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Socio-Economic Rights of Refugees, Asylum Seekers and IDPs in the Republic of Armenia

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I. Refugees and Asylum Seekers

1. Right to work

Asylum seekers have the right to work and have access to the labour market in Armenia. This is guaranteed by the “Law on Refugees and Asylum”¹ (Article 21). According to the RA Law “On the foreigners”² (Article 22) an asylum seeker is entitled to carry out working activities in the Republic of Armenia as long as he/she has a work permit issued by the state authorized body. Thus, the asylum seeker must have a work permit as a foreigner in the RA in order to be able to work. As the Armenian government has still to designate a body responsible for issuing work permits, the asylum seekers can, in practice, get a job without work permission.

Asylum seekers, who are recognized as refugees by the Armenian Government, receive a residence permit without time limits. Granting refugee status automatically implies permission to work. Recognized refugees are not required to apply for a work permit like asylum seekers and other foreigners. Refugees can work in Armenia without work permits³.

Persons granted asylum in the Republic of Armenia are allowed to seek employment within the RA under the same conditions as RA citizens. At the same time, RA legislation provides for some restrictions as it does for asylum seekers: they cannot fill positions in state and local self-government bodies, since RA legislation prescribes that only citizens of Armenia can apply for such jobs.

It is remarkable that the previous RA Law “On Refugees”, adopted in 1999, did not envisage any provision on refugees’ and asylum seekers’ right to work in the RA. But the right to work is stipulated in the new law, adopted in 2008, and this right is an equal right of all RA citizens. And this is surely progress.

There is no official statistics on employment/working activities of asylum seekers and refugees. According to the data of the State Migration Service (hereinafter SMS) asylum seekers and refugees of African origin mainly work in the services: workers at gas/petrol stations, porters and waiters in hotels and restaurants. Refugees of Armenian nationality (from Iraq and Syria) mainly work as craftsmen and women: electricians, tailors, jewelers and even doctors.

2. Access to housing, food and clothing

Article 14 of the RA Law “On Refugees and Asylum” defines the right of housing asylum seekers in the RA. A “Special Accommodation Center” was established by the RA Government Decree N 1283,⁴ 27 December 2001, in order to provide asylum seekers and their families with temporary RA housing. The possibilities of the accommodation center have recently been expanded due to the assistance provided by the UNHCR Armenian branch office. Currently the “Special Accommodation Center” has a status⁵ of a state non-profit organization and operates under the SMS of the RA MTA. The “Special Accommodation Center” is funded by the RA state budget.

¹ Entered into force 24 January 2009, Official Journal of Armenia (OJA) No. 2(668), 14.01.2009.

² Adoption 25 December 2006, Entry into force 3 February 2007, Official sources: Official Journal of Armenia No. 6(530), 24.01.2007

³ Art. 23 of the Law on Foreigners.

⁴ Is not published

⁵ “Special Accommodation Centre” was established by the RA Government Decree # 407-N, 3 April 2003

There are 22 rooms in the Center and it is possible to accommodate a maximum of 55 asylum seekers, even though for example 264 people⁶ have applied for asylum starting from January up to 1 September 2013. Therefore, the vast majority of asylum seekers either rent a house/a flat or stay at their relatives' or friends' house.

Procedures for placing asylum seekers in temporary reception centers (hereafter Center) and for providing them with subsistence means are defined by Governmental Decision No. 1440-N from 19 November 2009⁷. Asylum seekers are placed in the Center by the SMS.

Asylum seekers reside in the Center until a final decision is made on their claim (including the completion of the process for appealing refusal of asylum). If the claim of the asylum seeker is rejected and he or she appeals the rejection decision through administrative procedure, the asylum seeker, as well as members of his/her family can continue residing in the Center until a decision is made on examination of the administrative complaint.

The administration of the Center has to provide asylum seekers placed in the Center with subsistence means, namely food (three times a day), linen, items for personal hygiene, and, if necessary, clothes and shoes. Asylum seekers are to be provided with subsistence in the Center until a final decision is made on their asylum claim (including the completion of the process of appealing against the decision on rejecting asylum application). Asylum seekers, living outside the Center, do not receive any means of subsistence from the state budget. In fact, provision of meals three times a day does not apply because the Center does not have a canteen with proper sanitary conditions. Therefore, the management unit of the Center organizes purchasing of food⁸ and its provision to its residents. Food is distributed for a 10-day period. Priority is given to bread, dairy products, etc., and all these products are provided for a 2-day period. According to the estimates, the state spends 1355 AMD daily (2.5 EURO) on each asylum seeker.

Each asylum seeker placed in the Center is provided with items of personal hygiene on a monthly basis⁹. One time assistance in providing clothes and shoes is rendered to asylum seekers and members of his/her family based on a written request from them, or on the basis of a proposal made by the administration of the Center to the Designated Body and with the consent of the Designated Body. Expenditure made for this purpose should not exceed 25,000 AMD /50 EURO/ for each asylum seeker.

Subsistence means to asylum seekers placed in the Center can also be provided within the framework of programs implemented by international organizations and NGOs.

RA Government Decree # 783-N¹⁰ of 18 July 2013 defines the order of the activities of the special accommodation centers in the RA state border crossing points and transit zones, as well as the living conditions of the foreigners in these accommodation centers. Those asylum seekers, who illegally entered RA territory are kept in special centers of the National Security Service adjunct to the RA Government. They are provided with food and necessary items, as well as outpatient and professional medical treatment. The asylum seekers are kept in such centers for up to 72 hours. After this they are moved to the "Special Accommodation Center" SNPO, functioning under the SMS.

⁶ <http://www.smsmta.am/>

⁷ OJA No. 68 (734), 30.12.2009.

⁸ The quantity of daily food and linen provided to asylum seekers placed in the Center is calculated in accordance with the minimal criteria fixed in Appendix 2 and Appendix 4, respectively attached to the Governmental Decision #730-N⁸ from 31 May 2007 "On approval of the minimal criteria for social services provided to elderly and disabled people."

⁹ Each asylum seeker placed in the Center is provided with items of personal hygiene on a monthly basis in the following quantities: 1) hand soap – 100 g, 2) laundry powder - 250 g, 3) laundry soap – 200 g, 4) tooth paste – 60 g, 5) tooth brush – 1 piece (one time), 6) Kleenex – 1 box) toilet paper – 1 roll,

¹⁰ Official source: OJA 2013.08.07/44(984)

If an asylum seeking application is accepted then the asylum seeker becomes a refugee. They have to vacate the room in the reception centre within 2 days of notification from the SMS on a positive decision on your application. After vacating the room in the reception centre they may apply to the SMS with a request for a room in a communal centre. State non-profit organization “Dormitories” functions under the SMS, and its activities are aimed at accommodating people, recognized as refugees, and asylum seekers in the RA in the dormitory rooms. This works through a referral system, referrals coming from the SMS, as well as deals with providing services to those living in the dormitories. According to the Decree of the RA Minister of the Territorial Administration (2008, N 47-A) a working group was set with the view of organizing the process of referral providing for further accommodation of the refugees in the dormitories (temporary dwellings) 2008 September. The RA Deputy Minister of Territorial Administration heads the working group. The Action plan of the working group was also approved (N36-A, 26 March, 2013). The above mentioned Action plan defines the organization of the activities of the working group coordinating the distribution of referrals for accommodating those forcibly deported from Azerbaijan in 1988-1992 (including those who received RA citizenship). The referrals also come for foreigners, who are recognized as refugees and who are granted asylum in the Republic of Armenia, stateless persons in the dormitories. The Action Plan also sets out the order of applying to the beneficiaries for distributing rooms, registration, distribution of referrals, rules and regulations of residing in the dormitories, as well as main rights and duties of people living in the dormitories. According to the statistics the working group has provided around 140 refugees with accommodation over four years.

A number of Decrees, adopted by the RA Government, refer to accommodation/housing rights of the refugees¹¹.

3. Right to education

The RA Laws “On Education”¹² and “Refugees and Asylum”, adopted in 2008, are the main legal acts regulating refugees’ rights to education. Particularly according to Article 25 of the latter, asylum seekers and recognized refugees have the right to a basic general education equal to that enjoyed by RA citizens. Refugees granted asylum in the Republic of Armenia shall be treated as favorably as other foreign citizens with regard to the access to studies, recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

It is worth noting here that the previous law “On Refugees”, adopted by the RA National Assembly in March 3, 1999, did not contain any provision related to refugees’ right to education.

¹¹ -The Law “On legal and socio-economic guarantees of the refugees from the Republic of Azerbaijan from 1988-1992 who acquired the citizenship of the Republic of Armenia”, Adopted on 06.12.2000, entered into force on 30.12.2000, RA State Bulletin 2000.12.30/33 (131),

-The RA Government Decision N 40411 from 14 May 2001 defines the privatization order of the residential dormitory premises under the state budget institutions by persons forcibly displaced from the Republic of Azerbaijan and having acquired the citizenship of the Republic of Armenia, 11. Adopted on 14.05.2001, entered into force 10.06.2001, The RA State Bulletin 2001.05.31/15/147.

-The law “On allocating the apartments built for the refugees displaced from the Republic of Azerbaijan in 1988-1992 to the refugees with ownership right” , Adopted on 20.11.2002, entered into force - on18.12.2002, The RA State Bulletin 2002.12.17/55 (230)

- The RA Government Decision N747-N dated 20 May 2004 “On priority housing program for the people forcibly displaced from the Republic of Azerbaijan, 15 Adopted on 20.05.2004, entered into force on 26.06.2004, Official source the RA State Bulletin 2004.06.16/31(330)

¹² Adopted on 14.12.2004, entered into force on 02.03.2005. RA State Bulletin 2005.01.31/8(380)

4. Healthcare

Article 23 of the RA Law “On Refugees and Asylum” stipulates asylum seekers’ right to medical care in the RA. According to this article those refugees who have been granted asylum have the same right as RA nationals to free medical care and services guaranteed by the State. The second part of the same article states that asylum seekers and refugees who have not been granted asylum in the Republic of Armenia will have the same rights as RA nationals to receive free medical care and services guaranteed by the State, if they fulfill the requirements of RA legislation for that field.

Based on the above it might be argued that the asylum seekers are not provided with free medical care if the conditions of the RA Government Decree¹³ #318-N “On Free medical care and services guaranteed by the State” of March 4, 2004 are not fulfilled. According to this Decree free medical care and service will be provided to beneficiaries included in the poverty (family) system with 36.00 and higher vulnerability score, the disabled persons of the first, second and third groups and representatives of socially vulnerable groups.

In practice this issue is regulated if asylum seekers and their family members are registered in polyclinics- territorial/regional units of the RA Ministry of Health, where they receive some services, but not the full package. Therefore, with the support of the UNHCR office in Armenia two hospitals provide inpatient medical care to the asylum seekers and their family members. With a view to ensuring implementation of the right to receive free medical care and services guaranteed by the State and equal to that received by RA citizens, defined by the RA Law “On Refugees and Asylum” it is necessary to adopt the RA Government Decision “On making changes in the Decree #318-N “On Free medical care and services guaranteed by the State”. According to this Decree the asylum-seekers and their family members will be included in the list of vulnerable groups. The Draft of this Government Decision, made by SMS, is in the process of adoption.

According to the RA Law “On medical assistance and services rendered to the population”¹⁴ refugees have the right to receive free medical care and services (Article 4) in the framework of the state healthcare targeted programs. This law guarantees receiving free primary care and outpatient services. When it comes to in-depth health examination research and treatment, then all this is regulated on the same basis, as is done in case of RA citizens.

5. Family life

The RA Law “On Refugees and asylum” has a number of provisions on the family life of asylum seekers and recognized refugees. Particularly, the law ensures asylum to the family members of the refugee granted asylum. The spouse, any children under 18 years of age, and any other person under the lawful care of a refugee granted asylum in the Republic of Armenia will also be considered refugees and accorded with asylum in the Republic of Armenia; they must though reside together with the refugee in the territory of the Republic of Armenia and if they do not possess any citizenship - different from that of the refugee - providing effective protection (Article 7, point 1). The parents of the child who is recognized as a refugee and who received asylum in the Republic of Armenia, under 18 years old, as well as sisters and brothers above 18 who are disabled, are also considered refugees and granted asylum in the Republic of Armenia; again this is so if they reside together with the child who received refugee status and if they do not possess citizenship of another state – different from that of this child – providing effective protection (Article 7, point 3). Family members of the person, who has been recognized as a refugee or granted asylum in the Republic of Armenia, even if they are outside the territory of the Republic of Armenia, also have the right to be recognized as refugees and granted asylum in the Republic of Armenia

¹³ Adopted on 04.03.2004, entered into force on 08.04.2004, official source OJA 2004.04.07/20(319)

¹⁴ Adopted on 04.03.1996, entered into force on 16.05.1996, RA National Assembly Bulletin, 1996/7-8

According to the law the refugees granted asylum in the Republic of Armenia are entitled to family reunion with their family members (Article 7, point 4). The procedure for Family Reunification is stipulated in the Article 54 of this law.

6. Access to public service and right to naturalization

Refugees and asylum seekers do not have access to public services. It is possible through naturalization. There are three regimes of naturalization for refugees in Armenia. Those, who forcibly deported from Azerbaijan in 1988-1992, were recognized on the basis of “prima facie” principle, and were granted the RA citizenship in simplified order in accordance with the point 2 of article 10 of the RA Law “On the citizenship of the Republic of Armenia”¹⁵. The person applies to the passport division of the RA Police, located in his/her actual residence place, submits his/her Convention Travel Document and receipt on having paid the state duty of 1000 AMD (2,0 EURO) and receives the passport of the RA citizen within 5 working days¹⁶.

Recognized refugees of Armenian origin can also obtain RA citizenship through individual procedures as a second citizenship, as the RA Constitution allows. They have a right to apply for Armenian citizenship if: they have been residing on RA territory for the preceding three years; are proficient in the Armenian language; and are familiar with the RA Constitution. In order to receive Armenian citizenship the time limit of three years residence is not necessary if:

- he/she marries a citizen of the Republic of Armenia or has a child, a father or a mother, holding citizenship of the Republic of Armenia
- his/her parents or at least one of them held RA citizenship in the past or was born on the territory of the Republic of Armenia
- he/she is Armenian by origin.

7. Right to social security/social insurance

Article 23 of the RA Law “On refugees and asylum” states that refugees who have been granted asylum in the Republic of Armenia have the right to the following points if they fulfill the requirements in the relevant field: social services stipulated by the legislation of the Republic of Armenia for nationals of the Republic of Armenia; state benefits and other financial assistance; benefits granted for cases of temporary inability to work, employment injury in production, accidents and occupational diseases; pension security and social protection in case of unemployment as prescribed by the legislation of the Republic of Armenia.

Refugees’ right to receive social assistance, equal to that of received by the RA citizens, is stipulated by the RA Law “On Charities”¹⁷ (Articles 7, 10, 21) as well as by the RA Laws “On Social Assistance”¹⁸(Article 6) and “On State Benefits”¹⁹ (Articles 2, 5, 11).

The RA Law “On Children’s Rights”²⁰ (Article 30), adopted in 1996, ensures refugee children’s social, material and other rights.

¹⁵ Adopted on 06.11.1995, entered into force on 28.11.1995, The Bulletin of the RA National Assembly 1995/8

¹⁶ RA National Assembly adopted Law on making changes in the RA Law “On the citizenship of the RA”, according to which time limit for applying for acquiring the RA citizenship was prolonged until December, 2014. Adopted on 20.05.2013, entered into force on 29.06.2013, Official source: RA State Bulletin 2013.06.19/32(972)

¹⁷ Adopted on 08.10.2002, entered into force on 14.02.2003, Official source: State Bulletin 2002.11.14/49(224)

¹⁸ Adopted on 24.10.2005, entered into force on 01.01.2006, Official source: State Bulletin 2005.12.07/75(447)

¹⁹ Adopted on 24.10.2005, entered into force on 01.01.2006, RA Official Bulletin 2005.12.07/75(447)

²⁰ Adopted on 19.11.2002, entered into force on 01.01.2003, RA Official Bulletin 2003.04.09/18(253)

Refugees' pension rights are carried out on the basis of pension-related legislation of the RA. The current system of pension security services of forms the most important basis or criteria for being included in the RA pension security system. Many people deported from Azerbaijan did not have any opportunity to take documents with them, including documents on the length of service, which creates serious obstacles in pension insurance issues.

With the view of giving solutions to the issue related to recognition of the years of insurance payment of people forcibly deported from Azerbaijan in 1988-1992 23 July, 2009 the RA Government adopted Decree²¹# 907-N "On establishing a committee dealing with length of insurance of people forcibly deported from Azerbaijan in 1988-1992 and approval of the working procedure of the committee". According to this Decree a committee dealing with refugees' length of insurance was to set up.

II. IDP's

The minutes²² #39 of the RA Government session of 25 September 2008 the Program "On Organization of the return of internally displaced from the border settlements of the RA to the places of their origin" provide assistance to 1005 families in returning to the places of permanent residence. This program relates to those people who left the places of their permanent residence in 1992-1994 due to Azerbaijani bombings. After the ceasefire agreement was signed in 1994, most of these people returned to their places of residence, but there are still thousands of people, who have not returned²³.

The project includes 2 components – resettlement and restoration²⁴. The program of 38.52 million was to be implemented in 2008-2010 by international donor organizations²⁵. But due to lack of funds it was impossible to implement the project.

²¹ Adopted on 29.05.1996, entered into force on 16.05.1996, RA National Assembly Bulletin, 1996/10

²² Adopted on 23.07.2009, entered into force on 29.08.2009, Official source: OJA 2009.08.19/4(707)

²³ People mainly from Gegharquniq, Tavush, Syuniq, Ararat, Vayots Dzor marzes (regions) were displaced, which amounts to 57% of whole territory of Armenia. At that time the population of these regions stood at 976,000 or 25% of the republic's population. In the bombardments 72,000 left the places of their permanent residence due to ruined houses and the risk of being shot. In accordance with non-official data, since the beginning of the conflict 26,000 44 people moved from the bordering territories to other states, 21.270 people to different regions of the republic, out of which 461 people left for different countries, 9692 have returned to the places of their residence within last 3 years, 113 people died. 1259 people out of 5784 residing in Armenia have expressed their willingness to return to their settlements in case of relevant conditions, and 740 people have not decided yet.

²⁴ Thus the restoration is aimed at returning 1005 families to the places of their residence by allocating 45 USD to each person for moving expenses, 600 USD will be provided to each family for setting up a farm (purchasing cattle, seeds and necessary tools) and a lump-sum allowance of about 105 USD. It is envisaged to implement this program in 3 years by resettling 330 families annually. Minimal living conditions within 7700 USD will be created for 1694 completely destroyed houses. Construction of houses of 32cubic measures, and 16 thousand for partial reconstruction (up to 1.500 USD) of the houses of 433 families is envisaged

²⁵ <http://www.panorama.am/am/society/2008/10/01/teghahanvac/>