



LEGAL AND JUDICIAL INFORMATION

ARMENIA

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GENERAL INFORMATION ON MIGRATION



MAIN FIGURES AND TRENDS

On 16 December 2022, the National Assembly of the Republic of Armenia adopted the legislative package on establishing the Ministry of Internal Affairs (MIA). This reform created the Migration and Citizenship Service, comprising the staff of the Migration Service and Visa and Passport Department of the police. Major institutional reform saw the creation of the Ministry of the Interior, with most migration-related structures and functions consolidated under the Ministry. This functional centralisation will increase the efficiency of migration management. It is anticipated that the social functions currently associated with the Migration Service will be transferred to the Ministry of Labour and Social Affairs.

2018-2021 period was marked by a number of key events that had a significant impact on the migration situation. In 2018, for the first time since 2006, the balance of border crossings was positive, while the positive balance of border crossings by foreigners doubled compared to 2017, and that of Armenian citizens, although negative, improved about 8 times compared to 2017. The negative balance of migration was also significantly reduced, and the positive dynamic of migration indicators was preserved in 2019 as well. This was replaced by the crisis year 2020, when, in addition to the COVID-19 pandemic, which became a challenge for the world community, Armenia faced the need to confront the war of aggression unleashed against Nagorno-Karabakh people by neighbouring country Azerbaijan which led to a regional humanitarian crisis, displacing more than 91 000 Armenians from their homes, 88 % of whom were women and children. After the end of hostilities in the second Nagorno-Karabakh war, the vast majority (80 %) of displaced people from Nagorno-Karabakh had returned to their permanent places of residence by the end of 2021, except in the regions occupied by Azerbaijan. At the end of 2022, 20 709 displaced people from Nagorno-Karabakh were still residing in Armenia. Due to international movement restrictions imposed due to COVID-19, the balance of migration in Armenia was positive for the first time since independence in 2020. The year 2022 was marked by a significant activation of the migration flow to Armenia, which was largely due to the security, humanitarian and economic crises caused by the Russian-Ukrainian war. Moreover, Armenia has become a host country both for citizens of Ukraine seeking a safe place, and for a large number of citizens of Russia and Belarus who do not consider their economic activity or, in general, a normal life possible in their countries of permanent residence, at least for some time.

According to the data of the Armenian Border Electronic Management Information System, the passenger flow through all Armenian border points (both entries and exits) doubled in 2022 compared to 2021, and the balance of entries and exits was around 39,000, in contrast to 2021 - negative 44,000. In 2022, the trend characteristic of the last decade was preserved, when



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the difference between the entry and exit of foreigners is positive, and that of Armenian citizens is negative. At the same time, both indicators improved significantly in 2022 (in the case of foreigners: 2.2 times, in the case of Armenian citizens: 2.6 times).

MIGRATORY ROUTES

On 1 January 2022, Armenia introduced the 'Work Permit Electronic System', which utilises advanced software to allow employers to submit online requests to grant temporary residence status to foreigners on the basis of employment and simplified the access of migrants to work. In 2022, 10 909 applications were received through the Work Permit Electronic System. 7,739 citizens of Eurasian Economic Union member states were granted residence permit based on work activity and a certificate certifying the legality of residence in Armenia have been issued. At the same time, 2,468 foreign citizens from 92 countries applied for a work permit in the Republic of Armenia and were issued temporary residence status, most of whom were citizens of Iran and India.

In 2022, compared to the previous four years, the number of people seeking asylum in Armenia has almost quadrupled. Thus, if in 2018-2021, about 200-260 people applied for asylum in Armenia annually, then in 2022, 964 foreigners and 4 stateless persons applied to the Migration Service for asylum in Armenia. Among them, 358 foreigners were recognized as refugees and received asylum in RA (Republic of Armenia) in 2022. Half of the foreigners who applied for asylum in Armenia in 2022 were citizens of Ukraine, about 60% of them granted the refugee status. Citizens of Iraq and Iran also had a significant weight among the asylum seekers. More information is available [here](#).

Irregular immigration in Armenia is not massive. As a rule, entering Armenia is legal, and the violations mainly refer to the legal norms of staying in Armenia. In 2021, 44 cases of illegal crossing of the state border were recorded in the Republic of Armenia. Attempts to illegally cross the state border were mainly made with the use of fake passports, visas and other travel documents. In 2018-2021, a total of around 18,000 illegal migrants were found in Armenia. In the same period, 1,819 foreigners were denied the right to stay in Armenia, and 66 foreigners were deprived of the right to stay in Armenia. During 2018-2021, only 11 foreigners were deported from Armenia. In the same period, in Armenia, on average, about 4,500 foreigners were held administratively liable for various offenses, and on average, about 200 foreigners were held criminally liable.

As for the irregular emigration, during the period of 2018-2021, 38 criminal cases were initiated in Armenia related to the organization of irregular emigration. Within the framework of the fight against illegal migration and human trafficking, in order to neutralize false job offers spread through the Internet and social networks and to ensure safe migration, the relevant services of the Police are monitoring the .am and Armenian language domains of the Internet in order to detect information with illegal content and to respond quickly.



INSTITUTIONAL ORGANISATION

The fight against illegal migration in the Republic of Armenia is carried out by specialized units, through the Division of Combating Illegal Migration of the General Criminal Department of Police of Ministry of Internal Affairs of the RA, the Migration and Citizenship Service of the Ministry of Internal Affairs of the RA. In carrying out their functions, the aforementioned units are governed by the provisions of laws and sub-legislative acts of the RA regulating the mentioned sphere.



LEGISLATIVE FRAMEWORK

Criminal Code of the RA

Article 470. Organization of illegal migration

1. Arranging the entry of a foreign citizen or a stateless person into the Republic of Armenia, the stay in the Republic of Armenia or the transit (transportation) through the territory of the Republic of Armenia for profit, which was done in violation of the procedure established by the legislation for entry, stay or transit, or proper permission for entry, stay or transit by submitting a false document or false information:

shall be punished by a fine in the amount of twenty to forty times the minimum wage, or short-term imprisonment for a maximum period of two months, or imprisonment for a period of one to four years.

2. Arranging a person's exit from the Republic of Armenia, entry to a foreign country, or stay in a foreign country for profit, which was done in violation of the procedure for exit, entry, or stay established by legislation, or by submitting a false document or false information to obtain a proper permit for exit, entry, or stay:

shall be punished by a fine in the amount of twenty to forty times the minimum wage, or short-term imprisonment for a maximum period of two months, or imprisonment for a period of one to four years.

3. The act provided for in part 1 or 2 of this article, which was performed:

- 1) with prior agreement by a group of persons,*
- 2) in conditions dangerous to human life or health or humiliating the honor and dignity of a person or*
- 3) using official or official powers or the influence caused by them,*

shall be punished by imprisonment for a term of four to eight years.

Article 469. Illegal crossing of the state border

1. Crossing the state border of the Republic of Armenia without a specified document or proper permit:

shall be punished by a fine in the amount of ten times to thirty times the minimum wage, or public works of one hundred to two hundred hours, or short-term imprisonment for a maximum period of two months, or imprisonment for a maximum period of three years.

2. Assisting or organizing the crossing of the state border of the Republic of Armenia by a person who has not reached the age of criminal responsibility or who is completely or partially deprived of the ability to realize the nature and significance of his act or to control his act as a result of having mental health problems:



shall be punished by a fine in the amount of twenty times to forty times the minimum wage, or public works for a period of one hundred fifty to two hundred and fifty hours, or short-term imprisonment for a period of one to two months, or imprisonment for a period of one to four years.

3. *The act provided for in part 1 or 2 of this article, which was performed:*

- 1) using violence or threatening to use violence or*
- 2) with prior agreement by a group of persons:*

shall be punished by imprisonment for a term of three to six years.

4. *The act provided by part 1 or part 2 or part 3 of this article, committed by a criminal organization:*

shall be punished by imprisonment for a term of four to eight years.

5. *This article does not apply to a person affected by trafficking, as well as to an asylum seeker who, coming directly from the territory where his life or freedom was threatened, applies without delay to the competent authority and indicates the valid reason for his illegal entry.*

Article 457. Forging documents, stamps, seals, forms, making or using forged documents, stamps, seals, forms

1. *Certifying or reserving rights or exempting from duty or responsibility a legally significant fact issued by a state or local self-government body or their organization, commercial or other organization, individual entrepreneur, notary, auditor or other person authorized to draw up, issue or certify the authenticity of a document forging a document for the purpose of its use or realization by the forger himself or another person, or forging such a document or making a false stamp, seal or form for the same purpose, as well as using a forged document:*

shall be punished by a fine in the maximum amount of twenty times the minimum wage, or public works for a period of eighty to one hundred and fifty hours, or short-term imprisonment for a maximum period of two months, or imprisonment for a maximum period of two years.

2. *The act provided for in part 1 of this article, which was performed by a group of persons with prior agreement:*

shall be punished by a fine in the amount of ten times to thirty times the minimum wage, or by public works for a period of one hundred to two hundred hours, or by short-term imprisonment for a period of one to two months, or by imprisonment for a period of one to three years.

3. *This article does not apply to the asylum seeker who forged the document or used the forged document to enter the Republic of Armenia.*

Code of Administrative Offenses of the RA

Article 201. Violation of the Law of the Republic of Armenia “On Foreigners” by foreigners, inviters and employers

1. *Residence by foreigners in the Republic of Armenia without a valid license or residence status or with invalid documents, as well as violating the order of transit traffic through the territory of the Republic of Armenia:*

causes a fine in the amount of 50 to 100 times the minimum wage envisaged in the Republic of Armenia.

2. *Violation of the obligation of the inviter of the foreigner to the Republic of Armenia to cover the costs of the invitee's stay, including his possible medical care and the costs of his departure from the Republic of Armenia:*

results in a fine ranging from 50 to 100 times the minimum wage.



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3. Signing an employment contract with a foreigner without a document certifying the status of temporary residence issued on the basis of point "b" of Article 15, Part 1 of the Law "On Foreigners", except for foreigners who have the right to work in the Republic of Armenia without such a document:

shall result in the imposition of a fine in the amount of fifty times prescribed minimum wage.

4. Signing an employment contract with a foreigner without using the unified electronic platform for the selection of foreign workers provided for by the Law on Foreigners, except for foreigners with the right to work without residence status:

shall result in the imposition of a fine in the amount of fifty times prescribed minimum wage.

5. Repeating the same violation within one year after the date of imposition of the fine provided for in parts 3 and 4 of this article:

causes a fine in the amount of one hundred times the established minimum wage.



JUDICIAL FRAMEWORK

[No information provided under this section]



INTERNATIONAL COOPERATION

Within the scope of its functions, Division of the fight against Illegal Migration of the General Department of the Criminal Police of the Ministry of Internal Affairs of the RA cooperates with the law enforcement agencies of foreign countries through Interpol NCB (National Central Bureaus), and relevant cooperation with the embassies of foreign countries in the RA is carried out through the Foreign Ministry of the RA.



RELEVANT CASES

- ❖ In the spring of 2022 the director of a sports federation operating in Yerevan promised to organize the departure of 9 RA citizens who are not members of the Federation to the USA during March-April for the purpose of further residence, demanding in the range of 1500 to 8000 USD depending on the period of validity of the visa. In order to organize the process of illegal migration, the director of the mentioned sports federation prepared fake employment contracts and false references in the name of the mentioned citizens on previous dates. Under the pretext of participating in the training camp to be held in Tampa, Florida, USA, from April 18 to 28, he prepared fake employment contracts and fake diplomas as if they were members of the federation along with other documents to obtain a US entry permit, which the latter were presented to the US Embassy in Armenia.

On April 6 2022 the granting of visas was refused to the aforementioned citizens to enter the USA and the organization of illegal migration was not carried out.



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Regarding the apparent crime of organizing illegal migration, a criminal case was initiated under Article 329.1, Part 3, Clause 1 of the former Criminal Code of the Republic of Armenia, which was sent for investigation to the Main Investigation Department of the National Security Service of the Republic of Armenia.

- ❖ In spring 2022, the director of the "Diamond Tour" tourist agency operating in Yerevan, V.H., for the amount of 21,400 US dollars, organized the transfer of the citizen S.M. and his family members to the Federal Republic of Germany through transit countries and confirmation of permanent residence. In particular, in order to organize the aforementioned, along with other documents, he provided S.M and his wife with false documents certifying a legal fact, reserving rights and false statements of bank accounts on their name, which were also submitted to the Embassy of the Republic of Greece in the RA.

Having received visas to the Republic of Greece, S.M. along with his family, by with accompaniment of V. H., they were first transferred from Yerevan "Zvartnots" airport to Athens, then to Prague, and from there to the Federal Republic of Germany.

The appropriate report on the apparent crime of organizing illegal migration was sent to the General investigation department of the National Security Service of the RA, where the criminal proceedings were initiated in accordance with the features of Article 470, Part 3 of the Criminal Code of the RA.

- ❖ In 2023 as a result of the measures taken, during the implementation of the operative data received in the General Department of the Criminal Police of the Ministry of Internal Affairs of the Republic of Armenia, factual data was obtained that the director of a tourist agency operating in Yerevan, R.M., for the sum of 2,500 Euros, tried to organize illegal migration of H.Kh. through the territory of the Republic of Lithuania to to the Federal Republic of Germany by submitting false information on education and employment on behalf of the latter to the Embassy of the Republic of Lithuania in the Republic of Armenia. The visa was refused and the organized illegal migration has not been completed.

The appropriate report on the apparent crime of organizing illegal migration was sent to the General investigation department of the National Security Service of the RA, where the criminal proceedings were initiated in accordance with the features of Article 470, Part 3 of the Criminal Code of the RA.