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Monitoring Report: Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (4th monitoring)

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Introduction

EU-Armenia Relations in the Area of Facilitation of the Issuance of Visas: Development Trends

This study was carried out by the Analytical Centre on Globalization and Regional Cooperation (ACGRC) with financial support from Open Society Foundations-Armenia (OSF-Armenia), and is now the fourth regular monitoring by ACGRC. Such monitoring and comprehensive analysis became particularly important after the entry into force in January 2014 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 between the EU and Armenia.

Over 60 countries of the world have a visa-free regime with the EU, and Armenia and a number of other countries can achieve it through the visa dialogue stage. Achieving a visa-free regime should be based on the success of a country in fields such as rule of law, fighting organized crime, corruption, and irregular migration, improving the administrative capacity for border controls and document security. The visa liberalisation dialogue has been successfully completed between the EU and five West Balkan countries, namely Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia, as well as three countries of the Eastern Partnership, namely Moldova, Ukraine, and Georgia. As a result, all of these countries were granted a visa-free regime¹. The visa dialogue was based on a Visa Liberalisation Roadmap or a Visa Liberalisation Action Plan, which included binding requirements in four key areas—document (including biometric) security, border management, migration and asylum, public order and security, foreign relations and fundamental rights, legislative reforms, planning, and effective and sustainable implementation. Throughout the dialogue, the European Commission conducts monitoring and evaluation by means of regular reports.

People to people contacts are one of the four platforms of cooperation under the Eastern Partnership Program. For Armenian citizens to enter the EU area, it presupposes obtaining an entry visa.

The Joint Declaration on a Mobility Partnership between the European Union and Armenia signed in Luxembourg on 27 October 2011 became a key step towards enhanced cooperation in the area of mobility².

In view of the importance of this area of EU-Armenia relations, talks on a Visa Facilitation³ and Readmission Agreement with the EU began in Yerevan in February 2012. After three rounds of negotiations, the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas was signed on 17 December 2012, and the Readmission Agreement on 19 April 2013⁴. These Agreements were ratified by the European Parliament on 9 October 2013 and by the Armenian National Assembly on 12 November 2013, and entered into force on 1 January 2014⁵.

¹ http://europa.eu/rapid/press-release_MEMO-17-5364_en.htm

² Joint Declaration on a Mobility Partnership between the European Union and Armenia. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/125698.pdf

³ The EU signed the first agreement on visa facilitation with the Russian Federation, which entered into force in 2007. https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

⁴ The cooperation of the Republic of Armenia with the EU, <http://www.mfa.am/hy/country-by-country/eu/>

⁵ Visas: European Parliament gives green light to EU-Armenia visa facilitation agreement (09.10.2013)

Armenia discontinued the Association Agreement talks with the EU on 3 September 2013 and started a process of accession to the Customs Union and the Eurasian Economic Union (EEU). On 2 January 2015, Armenia joined the Eurasian Economic Union and became a full member of the EEU next to Belarus, Kazakhstan, and Russia⁶.

Despite Armenia's accession to the Eurasian Economic Union, the process of EU visa facilitation for Armenian citizens continues. Apparently, all the prerequisites are now in place for taking the next step and entering a Visa Dialogue, and in case of its successful implementation, moving to a visa-free regime for short stays. It is extremely important because visas are a key obstacle to cooperation and people-to-people contacts, free travel, and study.

In the November 2016 Conclusions of the EU Foreign Affairs Council on the Eastern Partnership, the visa liberalization for Armenia's citizens was mentioned, together with the visa requirement abolition for citizens of Georgia and Ukraine. The European Ministers underlined that they are looking forward to consideration "in due course of the possible opening of a visa dialogue with Armenia"⁷.

However, the EU took an important decision on 12 October 2015: the EU Foreign Affairs Council authorized the European Commission and the EU High Representative to start negotiations on a new comprehensive and legally-binding agreement with Armenia and issued the respective mandate. This agreement will replace the current Partnership and Cooperation Agreement between the EU and Armenia, which has been in force since 1999. These negotiations were officially launched on 7 December 2015 in Brussels⁸. By January 2017, eight rounds of negotiations on the Armenia-EU framework agreement had taken place⁹, and on 27 February 2017, during a working visit to Brussels, the Republic of Armenia President Serzh Sargsyan announced in a meeting with European Council President Donald Tusk that the Armenia-EU framework agreement negotiations had been completed¹⁰.

Through reforms, Armenia should prove that it is capable of modernizing the country and creating a strong foundation for democracy, human rights, and the rule of law, by bringing its governance system structure closer to the standards of the European Union.

In the course of 2017, important events took place in the Armenia-EU relationship, which will serve as a basis for closer cooperation, especially in the area of mobility.

On 24 January 2017, during the PACE winter session, EU Commissioner for European Neighborhood Policy and Enlargement Negotiations Johannes Hahn stated that the EU is interested in improving mobility and assured that "negotiations on the visa regime liberalisation question will resume" with Armenia¹¹.

<http://www.europarl.europa.eu/news/en/news-room/content/20131004IPR21533/html/Visas-Parliament-gives-green-light-to-EU-Armenia-visa-facilitation-agreement> , Armenian parliament ratifies visa facilitation and readmission agreements with EU (12.11.2013)

http://armenianow.com/news/49985/armenia_eu_visas_facilitation_readmission_agreement_parliament_ratification

⁶ Armenia acceded to the Eurasian Economic Union (2 January 2015);

<http://www.eurasiancommission.org/hy/nae/news/Pages/02-01-2015-1.aspx>

⁷ The EU is preparing for visas liberalization negotiations with Armenia (14 November 2016); <http://yerkirmedia.am/1political/em-hayastan-viza-azatakanacum/>

⁸ The launch of negotiations on a framework agreement with Armenia (13 October 2015);

http://eeas.europa.eu/delegations/armenia/press_corner/all_news/news/2015/2015_10_13_hy.htm

⁹ Foreign Affairs Minister Nalbandyan's statement and answers to the questions of journalists at the 2016 annual diplomatic endyear press conference (31 January 2017) http://mfa.am/hy/press-conference/item/2017/01/31/min_dipyear_2016/

¹⁰ Republic of Armenia President Serzh Sargsyan meets with European Council President Donald Tusk (27 February 2017);

<http://www.president.am/hy/press-release/item/2017/02/27/President-Serzh-Sargsyan-meet-with-President-of-the-European-Council-Donald-Tusk/>

¹¹ Johannes Hahn: the EU to negotiate with Armenia on visa regime liberalisation (24 January 2017). <https://news.am/arm/news/369458.html>

During a visit to Armenia in February 2017, Christian Danielsson, the Director General for Enlargement at the European Commission, urged Armenia to concentrate on the Visa Facilitation Agreement, at first trying to make the most use of opportunities it provides¹².

Armenian officials, too, have repeatedly spoken of the possibility to launch the visa liberalisation dialogue, as well as Armenia's willingness and readiness, emphasizing that Armenia is diligently implementing the EU Visa Facilitation and Readmission agreements; the EU assesses their application as largely positive¹³. A number of European countries have declared their readiness to support Armenia in this matter. For instance, during a visit to Yerevan on 10 March 2017, Greece's Foreign Affairs Minister Nikos Kotzias stated Greece's support to Armenia in obtaining a preferential visa regime¹⁴.

On 21 March, the Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU was initialed in Yerevan. On behalf of Armenia, the Agreement was signed by Chief Negotiator, Deputy Foreign Affairs Minister Garen Nazarian and Trade Lead Negotiator, First Deputy Minister of Economic Development and Investments Garegin Melkonyan, and on behalf of the EU, Chief Negotiator Luc Devigne, Deputy Managing Director in the European External Action Service, and Trade Lead Negotiator Petros Sourmelis, Head of Unit in the European Commission¹⁵.

Another step towards enhanced Armenia-EU cooperation was taken on 27 April 2017, when the first stage of negotiations began on a Comprehensive Air Transport (Common Aviation Area) agreement between Armenia and the EU. Under this Agreement, Armenia can join the EU's common aviation area, as a result of which the Parties to the Agreement will reciprocally liberalise the market and enable air carriers to operate routes without restrictions and on equal terms make use of the extensive opportunities in a market of 500 million people¹⁶. It is expected to lower the airfares between Armenia and the EU, which in turn will promote mobility between Armenia and the EU.

Prior to the Eastern Partnership Summit due to take place in Brussels in November 2017, the European Parliament urged Armenia and the EU to launch a visa liberalisation dialogue. The resolution adopted at the Parliament's session noted significant progress since the summit that took place in Riga two years earlier¹⁷.

The logical conclusion of this process was 24 November 2017, when Armenia's Foreign Affairs Minister Edward Nalbandyan and the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini signed the Armenia-EU Comprehensive and Enhanced Partnership Agreement (CEPA), which became one of the main achievements of the Summit. To enter into force, CEPA needs to be ratified by Armenia and all 28 Member States of the EU¹⁸.

This Comprehensive Agreement opens a new chapter in the Armenia-EU relations. Earlier, the main document regulating the Armenia-EU cooperation was the Partnership and

¹² The EU representative urges Armenia to concentrate on the Visa Facilitation Agreement (2 March 2017)

http://www.azatutyun.am/a/28277180.html?utm_source=dlyr.it&utm_medium=facebook

¹³ Visa liberalisation dialogue to start in the near future (14.03.2017). <https://news.am/arm/news/378542.html>

¹⁴ Greece set to help Armenia in obtaining preferential visa regime with EU States (10.03.2017). <http://panarmenian.net/m/arm/news/234585>

¹⁵ Initialing the Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU (21.03.2017). http://mfa.am/en/press-releases/item/2017/03/21/arm_eu_cepa_joint/

¹⁶ EU and Armenia move towards liberalisation of air transport (28.04.2017). <http://www.euneighbours.eu/en/east/stay-informed/news/eu-and-armenia-move-towards-liberalisation-air-transport>; Armenia and EU have started to negotiate the creation of a common aviation area (27.04.2017). <http://www.panarmenian.net/arm/news/238601/>

¹⁷ European Parliament urging to start visa liberalisation dialogue with Armenia (17.11.2017). <https://www.azatutyun.am/a/28859056.html>

¹⁸ The Armenia-European Union Comprehensive and Enhanced Partnership Agreement has been signed (24.11.2017). http://www.mfa.am/hy/press-releases/item/2017/11/24/cepa_signing/

Cooperation Agreement that had entered into force in July 1999 for a 10-year term and was annually automatically renewed according a clause therein. The new Agreement is a key step towards enhancing the Armenia-EU bilateral relations, which aims at strengthening the political dialogue and creating a strong foundation for continuing the social and economic reforms. The new Agreement and the future cooperation between Armenia and the EU are based on the commitment to democracy, human rights, and the rule of law. In addition, CEPA will strengthen the partnership in facilitated mobility to the benefit of the citizens¹⁹. During the 5th Summit of the Eastern Partnership in Brussels, the Armenia-EU Common Aviation Area agreement was initialed, too²⁰. CEPA will enable to enhance the relations between the Parties under the Revised European Neighborhood Policy and the Eastern Partnership, for the EU and Armenia to elevate their relationship to a qualitatively new and higher level. CEPA specifically addresses the topics covered by this study, namely mobility, migration and readmission, personal data protection, and others. The Preface reads that the Parties reconfirm “that enhanced mobility of the citizens of the Parties in a secure and well-managed environment remains a core objective and considering in due course the opening of a visa dialogue with the Republic of Armenia, provided that conditions for well-managed and secure mobility, including the effective implementation of visa facilitation and readmission agreements between the Parties, are in place” and are committed to “stepping up their dialogue and cooperation on migration, asylum and border management with a comprehensive approach paying attention to legal migration and to cooperation aimed at tackling illegal migration and trafficking in human beings as well as efficiently implementing the readmission agreement.” Besides, the topics covered by this Study are addressed in greater detail in Article 13 of CEPA (Protection of personal data), Article 14 (Cooperation on migration, asylum and border management), and Article 15 (Movement of Persons and Readmission)²¹.

It is of particular importance that the CEPA directly provides that “the Parties shall continue to promote the mobility of citizens through the Visa-facilitation Agreement and consider in due course the opening of a visa-liberalisation dialogue provided that conditions for well-managed and secure mobility are in place.” By signing the new Agreement, Yerevan and Brussels are trying to rebuild the relationship that was to some extent frozen after 3 September 2013. One may hope that the signing of the CEPA between Armenia and the EU will facilitate and speed up the visa dialogue negotiations with Armenia. However, despite the understanding reached during the negotiations on a variety of issues, it is regrettable that they were not transparent: the text of the Armenia-EU Comprehensive and Enhanced Partnership Agreement was published by the Armenian Ministry of Foreign Affairs only on 13 October 2017²².

It is also very important that the new Agreement attaches special significance to civil society and its role in the Armenia-EU relationship. This topic is addressed in Articles 102, 103, and 366 of the CEPA. Article 103 provides: “The Parties shall promote dialogue and cooperation between civil-society stakeholders from both sides as an integral part of the relations between the European Union and the Republic of Armenia,” with the aims “to ensure involvement of civil society in relations between the European Union and the

¹⁹ New Armenia-EU Agreement will enhance political dialogue. Joint statement (21.03.2017). <http://www.lin.am/2111233.html>

²⁰ Armenia-EU Common Aviation Area Agreement is initialed (24.11.2017). http://mfa.am/hy/press-releases/item/2017/11/24/aviation_agreement/

²¹ http://www.mfa.am/u_files/file/CEPA.pdf

²² Text of the Draft Comprehensive and Enhanced Partnership Agreement (CEPA) between Armenia and the EU (non-official translation). http://www.mfa.am/hy/press-releases/item/2017/10/13/eu_arm_cepaa/

Republic of Armenia” and “to enhance civil-society participation in the public decision-making process.” Article 366 of the CEPA provides: “The Parties shall promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.” For this purpose, “A Civil Society Platform is hereby established. It shall be a forum to meet and exchange views for, and consist of representatives of civil society.”²³ For participating in these processes, the creation of a new platform for civil society will enable making a contribution to the implementation of real reforms in various spheres, as well as improving their effectiveness through independent monitoring, evaluation, and recommendations.

One may hope that the success of the EU-Armenia cooperation in recent years, namely the cooperation in migration, border management, document security, visa facilitation, and readmission, as well as the signing of the CEPA in 2017 will provide a stimulus to and greatly facilitate the issuance by EU Member States of a mandate to the European Commission to launch visa dialogue talks with Armenia. In such visa dialogue talks, Armenia will have an advantage over other Eastern Partners that have already gone through this stage, namely Moldova, Ukraine, and Georgia, because Armenia and EU can, based on the lessons learnt by such countries, take into account the pros and cons, advantages and disadvantages, difficulties and mistakes.

Estonia was the first EU Member State that ratified the signed Armenia-EU CEPA on 12 January 2018. According to the official note received from Tallinn, Estonia has completed all the procedures necessary for the entry into force of the CEPA signed between Armenia and the EU²⁴. Armenia has started the ratification process, too: back at yearend 2017, the Government endorsed the document; according to information from the National Assembly’s Standing Committee for External Relations, the Armenian Parliament will most likely ratify the CEPA by the end of April (it has already been sent to the National Assembly in the form of a draft law).

The monitoring²⁵ of the 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 allows revealing the key omissions, analyzing, and presenting recommendations on ways of addressing them, as well as having an alternative monitoring and impartial assessment of the situation, in addition to the official data, assessments, and viewpoints of the direct parties to the process (consular services of EU Member States, state bodies of the Republic of Armenia, and ordinary applicants). Hence, the importance of this monitoring and the engagement of civil society stakeholders in the processes in this area.

The implementation of the Visa Facilitation and Readmission Agreements is decisive for the future of Armenia-EU relations, as time has shown that visas and readmission remain essential areas in the Armenia-EU relations. In meetings and discussions at different levels, addressing the current level and achievements in the Armenia-EU relations, both sides have emphasized the importance of visas and readmission, which further proves the importance of this monitoring.

²³ http://mfa.am/u_files/file/eu/cepa.pdf

²⁴ Estonia is the first to ratify the Armenia-EU Agreement (12.01.2018). <https://www.azatutyun.am/a/28971101.html>

²⁵ The monitoring function is aimed at revealing, as swiftly as possible, actual and potential achievements and shortcomings, and helping to address and overcome them (<http://www.ampartners.am/service/monitoring-and-evaluation.html>).

Clearly, statements made by Armenian and EU officials in 2017 clearly indicate a greater confidence in Armenia's progress towards visa liberalisation and the future of the Armenia-EU relationship.

The Analytical Centre on Globalization and Regional Cooperation (ACGRC) has been very active in this field, especially in the last years: the 2014-2016 monitoring reports have been prepared and published²⁶, presenting important findings and recommendations in a number of key areas. Public statements have been made concerning visas, the operation of visa centers in Armenia, and biometric passports. With the help of international experts, ACGRC has presented the Recommendations on Forming and Implementing the Roadmap to the Symmetrical Visa-free Regime between the EU and Armenia²⁷, which has been endorsed by a number of other non-governmental organizations.

²⁶ Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (reports of the first and second monitoring rounds): <http://acgrc.am/bokeng.pdf> ; <http://acgrc.am/ENG%20Version.pdf>

²⁷ Recommendations on Forming and Implementing the Road Map to the Symmetrical Visa-Free Regime between the EU and Armenia <http://www.osf.am/2015/09/recommendations-on-forming-and-implementing-the-road-map-to-the-symmetrical-visa-free-regime-between-the-eu-and-armenia/>

Findings

The aforementioned two agreements, which are aimed at regulating and facilitating the issuance of visas to and the return of several categories of Armenian citizens, entered into force in January 2014. The two chapters of this report are dedicated to the 2017 monitoring of the 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. The study was carried out by experts of the Analytical Centre on Globalization and Regional Cooperation (ACGRC) with the support of Open Society Foundations-Armenia. For the elaboration of recommendations, we are grateful to ACGRC expert Armen Grigoryan.

The European Commission took an interesting initiative by carrying out an online survey from December 2017 to 2 February 2018, inviting all stakeholders to join the public consultation on Schengen entry visas. The initiative was aimed at collecting the opinions and concerns of interested citizens and organizations on the process of applying for Schengen visas (up to 90 days). The Commission was particularly interested in the experience of persons that applied for a Schengen visa in the last five years, as well as the experience of organizations involved in these matters²⁸. Based on the consultation outcomes, the EU will try to improve the existing procedures for migration, security, and border management, which will help to facilitate visas and the possibilities of travel for trade, tourism, and people-to-people contacts without a short-stay visa. ACGRC, too, participated in the survey and presented some recommendations, which will hopefully be taken into consideration in future cooperation with the EU in this area. It would be desirable to engage non-governmental organizations in such initiatives more frequently.

The Visa Facilitation and Readmission Agreements have been in effect for about four years now, and this Monitoring has allowed analyzing the current situation and drawing conclusions on their impact.

The successful implementation of the Agreements with the EU and continued progress towards visa liberalization require persistent action by all the stakeholders, including the Armenian authorities, the public at large, especially active groups, and the European institutions. ACGRC intends to continue working actively and to monitor the visa liberalization process in the future, as well, presenting recommendations to the stakeholders, similar to what is done in this Monitoring Report.

²⁸ Public consultation on EU funds in the area of values and mobility. https://ec.europa.eu/info/consultations/public-consultation-eu-funds-area-values-and-mobility_en

Methodology and Scope of the Monitoring (Methodology of the 2017 Monitoring)

This Monitoring focuses on the 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. The Project included a comprehensive overview of the process of obtaining short-term EU entry visas (only visas with a validity of up to 90 days)²⁹, irregular migration, the readmission of persons residing without authorisation, passports, personal data, and other aspects.

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 reviewed³⁰. The EU Visa Code³¹, the Schengen Agreements³², the Dublin Convention³³, 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, the Republic of Armenia Law on Personal Data Protection, a number of other laws and regulations, decrees and programs of the Republic of Armenia Government on migration and readmission, annual reports of the Ministry of Foreign Affairs of the Republic of Armenia, and other texts were reviewed.

²⁹ Schengen Visa Types <http://www.schengenvisainfo.com/schengen-visa-types/>

³⁰ 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; http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf; http://mfa.am/u_files/file/Agreement_EU_Readmission_Arm.pdf

³¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:EN:PDF>

³² Schengen Agreements http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/schengen-agreements/index_en.htm

³³ Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention (19.08.1997) [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN)

2. Review of work and the websites of EU consulates, the visa centers operating in Armenia, and the relevant state authorities

The study reviewed the official websites of the consular posts of the diplomatic missions of EU Member States in Armenia, the visa centers operating in Armenia, the Ministry of Foreign Affairs of the Republic of Armenia, Passports and Visas Department of the Police of the Republic of Armenia, and the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia. There was a particular focus on analyzing the information contained in the relevant websites, in view of the importance of seeking information from the worldwide web in the contemporary world.

3. Inquiries (see the questions below)

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, as well as the visa centers operating in Armenia. 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 everyday life and especially in the mass media, as well as the issues that came up during the 2014-2016 monitoring exercises³⁴. Individual meetings were held with a number of national and international experts (Germany, Belgium, Poland, Lithuania, Ukraine, Georgia, and Moldova).

Inquiries were also carried out among applicants that had been refused a Schengen visa, as well as applicants that had appeals, in order to understand the overall situation.

4. Visits to the Consular Services

For the first time, study visits were carried out to the consular services, where meetings were held with the respective consul and consular staff in order to have a discussion and to understand the conditions, the visa application admission procedure, the problems encountered, and the steps taken for solving them.

5. Monitoring of the online media

As the Internet is a primary source of information, and the level of public awareness is low, online media were monitored with a view to comparing and tracking how various events are reported in the online media.

6. Statistical desk research

The statistics of Schengen visas were studied, alongside the experience of some other Eastern Partners (Ukraine, Moldova, and Georgia), which have already received visa-free regime (Moldova, Georgia, and Ukraine)³⁵. Moldova was the first post-Soviet Republic to receive a visa-free regime with the EU (effective from 28 April 2014)³⁶. As from 28 March

³⁴ Monitoring Report: Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (2014) <http://arm.acgrc.am/bookarm.pdf>

³⁵ This provision concerns only citizens who hold a biometric passport.

³⁶ Travel to the EU from Moldova (12.05.2016). https://eeas.europa.eu/delegations/moldova/1540/travel-to-the-eu-from-moldova_en

2017, Georgia received a visa-free regime³⁷. Visa liberalisation for Ukraine entered into effect on 11 June 2017³⁸.

To take a decision on the visa regime, EU Council agreement (qualified majority), as well as European Parliament approval (simple majority) are required. A new (“qualified majority”) voting procedure was introduced in the EU Council from November 2014. Under this procedure, the Council votes by proposal of the Parliament or the High Representative of the Union for Foreign Affairs and Security Policy. “Qualified majority” means that 55% of the Member States (16 out of 28) vote for, and the voting countries represent 65% of the EU population. This procedure is also known as the “double majority” rule. About 80% of the EU legislation is adopted under this procedure³⁹.

For the first time, comparative analysis of the 2012-2017 statistical data was carried out, including the total number of visas issued by consular services issuing a Schengen visa in Armenia, broken down by countries, types, refusals, and the like. As part of the comparative analysis, the impact and trends of the said two Agreements were assessed by comparing the EU official statistics for two years preceding their entry into force (2012 and 2013) and the years following their entry into force (2014-2016).

The beneficiaries of this Project are NGO representatives, active groups of civil society, journalists, Armenian state authorities, EU responsible bodies, consular posts of the EU Member States in Armenia, and all citizens who plan to visit countries in the Schengen Area.

Chapter One.

Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas⁴⁰: 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 (see

³⁷ Parallel to the decision on the EU short-stay visa waiver for Georgia, the EU reserves the right to terminate the visa-free regime in case of violations by Georgia or Georgia’s refusal to honor the commitments, and the European Commission shall conduct monitoring to this end. (<http://www.europarl.europa.eu/news/en/news-room/20170131IPR60306/georgia-visa-waiver-approved-by-parliament>)

³⁸ EU Decision To Grant Visa-Free Travel To Ukrainians Becomes Official (22.05.2017). <https://www.rferl.org/a/ukraine-eu-visa-free-official/28502179.html> ; <http://www.europarl.europa.eu/news/en/news-room/20170228IPR64271/meps-and-council-negotiators-agree-to-waive-eu-visa-requirement-for-ukrainians>

³⁹ Council of the European Union, Voting system (01.11.2014) <http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/>

⁴⁰ Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas, http://www.mfa.am/u_files/file/EU_AM_VFA_am.pdf

the Second Monitoring Report⁴¹, pp. 12-13). 12 groups of citizens are exempt of the visa fees (see the Second Monitoring Report, p. 13).

Diplomatic missions and consular posts of the Member States shall issue multiple-entry visas with the term of validity of one year⁴² 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.

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 State⁴³.

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

On 20 June 2017, the EU Council adopted a resolution on changing the Schengen visa design, the main aim of which is to improve security. The protection features of the current visa format were developed 20 years ago, and frequent cases of counterfeiting in recent years have forced the EU to take measures⁴⁴. EU Member States will have a few months to introduce the new visa format. The United Kingdom and Ireland are not affected by this decision, but the EU stands ready to share the required technical information with them. The EU's official statement does not clarify the date up to which the old format of the visa can be used, but Member States must start applying the new rules not later than within 15 months of the entry into force of the decision. Visas in the old format may be issued for six months beyond the adoption of the new Directive by the Member States.

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

- Countries that are full participants to the Schengen Agreements (Austria, Belgium, Germany, Denmark, Estonia, Iceland, Spain, Italy, Latvia, Poland, Liechtenstein, Lithuania, Luxembourg, Greece, Hungary, Malta, the Netherlands, Norway, Sweden, Switzerland, the Czech Republic, Portugal, Slovakia, Slovenia, Finland, and France), for which the provisions of the Agreement are binding. Although Iceland, Liechtenstein, Norway, and Switzerland are full 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, Liechtenstein, and Norway and the Government of Armenia need to conclude bilateral agreements on the facilitation of the issuance of short-term

⁴¹ Second Monitoring Report (2015), <http://acgrc.am/ENG%20Version.pdf>

⁴² 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: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/schengen_calculator_en.html. The long-term (over 90 days) visa issuance procedures are not defined by the EU Visa Regulations; rather, they are provided by the national legislation (Regulation (EU) No 265/2010 of the EP and of the Council of 25 March 2010 Amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards to movement of persons with long-stay visa, OJ (2010) L 85/1 (31.03.2010) <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2010:085:FULL&from=CS>).

⁴³ Monitoring Report Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (third monitoring). <http://www.acgrc.am/3rd%20Monitoring%20EU-Armenia%20Visa%20Facilitation.pdf>

⁴⁴ Uniform format for short-stay visas (Schengen): Council adopts regulation on the update of security features in the visa sticker (20.06.2017). <http://www.consilium.europa.eu/en/press/press-releases/2017/06/20/uniform-format-short-stay-visas/>

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)⁴⁵.

- Countries with which bilateral agreements need to be concluded (the United Kingdom of Great Britain and Northern Ireland, and Denmark, although Denmark is a Member State and is in the Schengen Area).
- 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 2017, a standalone visa facilitation agreement was signed with Denmark, which is not a party to the Armenia-EU Visa Facilitation Agreement: according to RoA Government Decree 1416-A dated 9 November 2017, the Government, acting under Article 10 of the RoA Law on the International Treaties of the Republic of Armenia, decided to approve the proposal to conclude the Agreement on Facilitation of the Entry Visa Regime between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark⁴⁶. Denmark thus joined the list of countries that conclude such an agreement with Armenia despite not being a party to the 2014 Armenia-EU Visa Facilitation Agreement. On 29 February 2016, a similar agreement was signed between the Republic of Armenia and the Confederation of Switzerland⁴⁷.

On 20 November 2017, the EU Council adopted a decision to create a new Entry-Exit System (EES), as well as a new regulation on the Schengen border legislation entry-exit system, which contemplates more rigorous checks on the Schengen border with a view to enhancing the efforts of improving external border management (more rapidly discovering persons that stayed in the Schengen area longer than authorized. This system will record information on the entry, exit, and refusal of third-country citizens crossing the external border of the Schengen area, and will help to reduce the duration of border checks and improve their quality, by mechanically counting the lawful presence of every arriving person. The Council and the European Parliament now need to sign it, after which the text of the new system will be published in the EU's official journal and enter into force 20 days after it. The Member States and the relevant structures of the EU are expected to create the new system and make it fully functional as from 2020⁴⁸. These systems are a part of the EU border management strategy, which will, through the adoption of modern technology, improve external border management. The implementation of "smart borders" should be rapidly expanded.

Importantly, the EU should mobilize all of its resources to support the Member States in this field and to implement the entry-exit system effectively with the help of the eu-LISA IT agency⁴⁹.

⁴⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm

⁴⁶ <https://www.e-gov.am/gov-decrees/item/29504/>

⁴⁷ The Armenia-Switzerland Agreement on Facilitation of the Entry Visa Regime is signed (29.02.2016). http://mfa.am/hy/press-releases/item/2016/02/29/min_ch/

⁴⁸ Entry-exit system: final adoption by the Council (20.11.2017). <http://www.consilium.europa.eu/en/press/press-releases/2017/11/20/entry-exit-system-final-adoption-by-the-council/>; <https://www.facebook.com/eucouncil/videos/1522187014497615/>

⁴⁹ The European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). <https://www.eulisa.europa.eu/Pages/default.aspx>

All the consulates of the Schengen States in Armenia joined the Visa Information System (“VIS”) on 23 June 2015. VIS was created for simplifying the visa processes and improving the security of the visa application process. It is a unified and centralized biometric database of persons that have applied for a visa at least once. Schengen visa applicants will be required to provide their biometric data (fingerprints and digital photo). The biometric data and the information contained in the Schengen visa application will be registered in the centralized VIS database. Biometric technology helps to protect the applicants against theft of private data⁵⁰.

Thus, Armenian citizens applying for a Schengen visa must personally appear for giving biometric data. For further visa applications within a 5-year period, the fingerprints will be copied from the former VIS application file. For every subsequent Schengen visa application, the fingerprints for the 5-year period must be provided again⁵¹.

The following questions were posed to the consulates:

Germany, Poland, Greece, France, Italy, Lithuania, and the Czech Republic

- ❖ Please, provide statistical data on visas for 2016 and for January-September 2017.
- ❖ Please, provide information on the number of multiple-entry Schengen visas granted in 2017 (relative to 2016).
- ❖ What are the most common reasons for refusing to issue a visa? Are there new trends compared to 2015-2016?
- ❖ Does your embassy have programs to support returning persons?

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

PRACTICE

Consular Services of the Schengen Area Member States in Armenia

➤ **Germany**

The official website of the German Embassy is up to date and contains rather detailed information on the whole process of applying for a visa in Armenian and in German (there is also brief information in English), as well as on the visa facilitation agreement. 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.

The website of the German Consular Section states that the list of the required documents is prepared in agreement with the embassies of the Schengen Area Member States in Armenia. It means that the same visa documents are required at all of the mentioned embassies.

⁵⁰ Fingerprints and digital photo for a Schengen visa (22 June 2015).

<http://eunewsletter.am/hy/%D5%B4%D5%A1%D5%BF%D5%B6%D5%A1%D5%B0%D5%A5%D5%BF%D6%84%D5%A5%D6%80-%D6%87-%D5%A9%D5%BE%D5%A1%D5%B5%D5%AB%D5%B6-%D5%AC%D5%B8%D6%82%D5%BD%D5%A1%D5%B6%D5%AF%D5%A1%D6%80%D5%9D-%D5%B7%D5%A5%D5%B6%D5%A3/>

⁵¹ For more detailed information, see the Visa Information System http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en

To prevent and to combat irregular migration, the website of the German embassy contains information to counter the false information provided by organizers of illegal migration (facts versus false promises). The website, which is available in English, French, and Arabic, presents well-grounded important information on migrants and refugees in order to disprove the hearsay that is spread in the Internet by the organizers of illegal migration⁵².

Moreover, the website informs that Germany paid additional money (up to EUR 3,000) to refugees that agreed to return voluntarily to their country by 28 February 2018. Currently, refugees already receive money from Germany for terminating their asylum application: EUR 1,200 for an adult and EUR 600 for a child⁵³ (since October 2017, about 9,000 persons have already returned to their country, having received financial assistance).

In response to our written inquiry, the Consulate informed us that about 10,200 visas were issued during January-September 2017, and the refusal rate was 8%. In 2017, multiple-entry visas accounted for more than 20%, which is less than the figure for the first three quarters of 2016 (26.96%). According to the Consulate, one reason for it may be that there were many first-time applicants in 2017, which received a single-entry visa. Another reason is that, for the statistics of the German Consulate, multiple-entry visas are visas with a validity term of one year and longer. However, the Consulate has not changed its position, which is as simple a procedure as possible if the applicant meets the requirements. The main reasons for refusal have not changed much relative to 2016. The Consulate does not have programs to support returning persons, but the German authorities are considering cooperating with France in this area.

The most common stated reason for refusal is the low likelihood of the applicant returning to Armenia, the insufficiency of funds, and the unclear and non-credible purpose of the visit. The applicant may appeal the decision in the relevant court of Germany (the Administrative Court of Berlin) within one month, and the website contains detailed information about the appeal possibility and procedure.

The question of queues is a very important issue in the case of Germany, because the German Consulate accepts visa applications for a number of Schengen states, and as registration is possible only online, it is often quite problematic (sometimes, the closest available date for an interview is a month away). In exceptional cases, the Consulate is ready to consider urgent applications without prior registration for the interview.

The website presents detailed information on the categories of persons entitled to a free-of-charge visa and on long-stay visas⁵⁴.

The website contains an explanation about resuming border checks on the German-Austrian border from September 2017, which is aimed at returning to the procedure set for entering Germany. This is due to the security requirements and the Schengen legislation on borders. However, it does not in any way imply discontinuation of the Schengen Agreement.

⁵² Facts rather than false promises (#rumoursabout Germany): <http://www.eriwan.diplo.de/Vertretung/eriwan/hy/00/rumours-about-germany-ankuendigung.html>; <https://rumoursaboutgermany.info/>

⁵³ Germany to pay refugees for return to country of origin (03.12.2017). <https://korrespondent.net/world/3913394-hermanya-budet-platyt-bezhentsam-za-vozvrashchenye-na-rodynu>

⁵⁴ http://www.eriwan.diplo.de/Vertretung/eriwan/hy/09_Visum/Schengenvisum/Gebuehrenbefreiung.html;
http://www.eriwan.diplo.de/Vertretung/eriwan/hy/09_Visum/Schengenvisum/Laengerfristige-Visa.html

The German Consulate in Yerevan continues to issue visa for some countries of the Schengen Agreement (Belgium, Luxembourg, Sweden, Austria, and the Netherlands).

It is worth emphasizing that the German Consulate cooperated readily and swiftly responded to our inquiries.

➤ **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, up-to-date, and comprehensive information; it specifies the countries, other than Poland, for which the Polish Embassy issues visas (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, as well as the collection of biometric data.

As to the number of applications, the Consulate reportedly receives about 33 Schengen visa and six national visa applications per day, working four days a week, and in the summer—five days. The Polish side further noted that they have started to issue a visa for up to three years more easily, and even when the citizen has requested a shorter visa, but it is possible to issue a longer visa, the consular staff does inform the applicant thereof. For a visa of one year or longer, the applicant is invited to present a written application or a statement from the place of work, with the relevant justification. The team was told that, if the documents are incomplete, the applicant is given an opportunity to correct the documents or to present additional documents. Interestingly, the Polish Consulate has the possibility of review in case of refusal under a procedure through which the application is examined by a diplomat other than the consular officer who took the first decision.

The Consular Section of the Polish Diplomatic Mission in Armenia sent a detailed answer to our inquiry. During January-September 2017, it issued 3,021 visas (8.87% of the applications were refused), of which 616 (about 19%) were multiple-entry visas, which is 13.2% higher than in 2016. Compared to 2016, the reasons for refusals did not change much—the applicants very often knowingly present wrong information or intentionally try to hide the truth related to their “Schengen story,” or the information on relatives living in the Schengen area and the like. The Consulate does not have programs supporting returnees, but Armenian citizens wishing to return may benefit from the support programs implemented by the Office for Foreigners or the International Organization for Migration. The refusal notice is provided in Polish, with the Armenian translation attached.

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.

The visas section of the website of the Polish Embassy contains detailed information on the consequences of unlawful residence in Poland, the conditions, the return, and other matters⁵⁵. Web-site specially mentions that the Consulate is not working with any firm related to consular issues.

The implementation of a system of mandatory online registration was one of the first steps aimed at solving the problems of applicant queues and waiting time. Moreover, the Polish Consulate proposed an interesting solution: every Friday, in the morning, registration becomes possible for the following week, thereby almost precluding long queues. This issue becomes particularly visible during the summer and winter holidays.

For the Polish Consulate, it is particularly important to highlight the transparent practices and readiness to cooperate.

➤ **Greece**

The Consular Section of the Embassy's website has been upgraded with information. It currently contains detailed information in Greek and English (there is also short information in Armenian). Appointments can be scheduled only online. The website contains information on visas, the required application documents, appeals, the rights of applicants, the Visa Information System, and the like.

According to the written response from the Greek Consular Section, the refusal reasons are virtually the same—incomplete documents, lack of funds, and quite often, discrepancies between the submitted documents and the story told during the interview. The Greek Consulate provided the following data on visas: 10,487 applications in 2016, and 9,667 visas issued, of which 1,751 were multiple-entry visas; 13,948 applications in 2017, and 12,746 visas issued, of which 2,159 were multiple-entry visas (the number of multiple-entry visas grew by 18%). The Greek Embassy does not administer any readmission programs.

Given the structure of the Embassy building, it is impossible to serve applicants with limited mobility. Therefore, a visa application may be lodged by an accompanying person or sent to the visa center. The Consulate noted that the refusals are mostly due to the absence of one of the required documents. In response to our inquiry, the Consulate noted that a sealed and signed letter is sent about refusals, indicating the right to appeal, subject to the presentation of the necessary documents. Given the possibility of queues during the year, the Consulate has started to cooperate with the respective visa center, although it is still possible to apply to the Consulate directly. The consular staff noted that, without the support of the visa center in accepting applications, it would be impossible to serve all applicants, especially in the summer months (in July 2016 alone, there were 3,020 applicants). On 24 November 2017, ACGRC's experts visited the Greek Embassy and had a discussion with the Ambassador, the Consul, and the consular staff. In addition to a number of other important issues, the discussion focused on irregular migration and the problem of persons that do not return, because there has recently been an increase in the number of Armenian citizens seeking asylum. In the summer of 2017 alone, about 400 citizens to whom Greek visas had been issued sought asylum in the EU (mostly in Germany). Under the current

⁵⁵ The consequences of unlawful stay, http://www.erywan.msz.gov.pl/hy/consular_information/patent_information/patent_information#6

procedure, a citizen's application for asylum must be examined by the state that issued the visa, i.e. Greece. The meeting was very productive and comprehensive, and we agreed to continue the cooperation.

➤ 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 Norway, Portugal, and Iceland.

According to the written response from the French Consular Section, 3,733 visas were issued during January-September 2017, of which 630 were for a term of 1 to 5 years (compared to 786 multiple-entry visas in 2016). During the same period, about 15% of the applications were refused. The main reasons for refusal are the low likelihood of return or the false or incomplete information. The Consulate has no programs to support returnees, but the French Office for Migration and Integration (OFII) Yerevan office is implementing such programs.

In 2016, the "Come live in France" information brochure was posted on the website of the French Embassy (in French and Russian). It contains useful comprehensive information for foreigners about the values and principles of French society, and the necessary administrative actions from obtaining a visa to traveling to and settling in France⁵⁶.

Moreover, back in January 2016, French Foreign Affairs Minister announced that the time period for issuing French visas to citizens of Armenia, Georgia, Turkey, Vietnam, and Indonesia would be reduced, and a tourist visa would be issued in just two days⁵⁷.

During an interview in July 2017, the Ambassador of France noted that about 25% of the visas issued by the Visa Service are multiple-entry visas, and that the majority of the visas are issued within 48 hours, as well as that the Migration Partnership Agreement signed between France and Armenia contemplates facilitation of the stay in France for certain categories of students and young persons with qualifications⁵⁸.

➤ Italy

The visa information on the official website of the Consular Section of the Italian embassy has now been updated, and the Entry Visas section contains general information on the issuance of long-term and short-term visas. It also states that the Consulate is authorized to issue short-term visas for Malta and Finland. The website contains an announcement that citizens can apply to the Embassy directly for a visa⁵⁹, or apply to the visa center (TLS Contact). For the latter, an applicant must pay an additional 19 euros (equivalent in Armenian drams) as the visa center service fee. The main goal of cooperating

⁵⁶ "Come live in France" information brochure (8 December 2016), http://www.ambafrance-am.org/%D4%B3%D5%A1%D5%AC-%D5%A1%D5%BA%D6%80%D5%A5%D5%AC-%D5%96%D6%80%D5%A1%D5%B6%D5%BD%D5%AB%D5%A1%D5%B5%D5%B8%D6%82%D5%B4-%D5%BF%D5%A5%D5%B2%D5%A5%D5%AF%D5%A1%D5%BF%D5%BE%D5%A1%D5%AF%D5%A1%D5%B6;http://www.a1plus.am/1497955.html?utm_source=dlvr.it&utm_medium=facebook

⁵⁷ Citizens of Armenia to receive French visas in two days (12 January 2016), <http://www.panarmenian.net/arm/news/203595/>

⁵⁸ Armenia-EU new document to become a solid foundation (14.07.2017): <http://www.mediamax.am/am/news/interviews/24308/>

⁵⁹ By calling the phone number +374 60465920.

with the visa center, as an external service provider, is to avoid queues and to provide better-quality service.

According to the response provided by the Consulate, 6,839 visas (including 2,055 multiple-entry visas, which was 7% higher than in 2016) were issued in January-September 2017. The most common reasons for refusals are the incompleteness of the documents, false data, the insufficiency of funds, and misuse of the previous visa. The Embassy has no programs for returnees.

The readiness of the Italian Consulate to cooperate is worth a special mention here.

Written notice of refusal is always given, but review is not possible in case of refusal. The applicant may apply again or appeal the refusal within a 60-day period in the Lazio Administrative District, but there is no mention of the appeal in the website. Specially we would like to mention the readiness of Italian Consulate for cooperation.

➤ **Lithuania**

The website of the Consular Section at the Lithuanian Embassy in Armenia contains detailed information on visa types and procedures, including in Armenian. A visa appointment can be scheduled only online. In addition to Lithuanian visas, this Consulate issues visas also for Latvia, Estonia, Denmark, Spain, and Hungary. The ACGRC team saw that the Lithuanian Consulate accepts visa applications for a number of other European countries, as well, it has started to cooperate with the respective visa center (United Visa Applications Center) in order to improve the possibilities available to potential applicants.

On 31 August 2017, representatives of ACGRC visited the Consulate and met with Consul Aurelius Sabonis and other consular staff. During the meeting, we learnt about the visa application process and the conditions created for applicants, and discussed questions of concern to us and to many applicants. During the visa application review, an applicant gets to keep his passport, so if the applicant plans during such time to travel to another country, he can hand in the documents and come back later with the passport in order to receive the visa. After a refusal, in case of a repeat application, another consular employee examines the case. The Consulate has a ramp and an equipped waiting hall. There are two windows for the applications. Inside, the necessary amenities are created for applicants. One of the questions raised had to do with the complaints concerning the operation of the Lithuanian visa center. To solve the problem of queues, the Embassy plans to increase the number of consular staff from 2018.

According to the written response, the Consulate received 8,148 visa applications during January-September 2017, which was 14.2% higher than in 2016 (refusals were 12.3%). During this period, 1,927 multiple-entry visas were issued, which is 27% of the total number of visas issued (an increase of 23.3% over 2016).

The reasons for refusal are the same—lack of documents, failure to justify the visit purpose and funds, change of the destination country, and the like. The Embassy does not have special programs for returnees. The Lithuanian Ministry of Interior is currently negotiating a readmission agreement with the Armenian authorities.

Refusal notice is always given. The website contains no information on refusal appeals, but refusal does not mean automatic refusal of a future application. To deal with the issue

of queues, the Embassy cooperates with the visa center, which allows serving over 120 applicants a day.

➤ The Czech Republic

The website of the Czech Embassy contains detailed visa information in Armenian, English, and Czech. Applicant interviews can be scheduled only online and may also be modified or canceled in advance. The website contains memos explaining the steps that an applicant should take depending on the purpose and type of visit, as well as the list of required documents and the like.

According to the website, important changes have taken place in the processing of turning in applications and in the interview process. The VISAPPOINT system for scheduling appointments was discontinued on 31 October 2017, but for November 2017, the appointments scheduled earlier remained valid. From 1 December 2017, there is a new procedure of applying for short-stay visas and residence permits: appointments must be scheduled in advance through an e-mail in English or Russian⁶⁰. The new procedure allows only one e-mail per applicant. The only exception is for appointments scheduled for children, as children may be included in the e-mail sent by their lawful representatives. The Embassy has no influence over the sequence order in which the e-mails are received. The Embassy will ignore e-mails related to changes in the date already scheduled for handing in the documents. In those cases, an applicant must schedule a new appointment through an e-mail. Each e-mail must contain the applicant's name, surname, date of birth, passport series and number, visit purpose, planned date of travel to the Czech Republic, contact details (telephone number and e-mail address), and if any or some of them are absent, the request will be disregarded⁶¹. To confirm the scheduled appointment date and time, the Consular Section will respond to the e-mails through an e-mail containing the application presentation date and time. To cancel an appointment, an applicant must send an e-mail⁶² containing his name, surname, and the scheduled date and time⁶³.

Another important aspect is that all the documents confirming the hotel booking must be fully paid for and attached to the visa application package. The Consular Section does not accept hotel bookings made through www.booking.com or similar Internet portals. The Czech authorities have agreed with hotels that, in case of a visa refusal, the applicant may receive a refund of the amount paid for the hotel. After granting a visa, the Consulate may cancel it if the presented information was not true. Applicants are advised to inform the Consulate in advance of any changes.

If the applicant, having reviewed the refusal reasons, still disagrees with the Embassy's decision, the applicant may appeal the refusal either personally or through an authorized person. Every complaint must be for one person only. In case of travel to the Czech Republic, the Schengen visa appeal may be lodged within 15 days of receiving the refusal

⁶⁰ E-mail: consulate.yerevan@embassy.mzv.cz

⁶¹ https://www.mzv.cz/yerevan/hy/x2012_08_01_1/x2015_04_02_3/index.html

⁶² E-mail: consulate.yerevan@embassy.mzv.cz

⁶³ https://www.mzv.cz/yerevan/hy/x2012_08_01_1/x2015_04_02_3/index.html

note. Following the review, which lasts one month, the Embassy will contact the applicant, or the Visa Section will send a written response to the applicant. The appeal is reviewed by the Czech Ministry of Foreign Affairs, and the Embassy has no power to comment the Ministry's decision.

On 1 August 2017, ACGRC's experts visited the Consulate and obtained detailed information on the visa application process. The Consular Section had three windows for receiving applications, and a separate room for families or special cases. Issues raised by citizens, too, were discussed in the meeting with the Consul.

If the relevant documents are presented, a visa for three to five years may be obtained. The main reasons for refusals are false information and lack of clarity about the destination. Appropriate conditions have been created for applicants with limited physical mobility. There are no problems of queues in the Czech Consular Section.

Non-Full Members of the Schengen Area

Romania and Bulgaria are not members of the Schengen Area, and may issue only national visas. However, the multiple-entry Schengen visas are valid in their territories. The required documents are consistent with the common list for EU Schengen States. The most common reason for refusal is lack of one of the required documents. The number of refusals at the Romanian and Bulgarian consular sections has traditionally been low.

In April 2016, the European Commission announced that Romania and Bulgaria fully meet all the requirements for joining the Schengen Area, and that now it is time to wait for a decision by all the Member States of the EU⁶⁴. Once this decision is endorsed by the EU Member States, Romania and Bulgaria will become fully-fledged members of the Schengen Area. This process is not completed yet: in September 2017, European Commission President Jean-Claude Juncker and the European Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos urged the EU Council to integrate Bulgaria and Romania in the Schengen Area, noting that it will allow strengthening the EU's external borders⁶⁵. In September 2017, the European Parliament voted for Romania and Bulgaria to join the Schengen Information System (SIS)⁶⁶, but without the right to alter and delete data. Later, however, in November, the question of integrating Romania and Bulgaria in the Schengen Area was postponed until 2018. The European Commission has stated that both countries have achieved significant progress in acceding to the Schengen Area, but more efforts are needed: Romania has received 12 additional recommendations, and Bulgaria 17, most of which concern strengthening the independence of the courts and fighting cross-

⁶⁴ "Bulgaria, Romania Qualify to Join Schengen Area, EC Spokesperson Has Said" (11.04.2016)

<http://www.novinite.com/articles/173974/Bulgaria,+Romania+Qualify+to+Join+Schengen+Area,+EC+Spokesperson+Has+Said>

⁶⁵ European Commission calls to integrate Bulgaria and Romania into the Schengen Area (27.09.2017): <https://news.am/arm/news/412148.html>

⁶⁶ The Schengen Information System (SIS) is a database that is common for all countries of the Schengen Area and contains data on wanted, missing, or prosecuted persons, as well as stolen or missing vehicles and other objects (mainly personal identification documents, vehicle registration documents or license plate information).

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en

border crime and corruption⁶⁷. Some of the EU Member States believe that these countries have not done enough to fight corruption and organized crime.

From 3 June to 31 October 2016, Montenegro abolished the entry visa requirement for citizens of Armenia. This information was provided by the News Division of the Ministry of Foreign Affairs of Armenia⁶⁸. This example is quite interesting—setting a temporary visa-free regime, which can serve as a precedent for other EU Member States, as well, setting up a similar visa-free regime for a short trial period. In December 2016, Serbia, too, announced the launch of a process to repeal the visa regime for citizens of Armenia, Georgia, and Azerbaijan⁶⁹.

Unilateral steps, even when they are partial and leading to temporary facilitation of visa requirements for Armenia's citizens, are indicative of the successful implementation of the Visa Facilitation and Readmission Agreements.

Presently, owing to greater cooperation between the EU Member States, all the countries of the Schengen Area are represented in Armenia, irrespective of whether or not the country has a diplomatic mission in Armenia.

⁶⁷ Bulgaria and Romania to wait for Schengen again (16.11.2017). <https://eodaily.com/en/news/2017/11/15/bulgaria-and-romania-to-wait-for-schengen-again>

⁶⁸ Citizens of Armenia will visit Montenegro for five months without a visa (16 June 2016), <https://armenpress.am/arm/news/851131/hh-qaxaqacinery-hing-amis-montenegro-kaycelen-aranc-mutqi.html>

⁶⁹ Serbia to abolish visas with Azerbaijan, Armenia and Georgia (28.12.2016) <http://visa-free-europe.eu/2016/12/serbia-to-abolish-visas-with-azerbaijan-armenia-and-georgia/>

Visa Centers

Paragraph 3 of Article 6 of the Visa Facilitation Agreement provides that 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. Visa centers operate in many countries, where an embassy delegates to such organization the right to accept citizens' visa applications. According to the Agreement, such fee "shall be proportionate to the costs incurred by the external service provider while performing its tasks and shall not exceed EUR 30." However, it is important that 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 (Paragraph 3 of Article 6). The obligations of external service providers are defined in Annex X to the Visa Code⁷⁰.

In Armenia, there is currently a Unified Visa Applications Center accepting visa applications for the Schengen countries. It is the company VFS Global, which provides visa application collection services in a number of CIS countries⁷¹. VFS Global cooperates with the embassies of Lithuania and Greece in Armenia and accepts visa applications for Lithuania, Latvia, Estonia, Spain, Denmark, Hungary, and Greece. The visa center offers a portable biometric service for applicants to file the application in any place. This service costs 100 euros, or 35 euros for every child under the age of 12.

From October 2015, the Italian Embassy in Armenia, too, started to cooperate with a visa center, namely the company TLS Contact⁷². We found out that this center's website contains much information, including detailed information on visa types, the required documents, and online registration. The service fee is 10,000 Armenian drams. This visa center receives applications also for Malta and Finland.

From April 2018, applications for a Schengen visa in Yerevan (for Germany, Belgium, the Netherlands, Luxembourg, Austria, and Sweden) will be accepted not by the German Embassy, but a separate service-provider company called VisaMetric, which cooperates with the German Embassy⁷³. For each application, VisaMetric will charge the equivalent of 20 euros as a service fee, and the Embassy will continue to receive visa applications at a very limited scope. National visa application and other consular aspects have not undergone any changes.

From 17 December 2016, the United Visa Applications Center operating in Armenia no longer receives applications for the Spanish Consulate in Moscow. From 17 December, all applications must be filed directly with the Spanish Consulate in Moscow. The website of the Spanish Embassy in Moscow states that the tender was awarded to BLS International Services Ltd, to which Armenian citizens must apply for Spanish visas from now on. On 16 November 2016, the Spanish Visa Center was officially opened in Yerevan⁷⁴. The service

⁷⁰ ANNEX X List of minimum requirements to be included in the legal instrument in the case of cooperation with external providers <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>

⁷¹ United Visa Applications Center, <http://www.vfsglobal.com/lithuania/armenia/>; <http://www.vfsglobal.com/greece/armenia/>

⁷² TLScontact Italian Visa Applications Center Armenia <https://it.tlscontact.com/am/EVN/index.php>

⁷³ <https://www.visametric.com/Armenia/Germany/hy>

⁷⁴ BLS International, Spain Visa Center. <https://armenia.blsspainvisa.com/armenian/index.php>

will be provided by BLS International, which is one of the world's largest companies offering visa outsourcing, passport, consular, testing, and civil services. The Spanish Visa Center opened at 14/1 Vardanants Street (Yerevan) will issue only short-stay visas. Applications will be reviewed within a 15-day timeframe⁷⁵. The opening of such a center is very important given strong recent demand (annually, 10 to 12 thousand persons travel to Spain from Armenia). The website provides detailed information on all the conditions, procedures, and list of documents for the different types of visits. There is an online system for scheduling and canceling appointments, as well as the possibility of leaving comments and filing complaints⁷⁶.

Given the importance of the visa center in accepting applications, it was decided to also monitor the United Visa Applications Center—its activities and website. From the very first months of the United Visa Applications Center's activities, numerous complaints have emerged in connection with the quality of citizen services, huge queues during the holidays, a particular case of losing the applicant's documents, and the like. These issues were covered extensively in the online media⁷⁷. Heated discussion of the visa center's work unfolded in the social media. Our organization, too, received a number of complaints. Based on applications by numerous citizens, the State Commission for the Protection of Economic Competition even launched proceedings with respect to the visa center⁷⁸.

We have been raising the issues related to the performance of the visa centers back from 2015. The Analytical Centre on Globalization and Regional Cooperation (ACGRC) could not remain indifferent to the situation: it addressed the Republic of Armenia Ministry of Foreign Affairs and the EU Delegation to Armenia with a statement⁷⁹ criticizing the performance of the United Visa Applications Center⁸⁰.

The introduction of visa centers not only increases the visa costs, but also poses risks to the process of accepting applications, considering the lack of experience among their staff. Clearly, staff professionalism is crucial.

During the meetings with our experts, the consular officers advised citizens to refrain from changing the data (a consulate may cancel a visa after issuing it, if the presented information was not truthful or if it was changed after receiving the visa, for instance if the hotel booking or ticket reservation are canceled, or the destination country is changed) and to remember that even having a visa does not create an automatic right to enter the country, because every visa holder must prove on the border that he or she meets the requirements of Article 5 of the Schengen Border Code. There are currently more cases of receiving visas with the help of false documents and statements. Such kind of case was discovered last year when the National Security Service of the Republic of Armenia exposed a criminal group organizing illegal migration: during 2016, under the disguise of a tourism agency, presenting false documents and information for about 200 Armenian citizens to Schengen

⁷⁵ Armenians to receive Spanish visa in Yerevan: process is facilitated (16.11.2017). <http://www.mediamax.am/am/news/foreignpolicy/26223/>

⁷⁶ E-mail: info.evn@blshelpline.com; complaints@blsinternational.net

⁷⁷ Visa center queues for the holiday season (8 July 2015), <http://www.tert.am/am/news/2015/07/08/visa/1728056> ; <http://www.1in.am/1665462.html>

⁷⁸ The visa center monopoly (14 August 2015), <http://civilnet.am/2015/08/14/visa-application-center-investigation/#.Vi4qfdlrJkg>

⁷⁹ Statement (8 June 2016), <http://elq.am/169532.html>

⁸⁰ Visa process not improved since opening the visa center: ACGRC (7 June 2016), <http://www.aravot.am/2016/06/07/701498/>

embassies in post-Soviet countries, the organization had received visas and charged between 2,000 and 3,500 euros from citizens that were not aware of the fraud. Some of the members of the criminal machine were state officials carrying out special services, which had received bribes of varying amounts and ensured citizens' unhindered exit from Armenia on the basis of unlawfully-obtained visas⁸¹.

Back then, names of implicated officials were not published, but in April 2017, the media learnt that charges for organizing irregular migration had been filed against the Zvartnots Airport Border Control Unit Head of the Border Troops of the NSS of Armenia, the Armenia International Airports CJSC Security Shift Commander, and a number of directors of tourist companies (a total of 8 persons), of which 4 were later released against bail, and the other 4 signed a document promising not to leave the country⁸². The involvement of such high-level officials in the illegal receipt of visas shows the importance and seriousness of the problem and the need for studies like this one in raising public awareness and engaging all of the stakeholders.

During 2017, a number of other cases of presenting false documents to embassies were exposed through joint efforts of the Armenian police and embassies operating in Armenia⁸³.

So, one can state again that still Corruption remains a key challenge in the Schengen visa sphere, alongside the role of tourist companies in the black market for Schengen visas, given the relationship between this phenomenon and illegal migration. Obvious advertisement of support in obtaining a visa, too, contains large risks of corruption.

Inquiries with Refused Applicants

In studies carried out by ACGRC with respect to visas in recent years, a number of applicants have complained about the work of Schengen area consulates and visa centers in Armenia. Some applicants complained about decisions, expressing disagreement with the refusal grounds cited by the consulates; the application procedure, including difficulties of scheduling an appointment; long queues in the consulates and visa centers for handing in applications and for interviews; the absence of waiting halls or the poor conditions therein; the bad treatment by the support staff; the presented documents, and so on. This Study has concluded that those matters require closer attention, ensuring the involvement of the applicants as important stakeholders, because their dissatisfaction is quite often due to the lack of knowledge of rules and laws or to simple bias.

The consular sections of some embassies in Armenia sometimes refuse issuing a visa without a proper justification. Citizens have complained about a number of such cases, including in the social media. There are frequent cases of refusing the long-term (one-year) multiple-entry visa, instead issuing a shorter (for instance, six-month) visa, as described above. Applicants have different views on the activities of consular sections: some of the

⁸¹ National Security Service busted a criminal ring, among them officials (30 December 2016), <http://www.armtimes.com/hy/article/100367>

⁸² A gang of NSS officials is busted (18.04.2017). <http://armlur.am/681106/>

⁸³ Police exposes cases of lodging false documents to embassies (14.05.2017). <http://iravaban.net/160413.html>

consulates are considered to be more positive and friendly, while others are believed to be more stringent.

The refusal grounds are prescribed in Article 32 of the Visa Code and the special refusal notice form (Annex VI)⁸⁴. To complete the study of refusals, we made inquiries with some of the refused citizens, as well as citizens that were dissatisfied with the work of the consulates and visa centers.

In addition, during January-September 2017, we received 63 complaints related to visa refusals or various problems encountered in the process of receiving a visa. A few are worth highlighting. In one case, the visa center refused to accept the documents of an NGO representative traveling to a forum for a free-of-charge visa. In another, the visa center did not accept the notarized documents of the child and demanded the presence of both parents when applying for the visa. Other problems occurred in the scheduling of the interview. ACGRC experts provided advice to applicants on these issues, explaining their rights and obligations, and presenting in detail the visa application process, refusal grounds, and the like. Strong public interest in our consultation efforts underscores the importance of continuing such activity in the future.

Some citizens complained about the difficulties of contacting the consular officers (telephone contact is often impossible or very difficult). Another problem is that visa applicants are required to have health insurance only for the term of the planned visit, but some embassies require health insurance for the whole duration of the visa, which implies excessive and unnecessary expenses.

Citizens had various complaints about the application process. In some cases, the written notice of refusal did not contain specific justification. In others, the refusal notice was only in a foreign language and failed to provide proper information about the possibility and procedure of appeals. Some of the persons that complained were unable to clearly present the reasons for the complaint and refused to answer questions or to present any documents. This in turn indicates that some applicants had dishonest intentions and were hiding certain circumstances. Wrong or incomplete applications are a sign of applicants not knowing the laws or the visa requirements. Raising awareness is a key objective of this project.

To make the monitoring of these refusals continuous, in view of their importance, the ACGRC website contains an announcement inviting citizens refused by the consular services of EU Member States in Armenia to send refusal information by e-mail⁸⁵: this, however, does not imply support in obtaining a visa. Rather, it will help to analyze the refusal cases with a view to preparing recommendations for the consular services of EU Member States in Armenia and the EU institutions in the future.

Thus, it is important for us to continue inquiries, especially with visa applicants, in order to learn about their complaints and comments regarding the activities of consulates and visa centers, namely the refusals, services, and other matters, and informing them of their rights.

When consular staff violates the rights of visa applicants, the latter may appeal to their supervisors or to the foreign affairs ministry of the respective country (the websites of many

⁸⁴ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (15.09.2009) <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32009R0810>

⁸⁵ E-mail: acgrcyerevanoffice@gmail.com

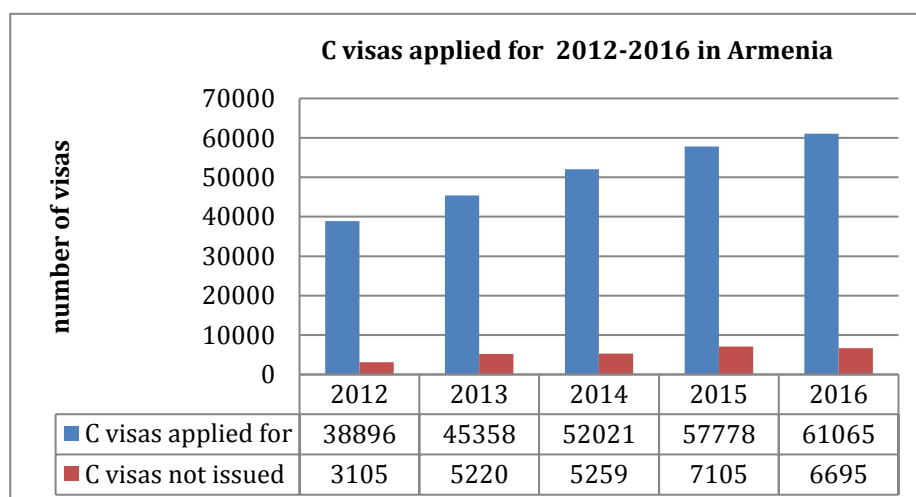
such ministries contain a feedback section). It is important for Armenian citizens to be aware of the existence of the international visa consortium-- the Visa-free Europe Coalition for visa matters, which is a consortium of non-governmental organizations of Eastern Partnership states, which deal with visa issues⁸⁶. The Analytical Centre on Globalization and Regional Cooperation (ACGRC) is a member⁸⁷. For years, this consortium has carried out important activities in terms of monitoring, reporting, recommendations, and other initiatives in this sphere. The website of the Visa-free Europe Coalition for visa matters can be a platform where citizens can report the violations of their rights and inform about their complaints and grievances (see the link below)⁸⁸.

Comparative Analysis of Statistical Data

Based on the EU's official statistical data⁸⁹ and data received from the Schengen embassies in Armenia, comparative analysis of the 2012-2016 statistics on visas issued by the consular services issuing Schengen visas in Armenia, by countries, by types, refusals, and so on. An attempt is also made at a comparative analysis between Armenia and other Eastern partners, in view of the latest changes and trends in the Schengen area.

During 2016, Schengen missions in Armenia received a total of 61,065 visa applications, which was 3,278 more (5.7% increase) than in 2015. Of these, 6,695 applications were refused (10.9%, compared to 12.3% in 2015).

Figure 1.



Comparing the total visa numbers for 2012-2016, it becomes clear that the total number of visa applications grew every year starting from 2012 (increasing from 38,896 to 61,065). The increase in the number of applications was 63.7% from 2012 to 2016. Considering the increase in the number of multiple-entry visas during the same period, reaching 25.7% in 2016, it is obvious that the number of times Armenian citizens visited the Schengen area

⁸⁶ Visa-free Europe Coalition <http://visa-free-europe.eu/>

⁸⁷ Analytical Centre on Globalization and Regional Cooperation <http://acgrc.am/>

⁸⁸ Visa-free Europe Coalition, <http://visa-free-europe.eu/about-us/visa-whistle-blower/>

⁸⁹ European Commission, Complete statistics on short-stay visas issued by the Schengen States. https://ec.europa.eu/home-affairs/what-we-do/policies/bohttps://news.am/arm/news/436622.htmlrders-and-visas/visa-policy_en

has grown considerably. However, it is interesting that, parallel to this, the number of refusals, too, has grown over 2012-2016 (from 3,105 to 6,695), reaching 6,656 (10.9%).

Figure 2.

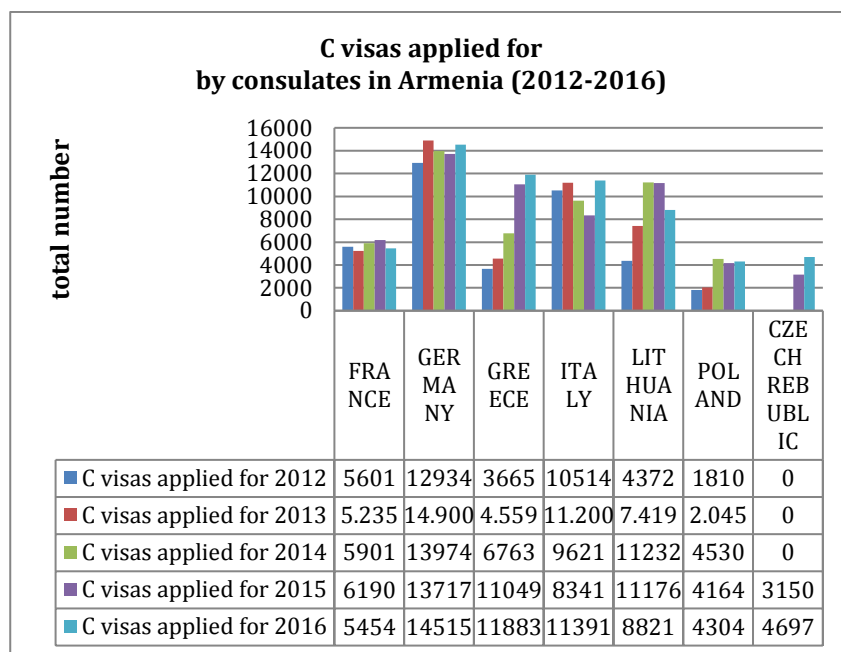


Figure 2 presents the total number of visa applications in Armenia during 2012-2016, by countries having a consulate in Armenia. It shows that the number of applications continued to grow significantly in all the consulates, except for the French Consulate (5,601 applications in 2012 and 5,454 applications in 2016). The largest increases were in the Greek Consulate in Armenia (from 3,665 to 11,883), the Polish Consulate (from 1,810 to 4,304), and the Lithuanian Consulate (from 4,372 to 8821). The Czech Consulate saw a significant increase, too (from 3,150 to 4,697)⁹⁰.

⁹⁰ The Czech Consulate started operating in Armenia in 2015; hence, all the figures contain only data for 2015 and 2016.

Figure 3.

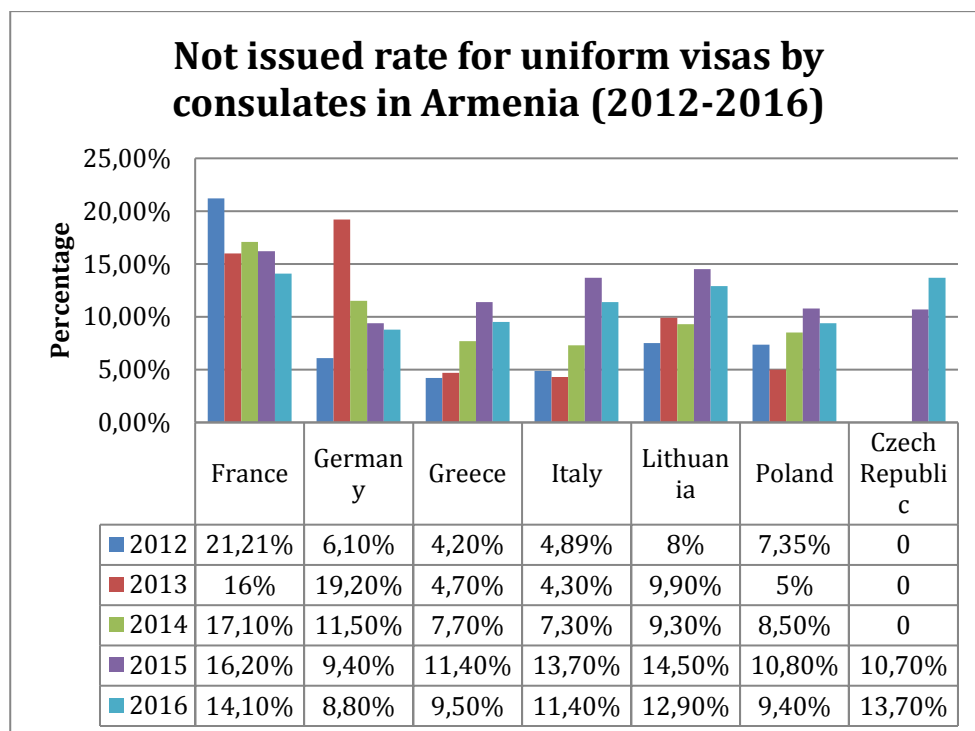
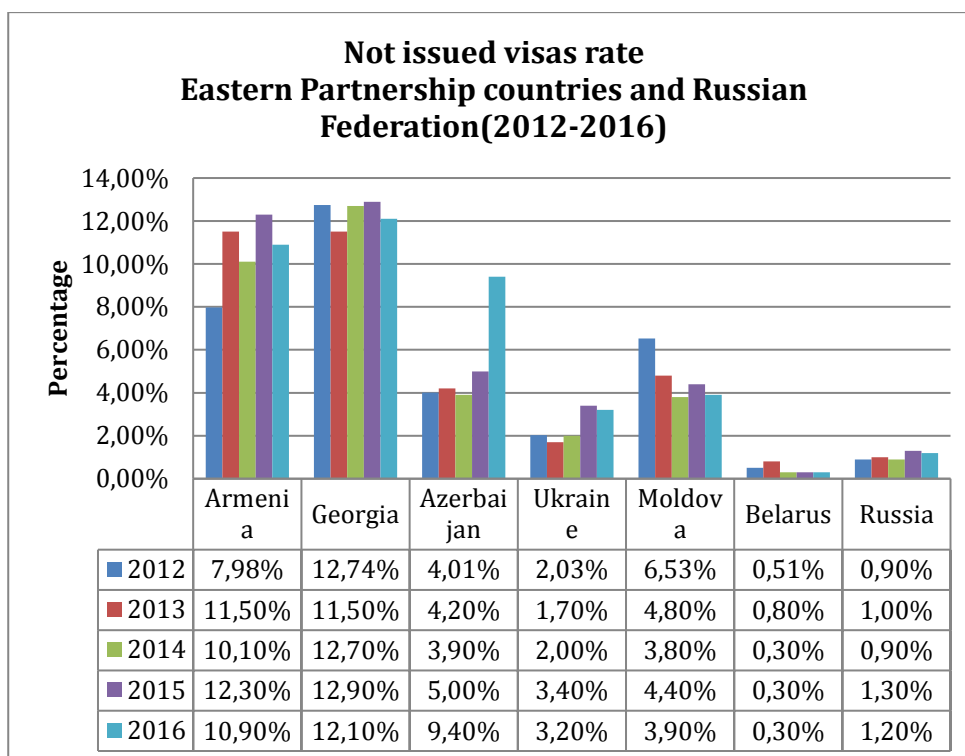


Figure 3 shows the percentage shares of visa refusals by Schengen consulates in Armenia during 2012-2016, by countries. It is clear that the refusals by France and Germany declined considerably (from 21.21% in 2012 to 14.1% in 2016, and from 19.2% in 2013 to 8.8% in 2016, respectively). Refusals by the other consulates grew. In 2016, the average refusal rate was 10.9% in Armenia.

Figure 4.

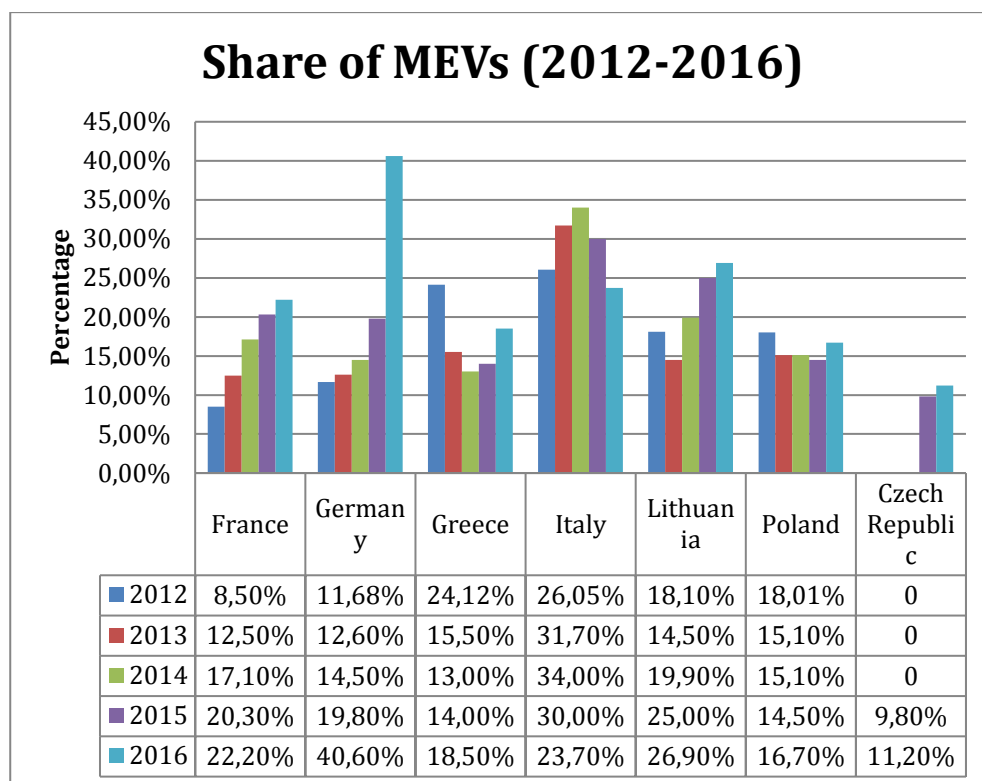


The number of refusals is virtually the same in Armenia and Georgia (11% and 12%, respectively), but significantly higher than in the other countries of the Eastern Partnership and the Russian Federation. The situation has not changed much even after the entry into force of the Visa Facilitation Agreement. In the case of Ukraine, Belarus, Russia, and Moldova⁹¹, it can be somewhat explained. The refusal rate in Azerbaijan was around 4-5% in 2012-2015 (about twice lower than in Armenia and Georgia, which is a bit unclear), and in 2016, refusals grew almost twice, reaching 9.4% and became almost the same as in the two other South Caucasus republics. Moreover, the Schengen states refused 6.9% of the total number of applications in 2016⁹².

⁹¹ Moldova has had a visa-free regime with the EU since April 2014, and the Moldovan data in the figures concerns either holders of non-biometric passports, or citizens of other countries, which is the reason for the very small number of applications and visas received.

⁹² https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/visa-policy/docs/2016_consulates_schengen Visa_stats_en.xlsx

Figure 5.



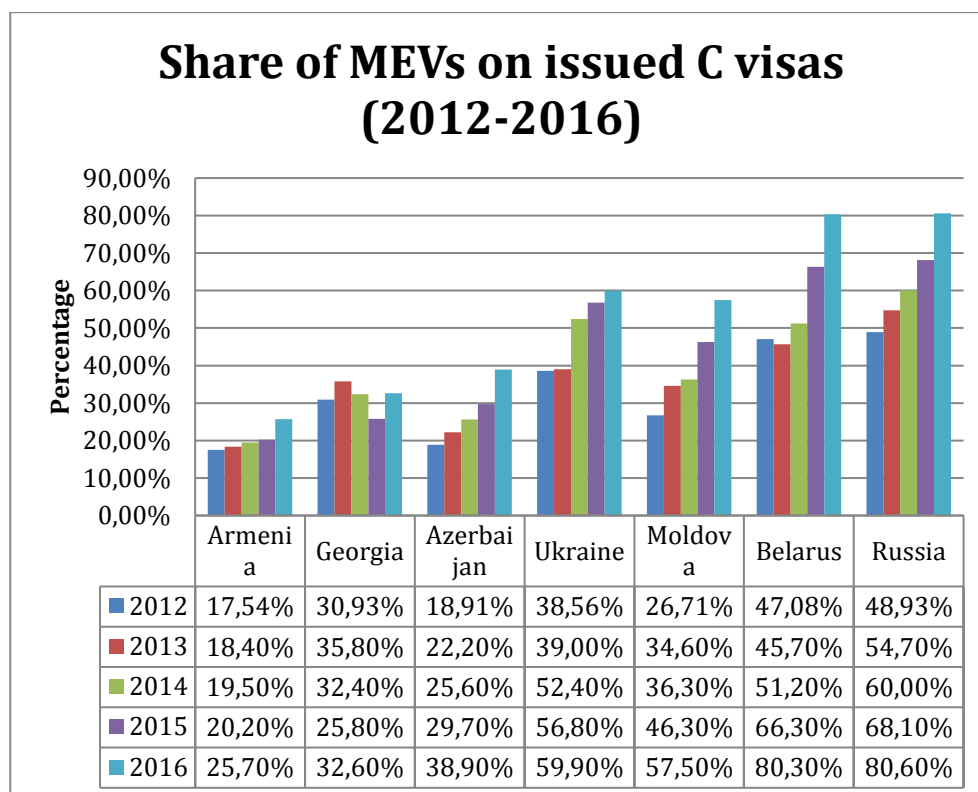
Out of the 54,370 visas issued in Armenia in 2016, 13,963 were multiple-entry visas, which is 25.7%⁹³. The number has grown every year since 2012. As the Figure above shows, the share of multiple-entry visas in total visas issued by virtually all the Schengen states in Armenia has grown. For Germany, the increase over 2015 was more than twice, reaching 40.6%.

The data from consulates about January-September 2017 shows the following picture: Germany issued about 10,200 visas (multiple-entry visas were over 20%, but less than the 26.96% share in the same period of 2016). According to the consulate, one reason may be that many of the applicants in 2017 were first-time applicants that received one-time visas. Poland issued 3,021 visas (including 616 multiple-entry visas, i.e. about 19%, which is 13.2% more than in 2016). Greece issued 12,746 visas (including 2,159 multiple-entry visas, i.e. an increase of 18%). France issued 3,733 visas (including 630 multiple-entry visas, about the same as in 2016). Italy issued 6,839 visas (including 2,055 multiple-entry visas, i.e. a 7% increase over 2016). Lithuania issued 8,148 visas (including 1,927 multiple-entry visas, which is 27% of the issued visas, representing a 23.3% increase over 2016).

When analyzing the multiple-entry visas, one should remember that the official data on multiple-entry visas is not differentiated in terms of the validity term. Thus, it is not clear what percentage of the total are visas with a validity term of one year or longer.

⁹³ European Commission, Complete statistics on short-stay visas issued by the Schengen States. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

Figure 6.



The issue of multiple-entry visas is even more concerning for Armenia when compared to other Eastern Partnership countries and to the Russian Federation. The number is the lowest in Armenia (according to average statistics, multiple-entry visas are 58.6% of the total number of visas), as Figure 6 shows that for Armenia, it is 25.7%.

As to the comparison of data with other countries of the Eastern Partnership, three countries have already received visa-free regime. Moldova was the first post-Soviet republic to receive a visa-free regime with the EU⁹⁴, followed by Georgia⁹⁵ and Ukraine (2017)⁹⁶.

However, the visa-free regime with these countries is subject to certain restrictions and requirements: citizens must have a biometric passport, answer the border guards' question about the purpose of travel, prove the existence of a return ticket, hotel booking, and insurance, as well as the possession of funds for each date (the amount varies by country). Visa regime violators will be deported from the Schengen area, penalized for 3,000 euros, and receive a five-year entry ban⁹⁷.

⁹⁴ Travel to the EU from Moldova (12.05.2016). https://eeas.europa.eu/delegations/moldova/1540/travel-to-the-eu-from-moldova_en

⁹⁵ Parallel to the decision on the EU short-stay visa waiver for Georgia, the EU reserves the right to terminate the visa-free regime in case of violations by Georgia or Georgia's refusal to honor the commitments, and the European Commission shall conduct monitoring to this end. (<http://www.europarl.europa.eu/news/en/news-room/20170131IPR60306/georgia-visa-waiver-approved-by-parliament>)

⁹⁶ EU Decision To Grant Visa-Free Travel To Ukrainians Becomes Official (22.05.2017). <https://www.rferl.org/a/ukraine-eu-visa-free-official/28502179.html> ; <http://www.europarl.europa.eu/news/en/news-room/20170228IPR64271/meps-and-council-negotiators-agree-to-waive-eu-visa-requirement-for-ukrainians>

⁹⁷ What EU visa waiver implies in practice (28.03.2017).

<http://www.dw.com/ru/%D1%87%D1%82%D0%BE-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B0%D0%BA%D1%82%D0%B8%D0%BA%D0%B5-%D0%BE%D0%B7%D0%BD%D0%B0%D1%87%D0%B0%D0%B5%D1%82-%D0%BE%D1%82%D0%BC%D0%B5%D0%BD%D0%B0-%D0%B5%D1%81-%D0%B2%D0%B8%D0%B7%D0%BE%D0%B2%D0%BE%D0%B3%D0%BE-%D1%80%D0%B5%D0%B6%D0%B8%D0%BC%D0%B0-%D0%B4%D0%BB%D1%8F-%D0%B3%D1%80%D1%83%D0%B7%D0%B8%D0%B8/a-38074898?maca=rus-facebook-dw>

However, considering the serious risks of migration from these countries, the caution demonstrated by a number of EU states in this area, and the migration processes in Europe in recent years, the EU Council adopted a visa-free regime suspension mechanism on 27 February 2017, which allows the EU to respond to the violations. The mechanism facilitates the procedure by which Member States raise the problems, which can lead to suspension of the visa regime. The European Commission may itself initiate suspension. This mechanism requires the European Commission to present an annual report to the European Parliament and the EU Council on the conformity of visa-free third countries with the applicable criteria. This mechanism considerably extends the list of grounds for suspending the visa-free regime and now includes readmission-related problems, as well as serious threats undermining the EU Member States' internal security and public order⁹⁸. The European Commission will be able to suspend the visa-free regime temporarily (for nine months) for certain categories of citizens, with the right to extend it if necessary. During such suspension, the Commission and the concerned country should seek a solution to the situation. After Georgia and Ukraine were granted visa-free regime, both the EU and these countries are carefully following the statistics of countries traveling to and from the EU, as well as the increase in the number of asylum applications. According to the Georgian Ministry of Foreign Affairs, 220,000 citizens benefited from the new regime during April-December 2017, of which about 7,000 did not return⁹⁹. Relative to 2016, the number of Georgian citizens seeking asylum in EU Member States increased by 35 percent¹⁰⁰. There are some concerning trends in Ukraine and Moldova, as well. In view of the higher number of Georgian citizens applying for asylum in the EU after the granting of visa-free travel, and with a view to enhancing internal security, a new format has been proposed for Georgia: on 19 October 2017, the European Parliament's Civil Liberties, Justice, and Internal Affairs Committee (LIBE) approved a new initiative whereby Georgian citizens are subject to a mechanism of so-called "advance authorisation" prior to travel to the Schengen area. Although analysts have perceived it to be a step back, calling the "advance authorisation" a "type of visa under a different name," the Georgian authorities have said that the new system will make citizens' entry to Europe "easier, rather than harder," because "the likelihood of problems in the context of return will be reduced by filling out this application form for citizens in case of problems arising on the border."¹⁰¹ **The Georgian authorities believe that, despite concerns of some EU officials, there is no threat of suspending Georgia's visa liberalisation with the EU. The introduction of the new system is justified by the flow of irregular migrants from Georgia, to which the EU has to respond. This regulation is still under consideration, and it is not known how long the consultation will continue. At the moment, the EU aims to introduce the European Travel Information and Authorisation System (ETIAS) as from 2020. The European Travel**

⁹⁸ Visas: Council adopts a revision of the visa waiver suspension mechanism (27.02.2017). <http://www.consilium.europa.eu/en/press/press-releases/2017/02/27/revision-visa-waiver-suspension-mechanism/>

⁹⁹ Georgia's visa liberalization with European Union comes under threat (09.03.2018). <https://www.schengenvisainfo.com/georgias-visa-liberalization-with-european-union-comes-under-threat/>

¹⁰⁰ Over 7,000 Georgians failed to return: EU-Georgia visa-free regime under threat? (03.02.2018) <https://news.am/arm/news/434583.html>

¹⁰¹ New authorization system to facilitate Schengen travel for citizens, says Georgia's Deputy Foreign Minister (24.10.2017). <http://www.apsny.ge/2017/pol/1508885105.php>

Information and Authorisation System implies registration on a special website, providing personal data. The application form costs 10 euros. The applicant receives approval or refusal within 72 hours. The approval is valid for 3 years, and the 10 euro fee will be waived for citizens under 18 and over 60¹⁰².

On 20 December 2017, the European Commission presented the first benchmarking of visa liberalisation for the Balkan States and the Eastern Partners (Moldova, Georgia, and Ukraine). Clearly, despite the visa-free regime of these countries with the EU, the solid implementation of the regime granted to them requires permanent monitoring and evaluation of the situation, as well as taking measures based on the results. It is crucial for the EU to become convinced that the implementation of the reforms continues properly. The report of the EC is the first monitoring under the visa suspension mechanism for eight countries that were granted visa liberalisation through the visa dialogue with the EU¹⁰³. In addition to the monitoring and evaluation of the situation, it specifies the areas in which the respective countries should take steps to fix the situation or to achieve more tangible results (for example, corruption, money laundering, irregular migration, readmission, and the like).

To sum up, one can hope that the project analysis, conclusions, and recommendations will be helpful for improving the situation and considerably increasing the opportunities for Armenian citizens to interact with the European civilization.

¹⁰² EU fixing visa-free regime with Georgia (25.10.2017). <https://www.civilnet.am/news/2017/10/25/%D4%B5%D5%84-%D5%8E%D6%80%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6-%D5%A1%D5%B6%D5%A1%D5%B5%D6%81%D5%A1%D5%A3%D5%AB%D6%80-%D5%BC%D5%A5%D5%AA%D5%AB%D5%B4%D5%AB-%D5%B9%D5%A5%D5%B2%D5%A1%D6%80%D5%AF%D5%B8%D5%9E%D6%82%D5%B4-%D5%B6%D5%A1%D5%AD%D5%B6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%A9%D5%B8%D6%82%D5%B5%D5%AC%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/323313>

¹⁰³ First Report under the Visa Suspension Mechanism (20.12.2017). https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf

Chapter Two.

Passports and Visas Department of the Police of the Republic of Armenia; State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia

Another part of the monitoring under this project focused on the performance of the domestic authorities responsible for the sector—the Passports and Visas Department of the Police of the Republic of Armenia and the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia. Questions related to the project scope and relevant functions were prepared and sent to the heads of the respective agencies in the form of official letters. Responses were received in a rather short period of time, containing detailed answers to our questions.

Passports and Visas Department of the Police of the Republic of Armenia

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

- ✓ When will the tender be announced for printing biometric passports and ID cards?
- ✓ Has a tender committee been created, and who are its members?
- ✓ Do you plan to have a meeting to present to the concerned non-governmental organizations?

The biometric passport issuance began in Armenia in 2012. According to a decision of the National Assembly of the Republic of Armenia, a biometric passport had to be issued to citizens in case of receiving a new passport after January 2014, parallel to which the ID card was introduced. From January 2014, citizens could receive only a passport containing biological data, paying 25,000 drams, or 28,000 drams for a passport and ID card together.

The biometric passport issuance procedure is regulated by Article 5 of the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia, which provides that a biometric passport shall contain a technical part—the data storage. According to amendments in 2016, the procedure of taking fingerprints was changed: from now on, all fingers have to be printed when receiving a passport (in the past, only the index fingers had to be printed). For children, fingerprints are taken after the age of six, and the photo is changed every time a new passport is issued, regardless of age. Photos and fingerprints are taken at the Passport Division of the Police, and for applications abroad—in the respective diplomatic mission or consular post of Armenia. The Eurodac common system of fingerprints was created and operates under the Dublin Convention to address irregular migration between the Eastern Partnership countries and the EU¹⁰⁴.

Presently, a number of countries, including European countries, accept passports with a validity term of up to 10 years for visa purposes. In case of extension, problems arise in practice also at the time of identifying citizens with the photo in the passport, which too often

¹⁰⁴ Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention (19.08.1997) [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN)

causes grievance among citizens. To avoid these problems and to align with the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia, the provision on extending passports (in Government Decree 821 dated 25 December 1998) will be repealed, resulting also in amendments to Government Decree 974-N dated 23 June 2011. In a session on 17 July 2017, the Government of Armenia adopted the amendments, and the validity term of biometric passports can no longer be extended, and such passports must be replaced¹⁰⁵.

In personal data protection and use, the Passports and Visas Department follows the Republic of Armenia Law on the Protection of Personal Data, Republic of Armenia Government Decree 1154-N dated 4 October 2007 "Establishing the Procedure of Receiving Information on the Citizenship of a Person," Republic of Armenia Government Decree 1231-N dated 14 July 2005 "On Implementing the System of the State Population Register in the Republic of Armenia," and other legal acts adopted by other state agencies for the purpose of information provision from the State Register of Population. The personal registration data processing and registry operation, as well as the procedure of recording in the State Register of Population are regulated by the Republic of Armenia Law on the State Register of Population and the Republic of Armenia Government Decree 1231-N dated 14 July 2005 "On Implementing the System of the State Population Register in the Republic of Armenia." However, personal data security remains an issue, as there is still no procedure of storing biometric data "special category data." Hence, we urge taking measures to store the data adequately and to restrict their use. To ensure the lawfulness and security of the whole use, identification, and distribution process, the international ISO27001/2013 standard of other similar standards can be used.

Under a TAIEX program of the European Commission, the Personal Data Protection Agency of the Ministry of Justice of Armenia, organized a two-day workshop on Personal Data Protection and Video Screening on 22 May 2017¹⁰⁶.

Another improvement is that, in the old type of passports, the stamp for validity in a foreign state may be placed at any border-crossing point¹⁰⁷.

Starting from August 2017, to improve the quality of services provided to citizens and to avoid unnecessary costs, contracts for receiving a passport within three business days can be concluded in the regions outside of the capital city, as well¹⁰⁸.

Another change has been made in relation to the so-called "exit stamp": according to Mnatzakan Bichakhchyan, the Head of the Passports and Visas Department of the Police, when the old type of passport is presented for replacement because of being unusable or when the person has lost the passport and has applied for a new one, and the "exit stamp"

¹⁰⁵ Passport validity term cannot be extended; it must be changed. Draft approved by Government (20.07.2017). <https://www.aysor.am/am/news/2017/07/20/%D4%B1%D5%B6%D5%B1%D5%B6%D5%A1%D5%A3%D6%80%D5%AB-%D5%BE%D5%A1%D5%BE%D5%A5%D6%80%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/1290711>

¹⁰⁶ Personal Data Protection and Video Screening conference takes place (22.05.2017). <http://moj.am/article/1775>

¹⁰⁷ Exit stamp can also be obtained at a border-crossing point (30.07.2017). <https://168.am/2017/07/30/825505.html>

¹⁰⁸ In the regions, passport can from now on be received on the 3rd business day (17.08.2017). <http://armlur.am/721825/>

validity period in the passport has not expired yet, the remainder of the term is transferred to the new passport, and the citizen does not pay additionally for it¹⁰⁹.

For the electronic registration of Armenian citizens that are abroad, a legal act was adopted on 28 March 2017, which will allow Armenian citizens that are located in another state to register through the Internet¹¹⁰. It is expected that many persons will provide their residence address, but no administrative fine is prescribed for citizens that reside abroad and fail to register, because the enforcement of such fines would not be feasible.

As to the issuance of personal identification documents to citizens of Armenia, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia and the Republic of Armenia Law on Identification Cards prescribe the data that such documents must contain: the passport and the identification card must, in addition to other data, contain the citizen's name and surname in Armenian and English, and the patronymic only in Armenian. According to information from the Police, problems often arise in practice with the transliteration of personal data (from Armenian to English and vice versa), as well as the Armenian and English writing of the surname and name: discrepancies arise, in particular, when foreign citizens who obtained citizenship of Armenia or Armenian citizens born in foreign states apply to the Passports and Visas Department of the Police to receive a passport and present the properly-verified Armenian translation of the passport (or birth certificate or other required document) issued by the respective foreign state. When issuing a personal identification document of an Armenian citizen based on such document, the Passports and Visas Department of the Police enters into the system the Armenian translated personal data, which is automatically transliterated through special software in accordance with the rules approved by the State Language Inspectorate of the Ministry of Education and Science of Armenia. However, the transliteration often gives rise to discrepancies, when the English or other foreign-language Latin writing is not the same as the data written in the document issued to the person by the Republic of Armenia as a result of the automatic transliteration. As a consequence, the person will have two personal identification documents, which contain differing personal data. Citizens often express grievance over the lack of legal regulation of this problem. To correct the document, they then have to again apply to the Passports Department, which in turn requires time and sometimes additional payments. The same problem arises when personal data of Armenian citizens is recorded in the passport in Armenian and transliterated automatically. Citizens often disagree with the result of the transliteration that gets written in their passport. In this situation, the Passports and Visas Department requires the person to present evidence showing that the State Language Inspectorate of the Ministry of Education and Science of Armenia has agreed that the spelling preferred by the citizen does not contradict the transliteration rules and may be written in the personal identification document. To solve these problems and to ensure the consistency of the administration and to minimize the risk of abuse of discretion by the administrative authority, the Republic of Armenia Law on the Passport of a Citizen of the Republic of Armenia and the Republic of Armenia Law on

¹⁰⁹ In case of losing or changing the passport, the exit stamp stays valid, says M. Bichakhchyan (01.11.2017). <https://news.am/arm/news/418594.html>

¹¹⁰ Electronic recording is introduced for Armenian citizens who are abroad (28.03.2017). <http://armday.am/?p=8717&l=am/artasahmanum+gtvnox+hh+qaxacineri+hamar+naxatesvel+e+elektronayin+exanakov+hashvarum>

Identification Cards provide for the adoption of a Government decree prescribing the procedure of writing the citizen's name and surname in personal identification documents in English, as well as the name, surname, and patronymic in Armenian¹¹¹.

As noted above, the biometric passport and ID card contain a chip that carries personal data of the citizen. However, a number of citizens, in view of their religious beliefs, refused to take these newly-created documents. Back in 2014, this issue was raised by a group of citizens and non-governmental organizations before the Human Rights Defender (HRD). The HRD in turn applied to the Constitutional Court, and on 8 December 2015, the Court found that the procedure is not unconstitutional, but in its legal position, suggested finding a solution that would correspond to all the religious views. Pending a final solution, an interim solution was found: in an extraordinary sitting, the National Assembly of the Republic of Armenia amended the Law on the Passport of a Citizen and the Law on the Identification Card, and the amendments that entered into force on 6 August 2016 gave citizens the opportunity to choose between a biometric passport and an old type of passport, setting 1 January 2019 as the deadline before which the old type of passport can be issued. According to the Head of the Passports and Visas Department of the Police, if the issues related to the religious factor are not solved finally by 2019, the deadline for extending the old type of passport can be extended.

According to the response received from the Passports and Visas Department of the Police, 115,682 biometric passports were issued in 2015, compared to 53,954 during January-June 2016. Thus, during 2014-2016, around 300,000 citizens received biometric passports.

Clearly, the number of identification cards and biometric passports is quite large for such a short period of time. However, there is still no data on biometric passports issued in 2017.

In view of Armenia's success in having passports meeting the EU's requirements and the importance of these matters for moving to a Visa Dialogue—the next stage of visa liberalization, ACGRC was carefully following the developments and anticipating that the problem would be properly solved. ACGRC adopted a statement on the biometric passports, in which it expressed concerns and opinions¹¹². Initially, the explanation was that there were problems of running out of the template paper, the need to conclude a new contract with the supplier Polish company, and so on. According to Mnatzakan Bichakhchyan, the Head of the Passports and Visas Department of the Police, Armenia has ordered biometric passport template paper with a Polish company (the contract was signed in 2011 for five years), whereby a total of 304,000 biometric passports had to be supplied to Armenia. Subsequently, we learnt that the contract with the Polish company supplying passports and ID cards would not be extended after it ended in 2016, because, according to Mr. Bichakhchyan, "...as the international relations have advanced, better and newer documents have been introduced, which are more protected and more resilient, and we also plan to

¹¹¹ New change to affect passport of Armenian citizens (22.06.2017). <http://iravaban.net/164850/html>

¹¹² The biometric passport issuance suspension is not concerning: a Statement (28 September 2016), <https://news.am/arm/news/348788.html>

announce a new tender in the future and to put forth new conditions, such as a plastic photo page of the biometric passport, which is more resilient."¹¹³

Although the issuance of biometric passports is still not a mandatory requirement at the current stage of the Visa Facilitation and Readmission agreements with the EU, it is a mandatory condition for continuing the visa liberalization process.

ACGRC is hopeful that the state authorities in charge will solve all the problems related to the issuance of biometric passports in a short time and prove that Armenia is committed to continue the visa liberalization process with the EU. In a session on 16 February 2017, the Government of Armenia decided to announce a new tender for the printing of biometric passports and ID cards¹¹⁴.

On 27 March 2017, ACGRC sent a written inquiry to the Passports and Visas Department about the tender. According to the response, Decree 123-N (on approving the tender procedure and creating a tender committee for issuing biometric passports and ID cards in Armenia, and granting a right to conclude a concession agreement for introducing, serving, and transferring the automated infrastructure system for modernized public certificates) provides that, for purposes of conducting the tender, the buyer's powers shall be exercised by the E-Governance Infrastructure Implementation Unit closed joint-stock company. Subsequently, an official inquiry was sent to this company, which responded that the invitation to submit prequalification bids for the new tender was published in accordance with the legislation of Armenia on the public procurements website¹¹⁵ on 6 March 2017 and sent to the foreign diplomatic missions accredited in Armenia. The deadline for bid submission was 5 April 2017. A tender committee was created under the procedure and with the composition approved by the aforementioned Government decree. The membership of the committee included representatives of the Government Staff, the Police, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Finance, and the E-Governance Infrastructure Implementation Unit. As to a meeting with interested NGOs, it was stated that such a meeting was not planned, because the tender committee had no such obligation or function under the legislation of Armenia. After the prequalification announcement published by the evaluation committee for the competitive negotiation procedure, 11 entities submitted bids. The tender committee reviewed all bids. A number of bidders had failed to submit complete documents. The committee then gave them time to supplement and to present the documents in accordance with the format described in the prequalification announcement. After reviewing final materials, 6 out of the 11 bidders were selected. The other 5 did not meet the prequalification requirements. The following organizations met the prequalification requirements: 1. Cetis d.d. (Slovenia), 2. Muhlbauer ID Services GmH (Germany), 3. PWPW SA (Poland), 4. The consortium of Gemalto SA (France) and Gemalto OY (Finland), 5. Oberthur Technologies SA (France), and 6. The consortium of Veridos GmbH (Germany), Giesecke & Devrient (Germany) and

¹¹³ The contract with the Poles was not extended; the mandatory requirement to receive a biometric passport has been waived for several years (1 July 2016), <http://hetq.am/arm/news/68926/leheri-het-paymanagiry-chi-erkaracvel-kensachapakan-andznagir-stanalu-partadir-paymany-mi-qani-tarov-hanvel-e.html>

¹¹⁴ Government to announce a new tender for printing passports and ID cards (17 February 2017), <https://news.am/arm/news/373675.html>

¹¹⁵ www.gnumner.am

Bundesdruckerei GmbH (Germany). During 10-12 July 2017, these organizations were invited to the office of the E-Governance Infrastructure Implementation Unit, where they presented their products and proposed services in detail. The respective specialists are now preparing the Terms of Reference for announcing the tender¹¹⁶. An international expert has been invited in order to prepare the Terms of Reference in line with the international criteria.

Not everything is smooth in connection with the introduction of e-governance systems and tenders: the Union of Information Technology Enterprises (UITE) has expressed concerns and stated that there have been attempts to keep Armenian companies away from the process of creating e-governance systems, because the tenders for e-governance systems are designed to contain conditions that preclude the participation of local companies, which will drive the contracts to foreign companies. Armenian companies currently deliver similar services to developed countries, and their quality is no worse than or often even better than the solutions proposed by foreign companies. This is proven by the published text of the tender announcement, which contains the following among the terms of participation:

“2) Financial resources:

a. During the last five years, the bidder (either as a consortium member or subcontractor) has, directly or through a subsidiary or a company in which its participation is 50 percent or more, received financial revenue of at least 20 million US dollars for the development, operation, and servicing of systems specified in sub-paragraph 1 above or for other similar services and works;

b. During the year preceding the prequalification bid submission deadline, i.e. during 2016, the bidder directly or jointly with the consortium participants had the equivalent of at least 1 million US dollars on average of working capital in bank accounts.”

Such conditions inherently pose problems for Armenian companies to participate: clearly, the new company has not been finally selected through the tender yet, and queues have emerged at the Passports and Visas Department. According to Mnatzakan Bichakhchyan, the Head of the Passports and Visas Department of the Police, “the queues of citizens are due not to the devices, but the unprecedented increase in the number of applying citizens. A few months ago, few citizens applied, but now, their number has increased about 10-fold. At this stage, it is not reasonable to spend additional money to purchase equipment for just two or three months.” A new tender will be announced for improving service quality, and the terms of reference are being drafted for a new contractor to win and to start providing the service. “It is planned that each servicing employee will have that device for accepting the identification card and the biometric passport. So, in any passport office that has seven or eight employees delivering the service, there will be seven or eight devices, but since 2012, only one device has been installed. The terms of reference contains a condition that requires the awarded contractor to take it into consideration.

¹¹⁶ Reforms implemented by the Armenian Police and achievements with respect to priorities (22.09.2017).
<http://www.police.am/news/view/%D5%B0%D5%A1%D5%B7%D5%BE%D5%A5%D5%BF%D5%BE220917.html>

Hopefully, the queues will be addressed in one or two months, and everything will be on track.”¹¹⁷

Furthermore, it is planned to improve the quality of the photo page of the biometric passports: the paper page will be replaced with a plastic page. Several other reforms are planned, too: the software will be enhanced to scan the presented document directly and to store it in the system, so that copies are not required. At present, another requirement is that the document fees be not higher than the current stamp duty.

ACGRC plans to continue monitoring the tender process in the future and expects that the tender will be concluded in accordance with the requirements of the law and that the new contract will be concluded in an accountable and transparent manner.

Taking into consideration the reforms implemented in the system in recent years, it is important to ensure the presence of portable stations for issuing biometric passports and identification cards, especially for citizens with limited mobility, as well as the residents of remote and borderline areas (this was a mandatory requirement of the EU). The Passports and Visas Department informed us that 10 portable stations operate in the PVD and its subdivisions, and that all the subdivisions, save for the Davitashen passport department, have the biometric documentation system.

The availability of equipment in the regional passport authorities is an important step towards document protection, personal data security, and compliance with the EU's technical requirements.

It is essential that the identification cards and biometric passports are ICAO-compliant and have been reviewed by the relevant experts. Their samples are exchanged under the appropriate procedures. Data on stolen and lost documents is provided to Interpol National Central Bureau of Armenia for furthering sharing with the Interpol Central Bureau, and passport samples have been provided to the Interpol NCB for sharing with all foreign states.

According to the law, a biometric passport is issued within 15 working days for a fee of 25,000 Armenian drams. A citizen can obtain a biometric passport faster for an additional fee¹¹⁸.

According to the Head of the Consular Department of the Ministry of Foreign Affairs, Armenian embassies and consulates in foreign states and the Consular Department of the Ministry of Foreign Affairs have served over 150,000 citizens during 2017. Armenian citizens living in foreign states mostly applied for receiving Armenian citizen passports, replacing their passport, extending the passport validity term in foreign states, and receiving certificates of return to Armenia. Over 50,000 Armenian citizens were thus served in 2017¹¹⁹.

A new tool has been added to the “Visa” subsection of the “Consular Service” section of the official website of the Armenian Ministry of Foreign Affairs. The tool allows specifying the person's citizenship and passport type on the website and immediately seeing whether

¹¹⁷ Armenian Police Passports and Visas Department queues: reasons, tender for services, and changes in Terms of Reference (19.11.2017). <http://iratvutyun.am/?p=23138>

¹¹⁸ Republic of Armenia Police clarifies the circulated misinformation (4 July 2014), <http://www.police.am/news/view/%D5%A1%D5%BA%D5%A1%D5%BF%D5%A5%D5%B2%D5%A5%D5%AF%D5%A1%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6.html>

¹¹⁹ Armenia set to liberalise visa regime for citizens of a number of countries in 2018, says V. Karmirshalyan (23.02.2018). <http://armmedia.am/arm/news/57890/2018-tvakanin-hayastany-mi-sharq-erkneri-qaxaqacineri-hamar-kazatakanacni-vizayin-rezhimy-v-karmirshalyan-bacarik.html>

a visa is required to enter Armenia, as well as the conditions of receiving a visa and residing in the territory of Armenia¹²⁰.

Parallel to aligning the Armenian passports with the international standards and improving the protection and security of personal data and documents, there are cases of falsifying documents, including passports. The last such case was discovered at yearend 2017, and criminal cases were initiated for providing and using Armenian citizen passports on false grounds, and paying and receiving unlawful remuneration. The pre-trial investigation by the Special Investigative Service found that 55 persons were registered at certain addresses in the Village of Byurakan and the Town of Ashtarak (Aragatsotn region of Armenia) without the consent of the co-owners of apartments where they were registered and without any legal grounds during 2012-2014. Subsequently, those persons received, from various divisions of the Passports and Visas Department (namely the Ashtarak Passport Division) Armenia citizen passports containing biometric data with obviously false records of being registered. The investigation proved that 43 of the 55 persons presented the passports received on false grounds and crossed the State Border of the Republic of Armenia at various border crossing points. It also transpired that some of the persons that received passports on false grounds were citizens of the USA, Georgia, Iran, and Russia. Moreover, it was shown that the biometric data of some of the persons to whom passports were issued had been invented. The facts obtained in the course of the investigation showed that a lead specialist at the Ashtarak Passport Division of the Passports and Visas Department of the Police received illegal pay from two persons, against which he prepared, printed, and delivered identification cards based on false grounds and Armenia citizen passports containing false data¹²¹.

The existence of such cases reconfirms that, whilst appreciating the reforms implemented by the Armenian authorities towards personal data protection and passport security and protection, further efforts should be continued in line with the world's best practices, namely the best practice in European states, as it will help, among other things, to fight irregular migration.

Based on 2017 data, the Henley & Partners Visa Restrictions Index presented the 2018 Global Visa Restrictions Index, where Armenia advanced by two positions, reaching 76. Henley & Partners Visa Restrictions Index, with the support of the International Air Transport Association (IATA), analyzes the visa laws of about 200 countries and ranks them in terms of the number of countries that have visa free access. Armenia shares the 76th position with Kyrgyzstan. Armenians can travel visa-free to 59 countries, which is the best indicator in recent years (58 countries in 2017, 57 countries in 2016, and 52 countries in 2015). Armenia ranked 78th in 2017. As to Armenia's neighbors, Russia is ranked 48th, Turkey 50th, Georgia 53rd, Kazakhstan 65th, and Azerbaijan 72nd. Georgia advanced significantly owing to the right of access to the Schengen area granted to this country in 2017¹²².

¹²⁰ <http://mfa.am/hy/visa/>

¹²¹ Ashtarak Passport Authority employee printed 55 false passports of different countries for a fee (07.12.2017) <https://news.am/arm/news/425136.html>

¹²² Henley & Partners <https://ru.henleyglobal.com/passportindex/>; Armenian citizens can travel visa-free to about 60 countries in 2018 (09.01.2018): <http://www.panarmenian.net/arm/news/250600/>

The Passports and Visas Department operates a hotline for accepting and processing citizens' complaints. Legal explanations on issues related to this sector are frequently provided in the mass media and the social media.

As a part of the reform process, SMS notices about application progress are now sent to the mobile phone of the citizen. Citizens can also track progress on the official website of the Police. This procedure is being regularly updated, and additional mechanisms are being introduced. From September 2016, a written confirmation is immediately printed and provided to the citizen when filing a citizenship application at the Passports and Visas Department. This document contains the individual code and the means through which the citizen can obtain information about the application progress¹²³.

Importantly, Armenians abroad can pose questions to a representative of the Police through Skype, including questions on acquiring or terminating Armenian citizenship, obtaining or exchanging an Armenian citizen or identification card, registering at a place of residence, acquiring a residence permit, and on other key functions of the Passports and Visas Department.

The PVD currently does not have an official website (there used to be a website, www.passportvisa.am). The Police website¹²⁴ contains a section providing the application forms filled out for services provided to citizens by the Passports and Visas Department of the Republic of Armenia Police.¹²⁵ A standalone website would inform citizens about all the changes and procedures directly from an official website of the Department.

These initiatives are aimed at improving transparency and the quality of citizen services. While the Passports and Visas Department has implemented commendable reforms (including improved citizen services, technical refurbishment, and introduction of more protected documents), a number of questions still remain, about which we will present comments and recommendations in the Conclusions.

¹²³ SMS notices on the application progress will now be available (9 May 2016), <http://iravaban.net/137425.html>

¹²⁴ www.police.am

¹²⁵ Application forms filled out for services provided to citizens by the Police PVD, <http://www.police.am/letterheads/passport-and-visa-department-letterheads.html>

State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia

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

- ❖ How many readmission requests were received from EU Member States as of 1 August?
- ❖ From which countries were the requests received?
- ❖ Has the number of returnees increased?
- ❖ What programs have been developed for reintegrating returnees?

The SMS responded that the 3rd objective in the 2017-2021 Migration Policy Strategy of Armenia (approved by Government Decree on 23 March 2017) concerned the “Improvement of Effectiveness of Support to the Reintegration of Armenian Citizens Returning to Armenia.” Paragraph 2 of the Decree instructed to develop, jointly with the concerned state agencies, a plan of actions ensuring the effective implementation of the aforementioned Strategy. During 21-23 April 2017, discussions were held in Tsaghkadzor on the Action Plan of the 2017-2021 Migration Policy Strategy of Armenia. The participants were expected to send written proposals on the document by 6 May, which would be consolidated into the draft, which would then be sent officially to the state bodies for their opinions and submission to the Government for approval in July¹²⁶. The SMS informed that, for this purpose, 14 actions were developed and integrated into the Action Plan ensuring effective implementation of the 2017-2021 Migration Policy Strategy of Armenia (approved by the Government on 31 August 2017). The SMS has a Referral Center for Reintegration, which operates as a one-stop shop supporting Armenian citizens returning from the EU Member States. They are informed about the opportunities for reintegration in Armenia and referred to the support services as per their individual needs. The Center cooperates with state structures, civil society, and international organizations, all of which provide reintegration support.

A Return and Reintegration Forum, too, was created, which brings together 11 state, non-governmental, and international organizations implementing reintegration programs. To date, the Forum has held 12 meetings, the most recent on 22 September 2017.

One of the next steps will be develop and implement an electronic system for managing readmission cases (with a view to improving the effective implementation of the Agreement on the Readmission of Persons Residing without Authorisation between the EU and Armenia) which is carried out under the Support to Migration and Border Management in Armenia (MIBMA) project implemented in Armenia by the International Center for Migration Policy Development (ICMPD).

Under the MIMBA project, there was a visit to Georgia from 19 to 21 April 2017 to study the Georgian experience with the Electronic System for Management of Readmission Requests. The delegation consisted of representatives of the Armenian Ministry of Foreign Affairs, Police, National Security Service, and Ministry of Territorial Administration and

¹²⁶ Workshop on draft Action Plan of the 2017-2021 Migration Policy Strategy (26.04.2017). http://www.smsmta.am/?show_news&news_id=581

Development. During a meeting at the Consular Department of the Georgian Ministry of Foreign Affairs, the prerequisites for creating and implementing the system, the readmission request examination procedures, the responsible entities and their functions, statistics generated through the system, system application and security mechanisms, the personal data protection measures, and the system implementation challenges were presented¹²⁷.

Under the same project, a visit to Moldova was organized during 24-28 April 2017 with a view to studying the Moldovan experience of developing the migration profile, as well as the migration profile development indicators, the process of obtaining them, the collection methodology, the analysis of the obtained data, and other matters. Taking the Moldovan experience into account, activities will soon be implemented to regulate the migration profile development in Armenia¹²⁸.

The implementation of such a system in Armenia will considerably speed up and facilitate the whole process of reintegration in Armenia, and secure the effective management and coordination of readmission requests. Armenia's authorized bodies and the EU states will have a shared system, an electronic database, and comprehensive statistics on readmission.

During the Migration and Asylum Meeting of the Eastern Partnership on 21 June 2017, a representative of the European Commission's General Directorate for Migration and Home Affairs presented the developments in this field in the EU and the Eastern Partnership states, namely the fact that the EU is developing a new network platform to integrate all of the EU's actions for return. In the context of the migration crisis, an effective and humanitarian return policy was highlighted as a key component of any comprehensive migration policy¹²⁹.

On 28 and 29 September 2017, a seminar for Armenia's consuls in EU states was held in Vienna to discuss document security, migrant return and reintegration, readmission, visa policy, and procedures¹³⁰.

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 was created.

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

¹²⁷ Workshop on readmission matters (06.05.2017). http://www.smsmta.am/?show_news&news_id=584

¹²⁸ Experience sharing visit to Moldova (06.05.2017). http://www.smsmta.am/?show_news&news_id=583

¹²⁹ <https://www.facebook.com/eudelegationtoarmenia/posts/1389163634470895>

¹³⁰ Seminar for consuls of Armenia (02.10.2017).

<http://tundarc.am/wp/?news=%D5%BD%D5%A5%D5%B4%D5%AB%D5%B6%D5%A1%D6%80-%D5%B0%D5%B0-%D5%B0%D5%B5%D5%B8%D6%82%D5%BA%D5%A1%D5%BF%D5%B8%D5%BD%D5%B6%D5%A5%D6%80%D5%AB-%D5%B0%D5%A1%D5%B4%D5%A1%D6%80>

defined by the domestic legislation of the EU Member States. The readmission agreements define only the inter-state procedures of return.

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. For further details on the readmission process, see the Second Monitoring Report on the Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas, pp. 31-34¹³¹.

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. Under the EU-Armenia Readmission Agreement, bilateral implementing protocols have already been received from Estonia, France, Lithuania, Latvia, Poland, and the Benelux countries.

In 2017, an implementing protocol was signed with Estonia¹³². Readmission agreements are currently being negotiated with Moldova, Ukraine, Belarus, and Kazakhstan.

In October 2017, the Government of Armenia approved the Return Procedures Implementing Protocol under the Readmission Agreement signed with Estonia on 13 June¹³³.

During 2017, the number of readmitted persons grew significantly: on 19 January alone, for example, an airplane transported to Yerevan about 120 Armenians deported from various European countries¹³⁴.

Below is detailed information on requests received under readmission agreements signed by Armenia and their progress.

Under readmission agreements, persons residing in the territory of the Parties without permission are readmitted, as well.

Figure 7. Trend of Readmission Requests Received, 2012-2017

¹³¹ Agreement between the European Union and the Republic of Armenia on the Facilitation of the Issuance of Visas (report of the second monitoring round), <http://acgrc.am/ENG%20Version.pdf>

¹³² <https://www.e-gov.am/gov-decrees/item/29380/>

¹³³ Armenia wishes to return unlawful migrants even from Estonia (05.10.2017). <https://news.am/arm/news/413672.html>

¹³⁴ Europe tougher on migrants (31.01.2017). <http://hraparak.am/?p=136303&l=am%2Fevropan+xstacel+e+migrantneri+handep>

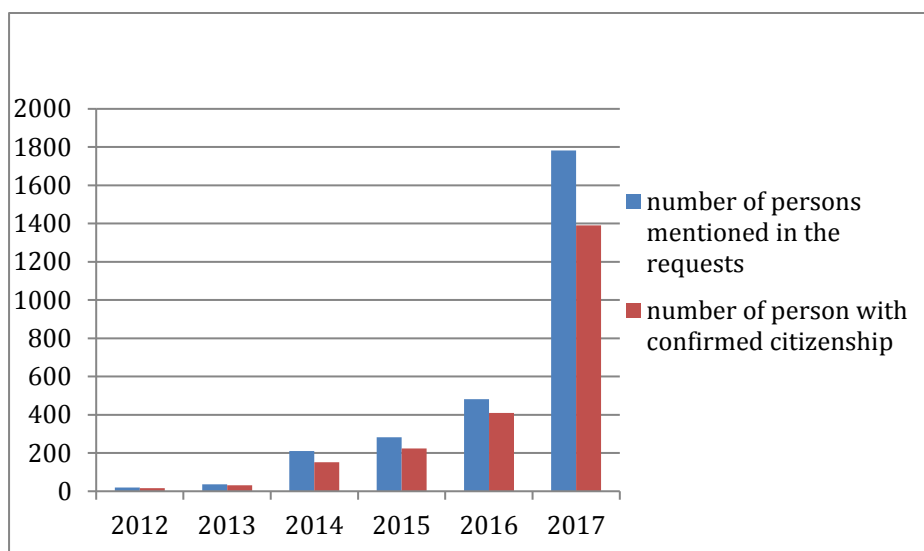
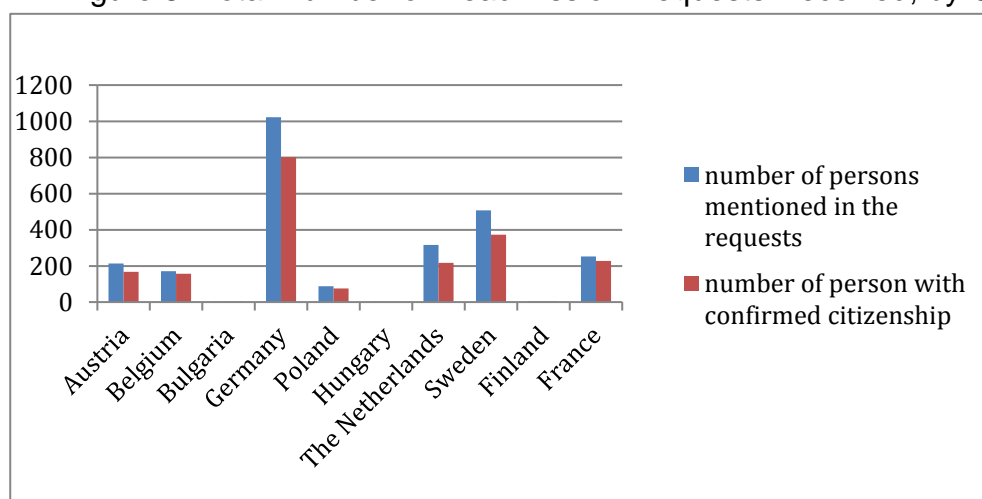


Figure 8. Total Number of Readmission Requests Received, by Countries (2012-2017)



The comparison of readmission requests for 2014-2017, for instance, reveals quite an interesting picture: in 2014, readmission requests were received from just three countries—Poland (12 requests), Sweden (56 requests), and Russia (32 requests). In 2017, not only more countries presented readmission requests, but also the number of requests and persons mentioned therein grew considerably. In 2017, readmission requests were received from a number of EU Member States, including Austria, Belgium, Germany, Poland, the Netherlands, Sweden, and France. In 2014, the total number of readmission requests was 100 (covering 211 persons), and 908 in 2017 (covering 1,782 persons).

In early 2016, Germany published the list of countries from which it would not accept or would only very rarely (in less than 10 percent of the cases) accept refugees, and Armenia was in that list of states that are deemed safe. A safe state is a country that is considered not to have political persecution¹³⁵.

There are some difficulties with the EU in cases of returning Syrian Armenians from the EU, when the person received Armenian citizenship before traveling to the EU. The

¹³⁵ Germany explaining countries from which it will not accept refugees: Armenia is in the list (14.01.2016). <http://news.am/arm/news/306064.html>

readmission process in the EU may be protracted, because some countries have more than one agency responsible for readmission. A problem also arises when the returnee is old or underage, or does not have relatives/caretakers or a place to live in Armenia, or when the returnee is an ethnic Armenian who never lived in Armenia (for instance, moved from Azerbaijan), and they are trying to return such person to Armenia.

There was a case in August 2017 when Armineh Hambardzumyan, living in a refugee camp in the Netherlands for nine years, was deported without her two underage children. A Dutch organization for the protection of children's rights informed that it was the first case of deporting a mother from the Netherlands without her children¹³⁶.

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.

Information on reintegration issues is contained in the <http://www.tundarc.am> online information system presented by the SMS. Through this portal, persons wishing to return to Armenia from foreign states (including dual citizens) can ask questions to the state authorities and even obtain answers through video link. By visiting the "Return Programs" section on the website, one may gain information about the return and reintegration projects implemented by international and non-governmental organizations present in Armenia. The "Return Stories" section contains short stories of the reintegration experience of specific individuals returned under return and reintegration projects, by chronology and headings. The "News" section of the website contains comprehensive news on migration and return issues.

The European Commission and other partners of the SMS supported the creation of the www.sendmoneyarmenia.am website, which provides information on the conditions of money transfers to Armenia, especially from countries in which there are many migrants from Armenia (such as Russia, Kazakhstan, Ukraine, France, the USA, the UK, Germany, and Spain)¹³⁷.

Through the first practical program under the EU-Armenia Joint Declaration on the Mobility Partnership, and under the EU-funded Targeted Initiative for Armenia project¹³⁸, the French Office for Immigration and Integration, in close cooperation with the State Migration Service of Armenia, opened a Referral Center for Reintegration in Yerevan, which aims at supporting establishment in Armenia after returning from abroad. 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. The Center maintains regularly updated information on all of the available reintegration projects.

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.

¹³⁶ Armenian woman living in the Netherlands deported without her children (17.08.17).

<http://www.tert.am/am/news/2017/08/17/Netherlands/2460089>

¹³⁷ Armenian migrants will be assisted in delivering money home (25.12.2017). <https://armeniasputnik.am/armenia/20171225/9945029/armenia-migrantneri-poxy-tun-hascnel.html>

¹³⁸ «Opening of a Referral Centre for Reintegration» (26.04.2014) <http://eunewsletter.am/referral-centre-for-reintegration/>

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 again¹³⁹.

Social-economic reintegration and adaptation of returnees is a key aspect of reintegration. As has been noted numerous times, raising awareness and discussing the risks of irregular migration are equally important. These activities should be organized among the target groups with the greatest migration risks, namely students, the unemployed, and inhabitants of communities at high risk of migration. A toolkit safeguarding sustainable results is necessary to reduce the re-migration risks for returnees. These groups, often lacking a clear understanding of the reality awaiting them in Europe, believe the stories of friends and relatives and travel based on such stories or encouragement. Deploying a variety of means and reaching the EU, they then have to put up with the destiny of an irregular migrant in the EU.

We highly appreciate the willingness of the State Migration Service to cooperate and the detailed response to our inquiry, as well as the active involvement of its representatives in our events, although much still remains to be done in solving the problems related to migration.

¹³⁹ V. Bakhshetzyan, Concept Paper on Reintegration Policy for Armenian Citizens Returning to Armenia, https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjokMu8rcTRAhWiCpoKHSL5D-0QFggZMAA&url=http%3A%2F%2Fwww.smsmta.am%2Fupload%2FVeraimtegrum_.doc&usg=AFQjCNGMNCYVNiHMuGdesUNvdIc788vChw

Conclusions and Recommendations

The monitoring carried out in 2018 and the collected materials have helped to identify the key issues, as well as certain conclusions and recommendations, which are presented below as per the addressees.

Consular Services of EU Member States in Armenia

- ✓ The consulates should avoid issuing single-entry or 1-6-month visas to applicants with a positive Schengen visa history. The one-year or longer visas should become the rule, rather than the exception. This step, too, will help reduce migration risks. Although they have started to issue longer-term (especially three-five-year) visas, it is still rare, although doing so more frequently could very much ease the life of travelers to the EU and reduce the workload of the consulates and visa centers. Each next visa should not be for a term shorter than the previous one, unless there are serious grounds for it.
- ✓ The consular services should inform eligible applicant of their right to apply for a long-term visa.
- ✓ The consulates should not demand the long-term visa applicants to provide invitations and precise plans for their future visits, for visas with a term of one year or longer, because it is often virtually impossible to present such an invitation, and whenever presented, such visit plans are far from being precise.
- ✓ The consulates should accept the electronic versions of documents, especially if they are sent from abroad: this would not increase the likelihood of falsifying documents; rather, it would considerably streamline and speed up the collection of the necessary documents by the applicant. In some cases, applicants were unable to attend planned events due to late arrival of the original invitation.
- ✓ The consular services should be more transparent by providing statistical data on the number of visa applications, the number and types of visas issued, and the number of refusals.
- ✓ The consular services should continue the process of harmonizing the visa requirements and procedures. The common list of documents and the common procedures are not used to the fullest in order to safeguard equal rights to citizens (the same holds true for the additional list of documents¹⁴⁰). The EU Delegation in Armenia should oversee the consulates' compliance with the requirements on the common list and additional list of documents.

Visa Centers Operating in Armenia

- ✓ The selected companies should strictly comply with the Armenian and EU legislation, especially the provisions concerning data privacy and document security and transportation.
- ✓ We urge the visa centers to operate more transparently and not to turn down cooperation offers (for instance, the Unified Visa Applications Center did not respond to our inquiry letters at all).

¹⁴⁰ ANNEX II, List of supporting documents to be presented by visa applicants in Armenia, (https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/borders-and-visas/visa-policy/docs/20150320_1_annexe_acte_autonome_cp_part1_v4_en.pdf)

- ✓ The visa centers should improve the selection and training of their technical personnel, including on topics of customer service and dealing with applicants, as there are issues of document security, storage, transportation, and return, in addition to professional knowledge and skills.
- ✓ Visa centers should have adequate conditions and facilities for the visa applicants (including queue management systems, capacity, seats, sun and rain cover, and the like).
- ✓ Before starting its work, the newly-opened German Visa Center should study the experience of the visa centers that already exist in Armenia, focusing on the problems and difficulties (namely queue management, capacity, conditions necessary for applicants, personal data protection, document security and transportation, among others).

The European Union

- ✓ It is crucial for the European Commission to provide additional statistics in order to better assess compliance with and effectiveness of the Visa Code and the Visa Facilitation and Readmission Agreements and to comprehensively analyze the data related to visas. The EU's official statistics do not break down the visas in terms of their validity terms¹⁴¹ (for Germany: only MEVs valid for more than 1 year are included)¹⁴². If possible, the statistics should contain specific data on 3-5-year visas, as well as the number of citizens who requested and received political asylum. The number of issued visas is not the same as the number of persons that received Schengen visas, because the same person often has to apply for a visa two or three times a year.
- ✓ Persons having a positive visa history should benefit from the facilitated rules even if they do not belong to the categories that are entitled to a facilitated visa under the Agreement.
- ✓ Consider the possibility of introducing a 10-year visa, provided that the previous visa was for three or five years (similar to the USA, where a five- or 10-year visa is issued even if the application is for a short-term visit).
- ✓ We recommend to the EU and to the consular services of EU Member States in Armenia to pay close attention to appeals against refusals and to ensure a more transparent, accessible, and streamlined process of reviewing decisions, which will enable the appealing citizens to get replies within a reasonable period. There is no data on the number of decisions changed as a result of appeals, which would make it possible to assess the effectiveness of the appeal process. Alternative avenues of appeal should be introduced, which will provide genuine opportunities for the exercise of the rights of applicants.
- ✓ EU Member States should be encouraged to open visa centers in other towns of Armenia (Gyumri, Vanadzor, and Kapan), so that especially citizens of remote towns can complete the visa procedures in a more convenient manner.

¹⁴¹ European Commission Migration and Home Affairs- Visa Policy http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

¹⁴² European Commission Migration and Home Affairs- Visa Policy http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

- ✓ The decision to collect or not to collect a visa fee in consulates and visa centers needs to be clarified. The visa fee waiver provision is often not too clearly construed by the consular officers and the visa center employees (for the same type of visit purpose, a visa fee is sometimes collected, and sometimes waived). It will be good, possibly, for example, that the application form provides the answer related to the need of the visa fee after filling it in.
- ✓ The possibility of introducing an electronic visa (eVisa) system should be considered. The 21st century technology advances and the opportunities provided by the Internet should be more extensively used in order to facilitate faster and easier visa and readmission processes. The UN's World Tourism Organization, too, recommends using e-visas as a safer and more effective alternative to a paper visa¹⁴³. They are easier to obtain, do not require physical presence of the applicant or presentation of the passport, which is especially important for countries having few consulates, such as Armenia. By the way, Armenia is issuing e-visas¹⁴⁴. Clearly, the introduction of e-visas, when the applicant is not required to be present at a consulate, may become an important step towards visa facilitation.
- ✓ The visa center selection transparency should be boosted, enabling local companies to participate in the selection tenders, too.
- ✓ Consider the possibility of organizing visa-free trial visits of tourist groups from Armenia, provided they have biometric passports.
- ✓ Consider the possibility of allowing the Member States to develop and implement a special procedure for granting an entry visa for up to 15 days on the border, which will be valid only in the issuing state.
- ✓ Allow applying for a visa up to six months prior to the planned visit (instead of the current three-month limitation), which will allow persons to plan the trips in advance, to prepare for the visa application, and to avoid applying for a visa during the busy holiday season.
- ✓ Continue taking steps to further simplify the visa application process and to reduce the time needed to take decisions.
- ✓ Engage active civil society organizations from Armenia in the visa and migration processes, namely in monitoring and evaluating the reforms implemented by the Armenian authorities in these fields.

Armenian Citizens and State Authorities

- ✓ Citizens applying for a visa are urged to be more diligent in the preparation and collection of documents required for a visa, to refrain from providing false data and documents, and refrain from changing the reasoning documents after receiving a visa (for instance, changing the destination country), because the visa may be canceled in such cases, or entry may be prohibited at the border.
- ✓ We recommend various public awareness-raising activities in this field, including publishing and dissemination of information materials. This recommendation

¹⁴³ United Nations World Organization, Visa Facilitation, Stimulating Economic Growth and Development Through Tourism
http://www3.weforum.org/docs/TTCR/2013/TTCR_Chapter1.3_2013.pdf

¹⁴⁴ E-VISA Issuance System, Ministry of Foreign Affairs of the Republic of Armenia <https://evisa.mfa.am/>

concerns especially the non-governmental organizations active in relation to visas and migration.

- ✓ We recommend to the Armenian state authorities to continue organizing seminars, study tours, and training programs for their staff working in this field.

Passports and Visas Department of the Police

- ✓ Ensure the uninterrupted process of issuing biometric passports. Accountability and transparency of the calls for bids, tenders, and new contract awards should be ensured in accordance with the letter and spirit of the law.
- ✓ The fee for biometric passports should be reduced in order to make them affordable for the whole population.
- ✓ The passport samples should be regularly exchanged with the EU, and there should be cooperation in matters of document security.
- ✓ Specific procedures should be developed for biometric data processing, storage, provision, and use. The grounds and procedure of providing biometric data to other countries should be prescribed clearly, as well.
- ✓ Measures should be implemented to create a website of the Department in order to provide comprehensive information to the public.
- ✓ The Republic of Armenia Law on Protection of Personal Data should be supplemented in order to ensure the independence of the personal data protection authority from state bodies, to prescribe its rights and obligations, and to provide it with sufficient financing.
- ✓ To ensure the effective operation of the personal data protection authority, it should be equipped with sufficiently experienced and knowledgeable human resources, professional equipment, and methodology. There should be a practice of reporting to the public in the form of an annual report that will be presented to the National Assembly and published.

Government of the Republic of Armenia

- ✓ Take measures to conduct the tender for selecting the biometric documents provider in accordance with the law and in a reasonable period, ensuring accountability and transparency of the process of concluding the new contract.
- ✓ Enable Armenian companies to participate in this and other similar tenders.

Parallel to the visa facilitation process, and in order to carry out systemic assessment of the effectiveness of the Agreements, as well as to deepen the Armenia-EU cooperation in this sphere, it is necessary to monitor the visa issuance process, including the visa refusals, the citizens refused entry on the EU border, the number of Armenian citizens arrested while staying unlawfully in EU territory, and the number of Armenian citizens seeking asylum in the EU. It is also necessary to carry out comparative analysis of the number of decisions to return to Armenia and the number of returned persons. The monitoring provides comprehensive information within the same analysis.

The Armenia-EU relations in the field of visas and migration were also affected by the situation in the EU, given the unprecedented influx of migrants to the EU. The migration

crisis remains a serious challenge for the EU. According to data of the EU's Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), over 1.26 million irregular migrants from 126 countries crossed the border into the EU during 2015. Most of the irregular migrants applying for refugee status in the EU came from the Middle East (29% of the total number came from Syria). In 2014, however, the total number of migrants into the EU was just 280,000¹⁴⁵.

In 2017, the total number of irregular migrants seeking asylum in EU+¹⁴⁶ countries was about 707,000, which is around 43% less than in 2016. In 2017, asylum was granted in 981,615 cases, which is 13% less than in 2016. The number of pending applications is more than 462,000, which is about half the number in 2016¹⁴⁷.

To sum up, it should be recalled that Georgia and Ukraine received visa-free regime in 2017, and Armenia signed the CEPA, which will hopefully enable the launch of the Armenia-EU visa dialogue. From this perspective, the experience of Georgia and Ukraine can be very interesting, especially to compare and analyze the trends in the number of asylum applications. As noted already, Georgia had issues related to a sharp increase in the number of asylum applications. In December 2017 alone, there were 1,465 applications (over one third of them—lodged in Germany), which was about three-fold the number in December 2016. The number of asylum-seekers grew by 39 percent relative to 2016 and reached 10,465. Although these numbers are negligible on the background of the numbers for North Africa and the Middle East, the growth pace is close to the 50% threshold set by the EU, whereby an EU Member State may engage the so-called “suspension mechanism.”¹⁴⁸ From October 2017, the number of asylum applications and rejections for Georgian citizens grew considerably: 1,062 applications in October (793 refused and 10 granted), 1,297 applications in November (837 refused and 7 granted), 1,465 applications in December (879 refused and 13 granted), and 1,748 applications in January 2018 (1,288 refused and 13 granted)¹⁴⁹.

For Ukraine, the situation is rather optimistic, because after granting visa-free travel, the numbers of asylum applications and refusals even somewhat declined at yearend 2017¹⁵⁰.

Nonetheless, it should be remembered that one of the grounds for suspending visa-free travel is the increase in asylum applications and irregular migration. The revised visa suspension mechanism adopted in February 2017 (effective from 28 March 2017) provides the following grounds for reviewing the decision:

- A significant (more than 50%) increase in irregular migration, including persons residing illegally and persons refused on the border;

¹⁴⁵ 710,000 migrants entered EU in first nine months of 2015 (13 October 2015), <http://frontex.europa.eu/news/710-000-migrants-entered-eu-in-first-nine-months-of-2015-NUiBkk>

¹⁴⁶ EU Member States plus Norway and Switzerland
<https://books.google.am/books?id=3xZLDwAAQBAJ&pg=PA15&lpg=PA15&dq=what+is+EU%2B&source=bl&ots=gBFrZCQzGA&sig=rL4qtHYVpskIDFlmp--AFZU0c4KM&hl=hy&sa=X&ved=0ahUKEwjVwtyUgOXZAhVDVSwKHSR-C4oQ6AEIdjAJ#v=onepage&q=what%20is%20EU%2B&f=false>

¹⁴⁷ <https://www.easo.europa.eu/latest-asylum-trends>

¹⁴⁸ European Asylum Support Office, https://www.easo.europa.eu/latest-asylum-trends#_edn1; Georgia's visa-free regime with Europe under question (28.02.2018).

<https://www.civilnet.am/news/2018/02/28/%D4%B5%D5%BE%D6%80%D5%A1%D5%B4%D5%AB%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%A5%D5%BF-%D5%8E%D6%80%D5%A1%D5%BD%D5%BF%D5%A1%D5%B6%D5%AB-%D5%A1%D5%B6%D5%A1%D5%B5%D6%81%D5%A1%D5%A3%D5%AB%D6%80-%D5%BC%D5%A5%D5%AA%D5%AB%D5%B4%D5%A8%D5%9D-%D5%B0%D5%A1%D6%80%D6%81%D5%A1%D5%AF%D5%A1%D5%B6%D5%AB-%D5%BF%D5%A1%D5%AF/330745>

¹⁴⁹ European Asylum Support Office. https://www.easo.europa.eu/latest-asylum-trends#_edn1

¹⁵⁰ https://www.easo.europa.eu/latest-asylum-trends#_edn1

- A significant (more than 50%) increase in asylum applications and a low probability (around 3 to 4%) of positive decisions;
- Weaker/declined cooperation in readmission, especially an increase in refusals of readmission requests;
- Higher security risks in the EU Member States, especially with respect to grave crime¹⁵¹.

Similarly, the 2016 and 2017 data for asylum applications, positive decisions, and refusals were studied in detail for Armenian citizens. According to EUROSTAT, in 2016, the number of Armenian citizens seeking asylum in EU Member States was 7,745. As noted above, and as Figure 9 below shows, the highest numbers were in August, September, and October 2016 (1,104, 1,173, and 979, respectively). In August, September, and October 2017, the application numbers declined considerably to 577, 695, and 524. In the last months of 2017 and in January 2018, the numbers virtually did not change (around 500 to 600 per month)¹⁵².

Figure 9. Asylum Applications of Armenian Citizens (January 2016 to January 2018)¹⁵³

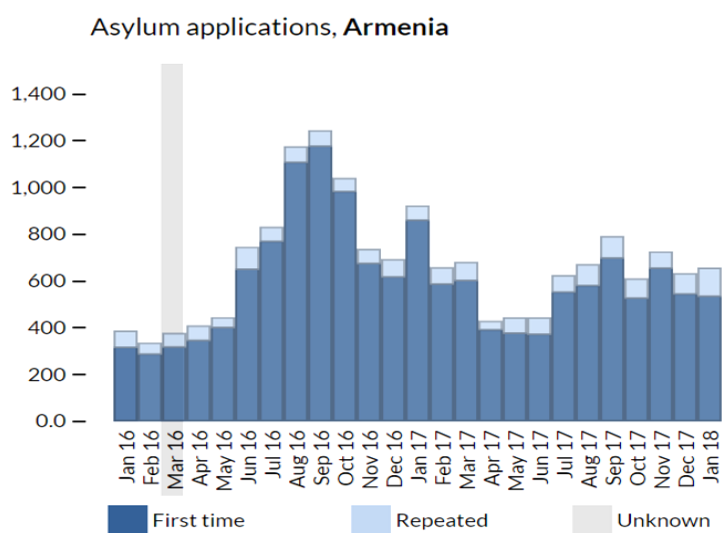


Figure 10 shows that, parallel to the increased number of applications by Armenian citizens, the number of refusals grew, as well, from 294 in August 2016 to 1,987 in May 2017. During August-December 2017, the number of refusals was virtually unchanged (650 to 750 per month). Clearly, most of the Armenian citizens seeking asylum are refused, and a very small percentage of the applications are granted.

Figure 10. First Instance Decisions (Citizens of Armenia)¹⁵⁴

¹⁵¹ European Commission - Fact Sheet Visa Liberalisation Report: Questions and Answers (20.12.2017). http://europa.eu/rapid/press-release_MEMO-17-5364_en.htm

¹⁵² https://www.easo.europa.eu/latest-asylum-trends#_edn1

¹⁵³ Blue marks first-time applicants, light blue—applicants for the second time or more.

¹⁵⁴ Blue marks persons granted refugee status, light green marks persons granted additional support, and pink marks refusals.

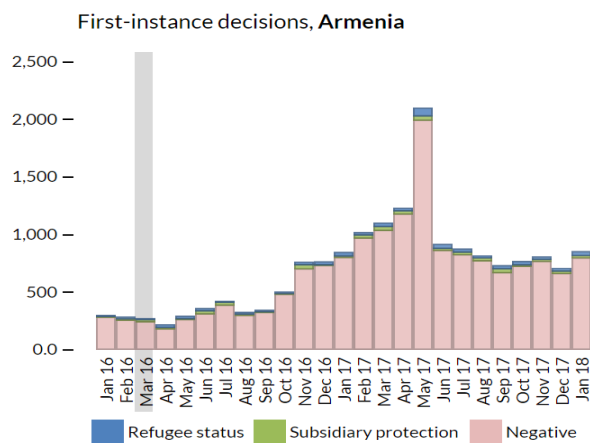
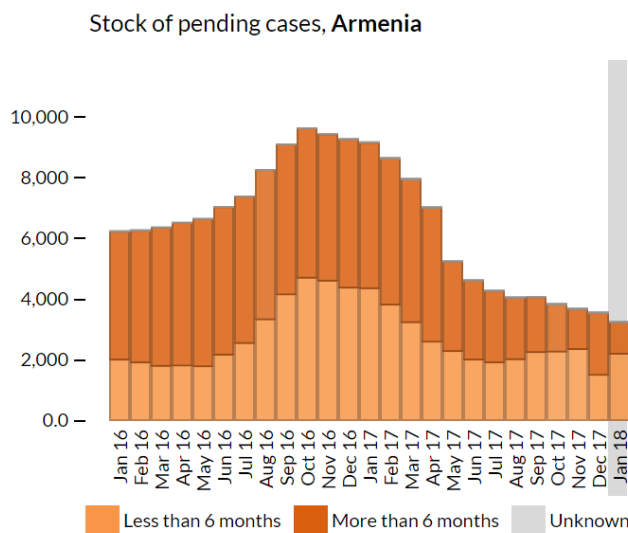


Figure 11 clearly shows that the largest numbers of pending applications, too, were in August-October 2016 (around 10,000), and from November 2016, the number declined steadily to 9,400, reaching 3,214 in January 2018, reflecting almost a three-fold reduction.

Figure 11. Pending Applications (Citizens of Armenia)¹⁵⁵



These numbers prove that, despite the increase in the numbers of Armenian citizens applying for asylum and the number of pending cases in mid-2016, the numbers declined gradually and stabilized from August 2017. Compared to the neighboring countries, Armenia performs more favorably in terms of the numbers of asylum seekers, refusals, and asylum applications granted. However, to compare asylum application and refusal data on citizens of Armenia, Georgia, and Azerbaijan, it is clear that EU Member States less frequently refuse citizens of Azerbaijan than those of Armenia and Georgia. Out of 100 asylum-seekers, 8 of the persons granted asylum were from Georgia, 11 from Armenia, and 21 from Azerbaijan. This is also due to the democracy index of the countries, whereby Georgia is 87th, Armenia 120th, and Azerbaijan 148th. The lower a country’s democracy index, the more probable it is that political pressure may occur in the country¹⁵⁶.

Thus, in terms of irregular migration, Armenia has become more stable, which in turn should help EU Member States to consent to the launch of the visa dialogue, although

¹⁵⁵ Light brown marks applications waiting for an answer for less than 6 months, and brown marks those waiting for longer than 6 months.

¹⁵⁶ 90 percent of Armenians seeking asylum in Europe are rejected (07.02.2017). <https://hetq.am/arm/news/75419/evropayum-apastan-khndrats-hayastancineri-90-y-merzovel-e.html>

Armenia's authorities should continue closely cooperating with the EU and implementing appropriate measures, with the EU's support, for stabilizing and improving the situation.

In January 2017, the European Commission allowed five countries (Germany, Austria, Denmark, Sweden, and Norway) to maintain border control up to May 2017. One of the justifications of the decision was the “chaotic” movement of migrants that are already in Greece or other Member States of the EU. Through extended border control, the countries with the greater inflow of migrants will be able to partially mitigate the burden.

In an attempt to withstand irregular migration flows and to improve the effective management of the migration process, countries are introducing new mechanisms and improving the existing ones. The Government of Germany, for instance, adopted a package of measures in February 2017 for improving the system for deporting migrants rejected asylum. Interior Minister Thomas de Maizière said he was confident that the Bundestag would shortly approve a bill speeding up deportation. He reiterated that migration policy has two sides—rapidly integrating those that have the right to stay in a country and deporting those that are not granted such right. To deport, a refugee could be arrested for a term of up to four days, but the bill will now extend the period to 10 days and allow using electronic monitors to track the movement of those whose deportation is of “special interest.” It is permitted to examine the refugees' mobile phones in order to check their personal data. The authors of the bill are confident that if a passport is lost, the necessary information can be obtained from a phone¹⁵⁷.

At a session of the foreign affairs ministers of the EU Member States in Brussels on 7 March 2017, it was decided to allow checking data of persons traveling in the EU through electronic means, except when such checks seriously complicate the border crossing and create long queues. It was yet another measure in response to irregular migration and terrorism. To date, data of citizens of non-member states was checked at the EU's external borders only upon entry into the EU. Under the new rules, data of EU citizens, too, will be checked when entering into and leaving the EU area. Data of all persons crossing the Schengen border will be checked through the Schengen Information System (SIS) and the Interpol database for lost/stolen documents¹⁵⁸. As to the land borders, Member States may perform only targeted database checks during the transitional six-month period, which may in exceptional cases be extended to one month.

On 11 May 2017, the EU Council allows Austria, Germany, Denmark, and Sweden to extend the emergency measures of Schengen border control for another six months in order to combat irregular migration. During the session, the European Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos noted that “although we are constantly reinforcing measures in the last few months to address the unprecedented migration pressure, we have unfortunately not achieved the desired outcome.”¹⁵⁹ The refugee influx into the EU does not stop, and EU Member States believe that restoring border controls is a means of countering the flow of migrants. To control the migration flows and for reasons of security, some countries decided to temporarily “close” the borders, thereby also reducing their costs of expelling irregular migrants.

All of this is of course not tantamount to the end of the idea of the Schengen Area. All of the country limitations concern only the irregular migrants. Persons having the right to

¹⁵⁷ German Government adopts a package of measures to speed up deportation of refugees (22.02.2017). <https://news.am/arm/news/374918.html>

¹⁵⁸ EU toughens up external border control (08.03.2017). <http://www.dw.com/ru/%D0%B5%D1%81-%D1%83%D0%B6%D0%B5%D1%81%D1%82%D0%BE%D1%87%D0%B0%D0%B5%D1%82-%D0%BA%D0%BE%D0%BD%D1%82%D1%80%D0%BE%D0%BB%D1%8C-%D0%BD%D0%B0-%D0%B2%D0%BD%D0%B5%D1%88%D0%BD%D0%B8%D1%85-%D0%B3%D1%80%D0%B0%D0%BD%D0%B8%D1%86%D0%B0%D1%85/a-37847288?maca=rus-facebook-dw>

¹⁵⁹ EU Council allows four countries to extend border control (11.05.2017). <https://news.am/arm/news/389291.html>

enter and stay in the Schengen Area lawfully (tourists, students, and others) may move freely within the area, simply spending more time on the border checks.

This monitoring has shown that there is clearly progress. Much work is being carried out by the EU and Armenia, but it is important to note that active efforts in this field should be continued, and the cooperation should be deepened.

Hopefully, the analysis, conclusions, and recommendations presented in this Study will help to develop the EU-Armenia relationship and serve as a basis for launching the EU-Armenia visa dialogue and subsequently reaching a visa-free regime, and more importantly, support the implementation of reforms and the deepening of cooperation in a number of areas, including migration, readmission, human rights, personal data protection, and other related fields.

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