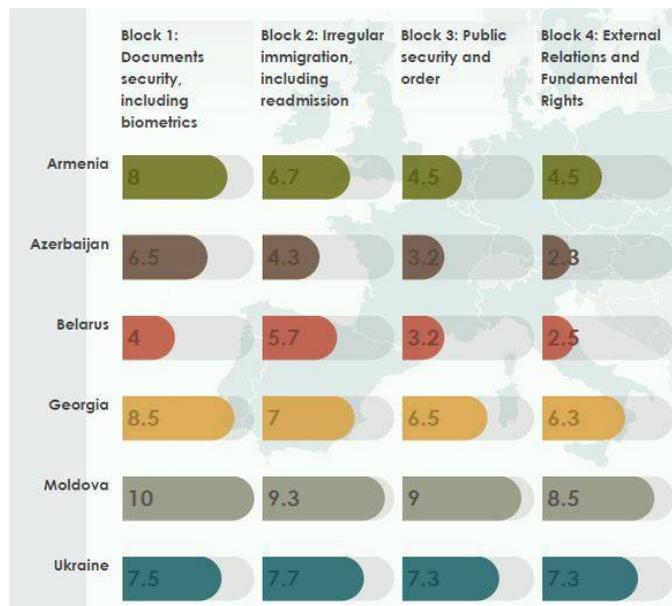
First, the expert team prepared a questionnaire containing detailed questions regarding legislative and institutional frameworks as well as the

level of implementation of adopted legislation, corresponding to the four broad policy Blocks listed in the Visa Liberalisation Action Plans. The same indicators were applied to all the six countries.

Next, the questionnaires are filled in by national experts and returned to the project core team. In order to collect information, the experts use a variety of resources, including official web-sites of relevant authorities, reports by the European Commission and relevant international organisations, personal interviews with competent officials and experts.

After reviewing all the questionnaires, the core team prepares descriptions of each policy area on the basis of answers provided. Each Block is divided into several policy issues (see below). Since we want to see a broader picture of every policy area, we opted for the evaluation of a whole policy issue by experts on the basis of 0-10 scale. In order to increase reliability of assessment, two stages of peer-review have been introduced. Each policy issue for a given country is evaluated by the national expert and, at the same time, by an expert from another country. If there are disagreements over the scores, experts are asked for justifications. Then, the descriptions and scores are additionally checked by independent consultants.

Finally the core team prepares the final assessments on the basis of experts evaluations and comments. If there are more than one policy areas in a Block, the score for the block is the average score of all the policy areas comprising the given Block.



Conclusions

As the visa facilitation and readmission agreements have been in place for just six months, it would be premature to draw conclusions regarding their impact. Armenia successfully completed the first—visa facilitation phase of the transition to a visa-free regime with the EU.

However, based on the international experience and the case study of Armenia, the visa facilitation process is unlikely to lead to any sharp deterioration of the situation in Armenia in terms of irregular migration, security, and related sectors.

It is most likely that now, after the entry into force of the visa facilitation and readmission agreements, there will be a relative “pause” for Armenia and the EU in the field of visas. The EU will need to see to what extent the provisions of the agreements are implemented, and whether the reforms in various sectors are continuing, before it considers moving to the second phase (visa dialogue) of the transition to a visa-free regime. Armenia will need to show political will and commitment to continue the visa dialogue and to deepen the cooperation with the EU in view of Armenia’s foreign policy priorities. For Armenia, this process primarily implies continuing reforms of the legislative framework with a view to meeting the respective standards of the EU. However, one should consider that the process is both technical and political, i.e. the established standards, including political ones, have to be met for the process to continue.

It is well known that citizen mobility improves pluralism and helps critical thinking. Parallel to this process, it will be essential for Armenia to continue working with the EU Member States to improve the country’s image and to explain that Armenia poses no threat for Europe, because EU officials and ordinary citizens attach greater importance to the readmission process, migration management, and minimization of irregular migration.

As to the progress of other countries in the “neighbourhood” in terms of visa liberalization, Moldova has had a visa-free regime from April 2014. Ukraine and Georgia are likely to have a visa-free regime from late 2015 or early 2016. Their success should provide a stimulus for Armenia to deepen the cooperation in this field.¹⁴ Georgia’s progress in this field is rather important for Armenia, because Armenia’s contacts with the rest of the world take place via Georgian territory, and it is clear that Georgia’s visa regime will soon be aligned with the visa regime of the Schengen Area. Our partner organizations in Ukraine, Moldova, and Georgia were actively involved with the process and contributed to their success in the field of visas: the Civic Initiative “Europe without Barriers” (Ukraine), the Institute for Development and Social Initiatives (Moldova), and the Caucasus Institute for

¹⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia/index_en.htm

Peace, Democracy, and Development (Georgia).

Civil society representatives and the public at large should contribute to the continuation of the process, as well. To raise awareness of society on these matters, we recommend implementing special projects for publishing and disseminating information materials and holding awareness-raising events. We also recommend continuing the organization of seminars, experience-sharing study tours, and training courses for the staff of the relevant domestic agencies.

It is very important, in the future, to conduct surveys of citizens whose visa applications were refused, because some of the refusals are not justified by the consulates. Besides, it will be important to raise the awareness of citizens about the procedures for appealing against such refusals.

It is important that our citizens are aware of the existence of an international coalition of NGOs dealing with visa-related issues. The Visa-free Europe coalition, which is a coalition of NGOs dealing with visa-related issues in the countries of the Eastern Partnership.¹⁵ The Analytical Centre on Globalization and Regional Cooperation is a member of the Coalition.¹⁶ For many years now, the Coalition has been active through monitoring, reporting, recommendations, and other initiatives in this field.

Based on the experience of Ukraine, we recommend initiating, under the auspices of the EU Delegation in Armenia, the organization of regular meetings between the consular posts of the EU Member States and NGOs dealing with visa-related issues—so-called “Schengen workshops” to discuss the latest developments, complaints, violations of the rights of visa applicants, and other important questions. Regular meetings and discussions with the consults of EU Member States will be helpful, as well. Surveys and interviews should be conducted with the citizens. In this manner, a comprehensive review of the situation will reveal the strengths and weaknesses of the sector and identify the potential ways forward.

We would like to stress once more that this program covered a study of the issuance of EU visas to citizens of the Republic of Armenia, a review of the international and domestic legislation, including the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation. The study looked into the performance of the diplomatic missions and consular posts of the EU Member States in Armenia (Germany, Poland, France, Italy, Lithuania, and Greece), as well as the Department for Passports and Visas under the Republic of Armenia Police and the State Migration Service under the Republic of Armenia Ministry for Territorial Administration. The online media were monitored in view of the entry into force, from January 2014, of the visa

¹⁵ <http://visa-free-europe.eu/>

¹⁶ <http://acgrc.am/>

facilitation and readmission agreements. During the first stage of the program, the official websites of the consular posts and the aforementioned agencies of the Armenian government were reviewed. Then, questionnaires were prepared and sent to the consuls of the relevant EU Member States and to the domestic agencies. The replies to the questionnaires supported a complete analysis of how the situation changed since the entry into force of the aforementioned two agreements. The experience of other Eastern Partners (Ukraine, Moldova, and Georgia) was studied, as well.

Overall, the study showed that there is progress, and significant efforts are being made by the EU and Armenia. At the same time, though, these efforts at deepening the cooperation should be actively continued. To carry out a deeper and more complete comparative analysis of the operations of consulates in the future, it will be necessary to combine the responses of consulates and the review of information on their official websites with surveys of visa applicants, including citizens to whom visas were issued and those refused.

Additional studies will be required in the future based on the actual implementation of the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas and the Agreement on the Readmission of Persons Residing without Authorisation.

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- Embassy of Germany in Armenia: <http://www.eriwan.diplo.de/>
- Embassy of Italy in Armenia: http://www.ambjerevan.esteri.it/Ambasciata_Jerevan
- Embassy of France in Armenia: <http://www.ambafrance-am.org/>
- Embassy of Lithuania in Armenia: <http://am.mfa.lt/>
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- Embassy of Greece in Armenia: <http://www.greekembassy.am/>
- European Union: http://europa.eu/index_en.htm
- Eastern Partnership: http://eeas.europa.eu/eastern/index_en.htm
- Panel on Migration and Asylum: <http://eapmigrationpanel.org/page19891.html>
- Visa-free Europe Coalition: <http://visa-free-europe.eu/>
- Open Society Foundations: <http://www.osf.am/?lang=am>
- Analytical Centre on Globalization and Regional Cooperation: <http://arm.acgrc.am/>

**AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF ARMENIA
ON THE FACILITATION OF THE ISSUANCE OF VISAS**

THE EUROPEAN UNION, hereinafter referred to as "the Union",
and
THE REPUBLIC OF ARMENIA, hereinafter referred to as "Armenia",
hereinafter referred to as "the Parties",

DESIRING to facilitate people-to-people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties by facilitating the issuing of visas to citizens of Armenia,

BEARING IN MIND the Partnership and Cooperation Agreement between the Union and its Member States, of the one part, and Armenia, of the other part, as well as the intention of the Parties to conclude an EU-Armenia Association Agreement,

HAVING REGARD to the Joint Declarations of the Prague and Warsaw Eastern Partnership Summits held respectively on 7 May 2009 and on 30 September 2011 stating the political support towards visa liberalization of the visa regime in a secure environment,

REAFFIRMING the intention to take gradual steps towards a visa-free travel regime for their citizens in due course, provided that conditions for well-managed and secure mobility are in place,

BEARING IN MIND that, as from 10 January 2013, all citizens of the Union are exempted from the visa requirement when travelling to Armenia for a period of time not exceeding 90 days or transiting through the territory of Armenia,

RECOGNISING that if Armenia reintroduces visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Armenia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

BEARING IN MIND that these visa requirements can only be reintroduced for all citizens of the Union or certain categories of citizens of the Union,

RECOGNISING that visa facilitation should not lead to irregular migration and paying special attention to security and readmission,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol of the Schengen acquis integrated into the framework of the European Union, annexed to the Treaty on European Union

and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

TAKING INTO ACCOUNT the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union and confirming that the provisions of this agreement do not apply to the Kingdom of Denmark,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Purpose and scope of application

1. The purpose of this Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Armenia.
2. If Armenia reintroduces the visa requirements for the citizens of the Union or certain categories of them, the same facilitations granted under this Agreement to the citizens of Armenia would automatically, on the basis of reciprocity, apply to the citizens of the Union concerned,

ARTICLE 2

General clause

1. The visa facilitations provided in this Agreement shall apply to citizens of Armenia only insofar as they are not exempted from the visa requirement by the laws and regulations of the Union or the Member States, this Agreement or other international agreements.
2. The national law of Armenia or of the Member States or the Union law shall apply to issues not covered by the provisions of this Agreement, such as the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures.

ARTICLE 3

Definitions

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark, the Republic of Ireland and the United Kingdom of Great Britain and Northern Ireland;
- (b) 'citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'citizen of Armenia' shall mean any person who holds the citizenship of Armenia in accordance with the legislation of the Republic of Armenia;
- (d) 'visa' shall mean an authorisation issued by a Member State with a view to transiting through or an intended stay of a duration of no more than 90 days in any 180-day period in the territory of Member States;
- (e) 'legally residing person' shall mean a citizen of Armenia authorized or entitled to stay for more than 90 days in the territory of a Member State, on the basis of Union law or national legislation.

ARTICLE 4

Documentary evidence regarding the purpose of the journey

1. For the following categories of citizens of Armenia, the following documents are sufficient for justifying the purpose of the journey to the other Party:

- (a) for close relatives – spouses, children (including adopted), parents (including custodians), grandparents, grandchildren visiting citizens of Armenia legally residing in the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals:
 - a written request from the host person;
- (b) for members of official delegations including permanent members of such delegations who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations:
 - a letter issued by a competent authority of Armenia confirming that the applicant is a member of its delegation, respectively a permanent member of its delegation, travelling to the territory of the other Party to participate in the aforementioned events, accompanied by a copy of the official invitation;
- (c) for pupils, students, post-graduate persons and accompanying teachers who

undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school-related activities:

- a written request or a certificate of enrolment from the host university, college or school or student cards or certificates of the courses to be attended;
- (d) for persons travelling for medical reasons and necessary accompanying persons:
- an official document of the medical institution confirming necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
- (e) for journalists and technical crew accompanying them in a professional capacity:
- a certificate or other document issued by a professional organisation or the applicant's employer proving that the person concerned is a qualified journalist and stating that the purpose of the journey is to carry out journalistic work or proving that he/she is a member of the technical crew accompanying the journalist in a professional capacity;
- (f) for participants in international sport events and persons accompanying them in a professional capacity:
- a written request from the host organisation, competent authorities, national sport federations or national Olympic committees of the Member State;
- (g) for business people and representatives of business organisations:
- a written request from the host legal person or company, organisation or an office or a branch of such legal person or company, state or local authorities of the Member States or organising committees or trade and industrial exhibitions, conferences and symposia held in the territories of one of the Member States, endorsed by the competent authorities in accordance with the national legislation;
- (h) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events:
- a written request from the host organisation confirming that the person concerned is participating in the event;
- (i) for representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes:
- a written request issued by the host organisation, a confirmation that the

person is representing the civil society organisation or participating in Pan-Armenian or community support activities and the certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation;

(j) for persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes:

– a written request from the host organisation to participate in the activities;

(k) for drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia:

– a written request from the national association (union) of carriers of Armenia providing for international road transportation, stating the purpose, itinerary, duration and frequency of the trips;

l) for participants of the official exchange programmes organised by twin cities and other municipal entities:

– a written request of the Head of Administration/Mayor of these cities or municipal authorities;

(m) for visiting military and civil burial grounds:

– an official document confirming the existence and preservation of the grave as well as family or other relationship between the applicant and the buried.

2. For the purposes of this Article the written request shall include the following items:

(a) for the invited person: name and surname, date of birth, sex, citizenship, passport number, time and purpose of the journey, number of entries and where relevant the name of the spouse and children accompanying the invited person;

(b) for the inviting person: name, surname and address;

(c) for the inviting legal person, company or organisation: full name and address and:

– if the request is issued by an organisation or authority, the name and position of the person who signs the request,

– if the inviting person is a legal person or company or an office or a branch of such legal person or company established in the territory of a Member State, the registration number as required by the national law of the Member State concerned.

3. For the categories of persons mentioned in paragraph 1 of this Article, all

categories of visas are issued according to the simplified procedure without requiring any other justification, invitation or validation concerning the purpose of the journey, provided for by the legislation of the Parties.

ARTICLE 5 Issuance of multiple-entry visas

1. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with a term of validity of 5 years to the following categories of persons:

- (a) spouses, children (including adopted), who are under the age of 21 or are dependent and parents (including custodians), visiting citizens of Armenia legally residing in the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;
- (b) members of national and regional governments and of constitutional and supreme courts if they are not exempted from the visa requirement by this Agreement, in the exercise of their duties;
- (c) permanent members of official delegations who, following an official invitation addressed to Armenia, are to participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

By way of derogation, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period, in particular where:

- in the case of the persons referred to in point (a), the period of validity of the authorisation for legal residence of citizens of Armenia legally residing in the Union,
- in case of the persons referred to in point (b), the term of office,
- in the case of the persons referred to in point (c), the term of the validity of the status as a permanent member of an official delegation, is less than five years.

2. Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year to the following categories of persons, provided that during the previous year they have obtained at least one visa and have made use of it in accordance with the laws on entry and stay of the visited State:

- (a) members of official delegations who, following an official invitation

addressed to Armenia, shall participate regularly in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations;

- (b) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips to the Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;
- (c) members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events who regularly travel to the Member States;
- (d) persons participating in scientific, cultural or artistic activities, including university and other exchange programmes, who regularly travel to the Member States;
- (e) students and post-graduate persons who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes;
- (f) participants of the official exchange programmes organised by twin cities and other municipal entities;
- (g) persons needing to visit regularly for medical reasons and necessary accompanying persons; (h) journalists and technical crew accompanying them in a professional capacity;
- (i) business people and representatives of business organisations who regularly travel to the Member States;
- (j) participants in international sports events and persons accompanying them in a professional capacity;
- (k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Armenia.

By way of derogation from the first sentence, where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, the term of validity of the multiple-entry visa shall be limited to that period.

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

year multiple-entry visas in accordance with the laws on entry and stay of the visited State unless the need or the intention to travel frequently or regularly is manifestly limited to a shorter period, in which case the term of validity of the multiple-entry visa shall be limited to that period.

4. The total period of stay of persons referred to in paragraphs 1 to 3 of this Article shall not exceed 90 days per period of 180 days in the territory of the Member States.

ARTICLE 6

Fees for processing visa applications

1. The fee for processing visa applications shall amount to EUR 35.

The aforementioned amount may be reviewed in accordance with the procedure provided for in Article 14(4).

2. Without prejudice to paragraph 3 of this Article, fees for processing the visa application are waived for the following categories of persons:

- (a) pensioners;
- (b) children under the age of 12;
- (c) members of national and regional governments and of Constitutional and Supreme courts, in case they are not exempted from the visa requirement by this Agreement;
- (d) persons with disabilities and the persons accompanying them, if necessary;
- (e) close relatives – spouse, children (including adopted), parents (including custodians), grandparents or grandchildren – of citizens of Armenia legally residing in the territory of the Member States, or citizens of the Union residing in the territory of the Member State of which they are nationals;
- (f) members of official delegations, including permanent members of official delegations, who, following an official invitation addressed to Armenia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territory of one of the Member States by intergovernmental organisations;
- (g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including exchange programmes as well as other school-related activities;

- (h) journalists and technical crew accompanying them in a professional capacity;
- (i) participants in international sport events and persons accompanying them in a professional capacity;
- (j) representatives of civil society organisations and persons invited by Armenian community non-profit organisations registered in the Member States when undertaking trips for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes or Pan-Armenian and community support programmes;
- (k) persons participating in scientific, academic, cultural or artistic activities, including university and other exchange programmes;
- (l) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative.

3. If a Member State cooperates with an external service provider in view of issuing a visa the external service provider may charge a service fee. This fee shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30. The Member States shall maintain the possibility for all applicants to lodge their applications directly at their consulates.

For the Union, the external service provider shall conduct its operations in accordance with the Visa Code and in full respect of Armenian legislation.

ARTICLE 7

Length of procedures for processing visa applications

1. Diplomatic missions and consular posts of the Member States shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

2. The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed.

3. The period of time for taking a decision on a visa application may be reduced to 2 working days or less in urgent cases.

4. If applicants are required to obtain an appointment for the lodging of an

application, the appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested. In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.

ARTICLE 8

Departure in case of lost or stolen documents

Citizens of the Union and of Armenia who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Armenia or the Member States, may leave the territory of Armenia or the Member States on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the

Member States or of Armenia without any visa or other authorisation.

ARTICLE 9

Extension of visa in exceptional circumstances

Citizens of Armenia who are not able to leave the territory of the Member States by the time stated in their visas for reasons of force majeure or humanitarian reasons shall have the term of their visas extended free of charge in accordance with the legislation applied by the receiving Member State for the period required for their return to the State of their residence.

ARTICLE 10

Diplomatic passports

1. Citizens of Armenia who are holders of valid diplomatic passports may enter, leave and transit through the territories of the Member States without visas.

2. Persons referred in paragraph 1 of this Article may stay without visas in the territories of Member States for a period not exceeding 90 days per period of 180 days.

ARTICLE 11

Territorial validity of visas

Subject to the national rules and regulations concerning national security of the Member States and subject to Union rules on visas with limited territorial validity, citizens of Armenian shall be entitled to travel within the territory of the Member States on equal basis with citizens of the Union.

ARTICLE 12

Joint Committee for management of the Agreement

The Parties shall set up a Joint Committee of experts (hereinafter referred to as "the Committee"), composed by representatives of the Union and of Armenia. The Union shall be represented by the Commission, assisted by experts from the Member States.

2. The Committee shall, in particular, have the following tasks:

- (a) monitoring the implementation of this Agreement;
- (b) suggesting amendments or additions to this Agreement;
- (c) settling disputes arising out of the interpretation or application of the provisions in this Agreement.

3. The Committee shall meet whenever necessary at the request of one of the Parties and at least once a year.

4. The Committee shall establish its rules of procedure.

ARTICLE 13

Relation of this Agreement with bilateral Agreements between Member States and Armenia

As from its entry into force, this Agreement shall take precedence over provisions of any bilateral or multilateral agreements or arrangements concluded between individual Member States and Armenia, in so far as the provisions of the latter agreements or arrangements cover issues dealt with by this Agreement.

ARTICLE 14

Final clauses

1. This Agreement shall be ratified or approved by the Parties in accordance with their respective procedures and shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to above have been completed.

2. By way of derogation from paragraph 1 of this Article, this Agreement shall only enter into force on the date of the entry into force of the Agreement between the European Union and Armenia on readmission if this date is after the date provided for in paragraph 1 of this Article.

3. This Agreement is concluded for an indefinite period of time, unless terminated in accordance with paragraph 6 of this Article.

4. This Agreement may be amended by written agreement of the Parties. Amendments shall enter into force after the Parties have notified each other of the completion of their internal procedures necessary for this purpose.

5. Each Party may suspend in whole or in part this Agreement for reasons of public order, protection of national security or protection of public health. The decision on suspension shall be notified to the other Party not later than 48 hours before its entry into force. The Party that has suspended the application of this Agreement shall immediately inform the other Party once the reasons for the suspension no longer apply.

6. Each Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days after the date of such notification.

Done in XXX on XXX, in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Armenian languages, each of these texts being equally authentic.

ANNEX

PROTOCOL TO THE AGREEMENT ON THE MEMBER STATES THAT DO NOT FULLY APPLY THE SCHENGEN ACQUIS

Those Member States which are bound by the Schengen acquis but which do not issue yet Schengen visas, while awaiting the relevant decision of the Council to that end, shall issue national visas the validity of which is limited to their own territory.

In accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories¹⁷, harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen acquis yet.

¹⁷ OJ L 161, 20.6.2008, p. 30.

JOINT DECLARATION
ON ARTICLE 10 OF THE AGREEMENT ON DIPLOMATIC PASSPORTS

The Union or Armenia might invoke a partial suspension of the agreement and in particular of Article 10, in accordance with the procedure set up by Article 14(5), if the implementation of Article 10 is abused by the other Party or leads to a threat to public security.

In case of suspension of the implementation of Article 10, both Parties shall initiate consultations within the framework of the Joint Committee set up by the Agreement with a view to solve the problems that lead to the suspension.

As a priority, both Parties declare their commitment to ensure a high level of document security for diplomatic passports, in particular by integrating biometric identifiers. For the Union, this will be ensured in compliance with the requirements set out in Council Regulation (EC) No 2252/2004

of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States¹⁸.

EUROPEAN UNION DECLARATION ON DOCUMENTS TO BE
SUBMITTED WHEN APPLYING FOR SHORT STAY VISAS

The European Union will intensify efforts and endeavour to draw up, before the entry into force of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas, a list of minimum requirements in order to ensure that Armenian applicants are given coherent and uniform basic information, in accordance with point (a) of Article 47(1) of the Visa Code, and are required to submit, in principle, the same supporting documents.

The information mentioned above is to be disseminated widely (on the information board of consulates, in leaflets, on websites, etc.).

JOINT DECLARATION CONCERNING DENMARK

The Parties take note that the present Agreement does not apply to the procedures for issuing visas by the diplomatic missions and consular services of Denmark.

In such circumstances, it is appropriate that the authorities of Denmark and of Armenia conclude, without delay, a bilateral agreement on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Armenia.

¹⁸ OJ L385, 29.12.2004, p.1.

JOINT DECLARATION
CONCERNING THE UNITED KINGDOM AND IRELAND

The Parties take note that the present Agreement does not apply to the territory of the United Kingdom and Ireland.

In such circumstances, it is appropriate that the authorities of the United Kingdom, Ireland and

Armenia conclude bilateral agreements on the facilitation of the issuance of visas.

JOINT DECLARATION CONCERNING ICELAND, NORWAY,
SWITZERLAND AND LIECHTENSTEIN

The Parties take note of the close relationship between the Union and Switzerland, Iceland, Liechtenstein, and Norway, particularly by virtue of the Agreements of 18 May 1999 and 26

October 2004 concerning the association of these countries with the implementation, application and development of the Schengen acquis.

In such circumstances, it is appropriate that the authorities of Switzerland, Iceland, Liechtenstein, and Norway and Armenia conclude, without delay, bilateral agreements on the facilitation of the issuance of short-stay visas in similar terms as the Agreement between the Union and Armenia.

JOINT DECLARATION
ON COOPERATION ON TRAVEL DOCUMENTS

The Parties agree that the Joint Committee established under Article 12 of the Agreement, when monitoring the implementation of the Agreement, should evaluate the impact of the level of security of the respective travel documents on the functioning of the Agreement. To that end, the Parties agree to regularly inform each other about the measures taken for avoiding the proliferation of

travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents.

AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF ARMENIA ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION (PRESS RELEASE)

EU-Armenia readmission agreement

The EU and Armenia signed on 19 April 2013 an agreement on the readmission of persons residing without authorisation (5860/13) at a ceremony that took place in Brussels. On behalf of the EU, the agreement was signed by Rory Montgomery, Permanent Representative of Ireland to the EU, and by Cecilia Malmström, EU Commissioner for Home Affairs. For Armenia, Edward Nalbandian, Minister for Foreign Affairs, signed the agreement.

The main objective of this agreement is to establish, on the basis of reciprocity, rapid and effective procedures for the identification and safe and orderly return of those persons.

The agreement will now be sent to the European Parliament with a view to obtaining its consent before it can be concluded. It will enter into force on the first day of the second month following the date on which the two parties notify each other that the internal procedures have been completed, together with the visa facilitation agreement signed in December 2012.

The UK, Ireland and Denmark are not bound by the agreement.

Main provisions

The agreement covers both readmission of own nationals of the two parties and of third-country nationals or stateless persons. For the latter, readmission can take place only under certain strict conditions. These include that the persons concerned:

- must hold a valid visa or residence authorisation from the state they are supposed to return to ('requested state'), or unlawfully entered the territory of the state asking for readmission ('requesting state') coming directly from the territory of the requested state.

The obligation to readmit third-country nationals or stateless persons does not apply if:

- the person concerned has only been in airside transit via an international airport of the requested state; or
- the requesting state has issued to the person concerned a visa or residence authorisation that has a longer period of validity than the document the person might hold from the requested state.

On all aspects, the agreement is, of course, without prejudice to the obligations and responsibilities of EU member states and of Armenia under international law.

The agreement also includes a number of other procedural rules, such as the

time-limits for the readmission applications, the modalities for the transfer of the returnees, the cost of the transfer and the protection of personal data of the returnees. A Joint Readmission Committee is established so as to monitor the application of the agreement and decide on certain technical arrangements.

Context

Readmission agreements go usually hand-in-hand with visa facilitation agreements. The visa facilitation agreement with Armenia was signed on 17 December 2012. Both, the visa facilitation and the readmission agreements will enter into force on the same day.

Readmission agreements set out clear obligations and procedures for the authorities of EU member states and the third countries concerned as to when and how to take back people who are illegally residing on the territories of the parties. They cover not only the illegally staying nationals of both parties but also third country nationals and stateless persons being in an irregular situation provided they have a clear link with the requested party (e.g. visa or resident permit). Full respect of Human Rights as provided by the European Convention of Human Rights is guaranteed during the application of readmission agreements.

Monitoring Report

Agreement between the European Union and the Republic of
Armenia on the Facilitation of the Issuance of Visas

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