

*Unofficial translation*

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**THE LAW OF THE REPUBLIC OF ARMENIA  
ON REFUGEES**

This Law determines in the territory of the Republic of Armenia the basis, procedure and conditions of temporary settlement of persons seeking refugee status, granting refugee status or rejecting it, loss of refugee status, provision of temporary asylum to foreign citizens or persons without a citizenship, the jurisdiction of a state body given the authority by the government of the Republic of Armenia (hereinafter competent body), rights and duties of applicants for refugee status and refugees, guarantees of their legislative and social protection.

**CHAPTER 1. General Provisions**

**Article 1. Definitions used in the Law**

In this law the following basic definitions are used:

REFUGEE - a person not having RA citizenship who:  
owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his origin and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a citizenship of any state and being outside the country of his former habitual residence as a result of such events, is unable; or owing to such fear, is unwilling to return to that country, or who, having more than one citizenship, fears that he/she is unable to avail himself/herself of the protection of these countries,

APPLICANT FOR REFUGEE STATUS - a person who applies or has intention to apply to the competent body for refugee status in the Republic of Armenia.

SPECIAL DWELLING - temporary accommodation allocated to the applicant for refugee status for temporary residence during the medical examination process.

TEMPORARY DWELLING - temporary accommodation allocated to the applicant for refugee status and refugee for temporary residence.

TEMPORARY ASYLUM - the right of foreign citizens or persons without a citizenship for temporary residence in the territory of the Republic of Armenia, in accordance with the article 21.1 of the Law.

**Article 2. The Scope of the Law**

This law applies to foreign citizens and stateless persons who are in the RA, who in the manner prescribed by this Law, apply or intend to apply to the competent body for refugee status, or have already been granted refugee status, or have been rejected.

### **Article 3. Legislation on Refugees**

The legal status of a refugee and an applicant for refugee status shall be governed by the Constitution of the RA, by this Law, by other laws and other legal acts of the RA.

If the provisions of this Law contradict to the provisions of international agreements signed by the RA, then the provisions of international agreements shall prevail.

### **Article 4. Documents Certifying Refugee Status**

Any person who is granted refugee status shall be issued by the competent body with a refugee ID card and a travel document, format and the manner of issuance of which shall be prescribed by the RA government.

Travel documents for refugees are issued in accordance with the 1951 Geneva Convention Relating to the Status of Refugees.

Refugee ID card is considered to be an identity paper in the RA and shall be issued to any person, having reached 16 years of age, who is granted refugee status; and travel document is issued to persons possessing the refugee certificate who are willing to obtain it.

In the manner prescribed by this Law, the data about the refugees up to 16 years of age shall be mentioned in the refugee ID cards and travel documents of their parents or in relevant documents of other lawful representative.

Children of persons who are granted refugee status may, after reaching 16 years of age, apply to the competent body for issuance of a refugee ID card and a travel document.

## **CHAPTER 2. The Basis for Granting or Rejecting the Refugee Status**

### **Article 5. The Basis for Granting Refugee Status**

Applicant for refugee status has the right to apply to the competent body and receive refugee status in a manner prescribed by this Law.

In the RA the refugee status is granted to the person mentioned in the Article 1 of this law.

- a) if he/she is on the territory of the RA;
- b) if the refugee status is not granted by other country.

*(The article is deleted as per amendments of 3 March 2004.)*

### **Article 6. The Basis for Exclusion and Rejection of the Refugee Status**

Refugee status shall not be granted to a person, if:

- (a) prior to the entry into the RA he/she has committed a crime against peace and humanity, or a war crime, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) prior to the entry into the RA he/she has committed a non-political crime;
- (c) has been guilty of committing acts contrary to the purposes and principles of the United Nations convicted by the International Court.

*(Amended as of 3 March 2004.)*

### **CHAPTER 3. The Entry of Applicant for Refugee Status into the RA**

#### **Article 7. The Entry of Applicant for Refugee Status into the RA**

Applicant for refugee status as well as persons in masses coming from other states to the RA shall enter into the RA in a manner prescribed by the legislation of the RA.

Applicant for refugee status may submit his/her application for refugee status in case of presence in the territory of the Republic of Armenia *(amended as of 3 March 2004)*, as well as to a representative of the competent body on the border. If an applicant for refugee status has no permission to enter the RA, then his/her application for refugee status is considered as a ground to enter into the RA and enjoy the rights prescribed by this Law.

A person shall not be punished for illegal entry or stay in the RA territory, if s/he came directly from such country, where his/her life or freedom is endangered in cases specified in the article 1 of this law, and if s/he immediately comes to the responsible authority and submits a written application for refugee status in the RA. *(Paragraph added as per the amendments of 3 March 2004.)*

#### **Article 8. Residence of an Applicant for Refugee Status in a Special Dwelling**

As soon as the applicant for refugee status enters the Republic of Armenia, after medical examination and document verification in accordance with the procedure established by the Government of the RA, the designated Governmental body should place him in the special accommodation for the period of examination of the application for refugee status which should not exceed 3 months. *(Amended as of 3 March 2004)*

Within 5 days the designated body shall inform about the child – applicant for refugees status, who is not accompanied by the parent or another legal representative (hereafter: a child) the guardianship and custodian body of the place of factual presence of the child.

The RA guardianship and custodian body shall place the child in the specialised institution for children, as well as shall appoint a guardian for guardianship, education and protection of his/her rights, including representation of child's lawful interests and rights during the processing of the application for refugee status.

In case of need the designated body supports the efforts of the United Nations Organisation and other mandated intergovernmental organisation or non-governmental organisation co-operating with the United Nations in protecting and assisting such a child and any other refugee child in tracing the parents and other relatives of the child for unification. *(The three paragraphs added as per the amendments of 3 March 2004)*

Until receiving the final decision, the applicant for refugee status has the right to freedom of movement, choice of residence in the territory of the RA, according to the order determined by the RA Government.

#### **Article 9. Providing Applicant for Refugee Status and Refugee with Temporary Dwelling**

A person having entered into the RA, after the medical examination and verification of documents referred to in the article 8 of this law, is settled in a temporary dwelling, in accordance with the order determined by the RA Government.

#### **Article 10. The Rights of Applicant for Refugee Status and the Guarantees of their Rights**

Applicant for refugee status has the right:

- (a) to receive free of charge translation, legal advice services, medical care and service, according to the order determined by the RA Government, as well as information regarding his/her relatives;
- (b) to receive a lump sum benefit, according to the order and amount determined by the RA Government;
- (c) to withdraw the application for refugee status.

Applicant for refugee status avails himself/herself of the guarantees of the rights referred to in the article 19 of this Law, as well as may apply to the UNHCR Representative.

#### **Article 11. Duties of Applicant for Refugee Status**

While their application for refugee status is being processed and the final decision is not made yet, persons settled in temporary dwellings are obliged to:

- (a) conform to the RA legislation and regulations and rules on residing in temporary dwellings, determined by the competent body;
- (b) inform the competent body in case of voluntary departure from the RA;
- (c) after final rejection leave the RA, within 5 days, if, according to established procedure, such demand is presented by competent authorities;
- (d) undergo mandatory medical examination.

### **CHAPTER 4. GRANTING REFUGEE STATUS**

#### **Article 12. The Procedure of Applying for Refugee Status**

Persons entered into the RA, in accordance with the place of their temporary residence, in written form (*Amended as of 3 March 2004*) apply to the competent body for refugee status, in accordance with defined procedure. Persons who submitted applications for refugee status shall receive an ID of applicant for refugee status.

Every foreign citizen or stateless person, without age limit, has the right to apply for refugee status. (*Paragraph added as per the amendments of 3 March 2004*)

If people under 16 years old do not have parents or other legal representatives, are immediately taken under state care. (*Paragraph deleted as per amendments of 3 March 2004.*)

People of 16 years old and older may apply for a refugee status. If one is younger than 16, the application is filled by their parents or by another legal representative.

The applications for refugee status shall be received and registered due to the determined order.

The application form for refugee status and the registration order shall be determined by the competent body.

The applicant is exempted from fees of processing the application and the decision-making on it.

Refugee status shall be granted for the period of three years. After expiration of this period it shall be extended for granting refugee status, by the manner prescribed in the law. If the conditions based on which he/she was recognized as a refugee are not existing any more, then the person loses refugee status. *(Deleted as per the amendments of 3 March 2004.)*

### **Article 13. Terms of the Application Investigation**

The applications for refugee status are investigated within one month.

In the case of a need of additional examination, it may be extended up to three months.

### **Article 14. Rejection of Application for Refugee Status**

The application for refugee status may be rejected if:

- (a) the information about the applicant for refugee status does not match for the requirements referred to in Articles 1 and 5 of this Law;
- (b) before the investigation of the application and making the final decision, applicant for refugee status leaves Armenia without informing about it the competent body, or has violated article 8 of this Law;
- (c) any other basis of rejection deemed by the RA legislation or international agreements are available.

*(The article is deleted as per the amendments of 3 March 2004.)*

### **Article 15. Appeal on Rejection of the Application for Refugee Status**

The competent body shall make a decision on the eligibility of applicant for refugee status, and within three days, in written form, inform the applicant thereof.

The reasons for rejection of application as established by this Law shall be stated.

The rejection of application may be appealed to a higher authority and to the court within one month.

In the case of appeal by an applicant for the refugee status to the court, he/she may avail himself/herself of the rights of an applicant for refugee status, and he/she shall not be expelled from the RA until the decision of the court on appeal enters into force.

### **Article 16. Legal Implications of Rejection of Refugee Status**

The final rejection of refugee status, after the all procedures, including the appeal process, allows to expel the applicant according to determined order, if he/she is not willing to leave the country voluntarily within a certain period, except when there are other legal grounds for his/her stay in the RA.

The expulsion of the applicant may be suspended if the person, being on the territory of the RA has committed a crime and the court sentence enters into force.

The expulsion may be delayed, if the person has responsibilities towards the RA, the citizens of the RA or the persons being or working on the territory of the RA fulfillment of which requires his/her presence.

## **Article 17. Expulsion of a Rejected Applicant for Refugee Status, a Refugee who has Lost the Refugee Status or has been Deprived of the Refugee Status**

According to the procedure of Article 14 of this Law *(Deleted as per the amendments of 3 March 2004)* the expulsion of a rejected applicant for refugee status and as well those refugees who have lost or have been deprived of the refugee status, not willing to leave the country voluntarily within a certain period specified by the competent body, shall be implemented in accordance with the procedure set up in RA legislation on foreign citizens and stateless persons.

Rejected applicant for refugee status shall be expelled to the country of his/her citizenship or to the other country he/she wishes to leave for, if that country agrees to accept him/her.

The person who lost refugee status may be expelled only by court.

## **CHAPTER 5. Rights and Responsibilities of Persons Recognized as Refugees**

### **Article 18. Rights and Responsibilities of Refugees**

A refugee in the RA shall have the rights and responsibilities prescribed for foreign citizens and stateless persons, including the right to freedom of thought, speech, conscience and religion.

A refugee shall have the right to freedom of movement and to residence choice in accordance with established procedure.

A refugee shall have the equal rights as prescribed for the RA citizens to the protection by law against unlawful interference with his private and family life, the right of security of person and residence, the right of confidentiality of communication, the right to the protection against infringements on the honor and dignity, life and health, personal liberty and property.

A refugee shall have the ownership right, the right to employment and business activities as prescribed by the RA legislation.

In family relations a refugee shall have the rights and responsibilities equal to those of the citizens of the RA.

A refugee shall have the right to acquire RA citizenship and to serve in the army in a manner prescribed by the Law.

Refugee has the right to family reunification. Refugee family member, can receive permission to enter the RA and RA residence permit, if there is no grounds stipulated by the Law forbidding it.

A refugee family member is granted with privileges defined by the Law on State Duty for being issued with the RA entry and resident permit. *(Two paragraphs added as per the amendments of 3 March 2004)*

A refugee shall enjoy the right to social protection in a manner prescribed by the Law.

A refugee in the RA shall not have the voting rights (except during the local self-governmental elections), shall not have the right to join any public-political organization in the RA, shall not have the right to be elected or appointed in official positions stipulated by the RA legislation.

A refugee shall pay taxes, duties and other mandatory payments in a manner prescribed by the RA legislation.

In the process of exercising of his/her rights and freedoms, a refugee shall not infringe on the rights and freedoms of the RA citizens and other persons and shall not endanger public order, general welfare and the security of RA.

The person recognized as a refugee shall observe the requirements of the RA legislation.

With regard to the rights and obligations not prescribed by this Law, a refugee shall enjoy the rights prescribed by the RA legislation for foreign citizens.

## **Article 19. Guarantees of the Rights of Refugees**

A refugee exercising his/her rights and freedoms prescribed by the legislation is under the protection and patronage of the RA.

A refugee shall not be expelled from the RA except in the cases prescribed by this Law.

In the case of conviction, detention, arrest or prohibition of his/her departure from the RA, the official organs within 24 hours shall inform thereof the competent body and the UNHCR Representative in the RA.

Refugee cannot be deported or returned by any means to the territory of such country, where there is a threat to his life or freedoms because of his/her race, nationality, religion, membership of a social group or political opinion. *(Amended as of 3 March 2004)*

The 4<sup>th</sup> paragraph of this article shall not apply to those refugees, who due to serious reasons is considered to be dangerous for the RA security, or by the court decision s/he was recognised guilty of committing an exceptionally serious crime, therefore, s/he is a threat to the RA national security, public order and rights and freedoms of citizens of the RA. *(Paragraph added as per the amendments of 3 March 2004)*

## **CHAPTER 6. Termination of Refugee Status**

### **Article 20. Grounds for Termination of Refugee Status**

Person loses refugee status if he/she:

- (a) has voluntarily re-availed himself/herself of the protection of the country of his/her citizenship;
- (b) having lost his/her citizenship, he/she has voluntarily re-acquired it;
- (c) has acquired RA citizenship or citizenship of any state, and enjoys the protection of the country of his/her new citizenship;
- (d) has voluntarily re-established himself/herself in the country which he/she left or outside which he/she remained owing to fear of persecution;
- (e) may no longer continue to refuse to avail himself/herself of the protection of the country of his/her citizenship, because the circumstances in connection with which he/she has been recognised as a refugee have ceased to exist;
- (f) being a stateless person, he/she is able to return to the country of his/her former habitual residence, as far as the circumstances because of which he/she has been recognised as a refugee have ceased to exist;
- (g) has left for permanent residence outside the territory of RA



(h) the term stipulated in sub-section 7 of article 12 has expired  
*(Deleted as per the amendments of 3 March 2004)*

Refugee children lose their refugee status, if their parents acquire Armenian citizenship or if they are adopted by the citizens of the RA or foreign citizens, except the cases when the person who adopts a child is stateless or is a foreigner, who has been granted refugee status in Armenia.  
*(Amended as of 3 March 2004)*

## **Article 21. Deprivation of Refugee Status**

Person may be deprived of refugee status if the facts, unknown before, become known and are prescribed by the Article 6 of this Law as basis to deprive the person of a refugee status.

### **'PART VI.1'**

## **The Provision of a Temporary Asylum to a Foreign Citizen or a Person Without a Citizenship**

### **Article 21.1. The bases of the provision of a temporary asylum to a foreign citizen or a person without a citizenship**

A foreign citizen or a person who does not have a citizenship has the right to apply to the responsible authority and receive temporary asylum, in accordance with procedure defined by the government of the Republic of Armenia.

A foreign citizen or a person without a citizenship can be given temporary asylum in the Republic of Armenia if:

his/her data correspond to the criteria of this law for receiving a refugee status, yet s/he submits a written application to the responsible body in order to receive temporary asylum in the territory of the Republic of Armenia.

his/her data does not correspond to the criteria of this law for receiving a refugee status, but due to the fear of being tortured, subjected to inhuman or degrading treatment, or threat to his/her life, security or freedom because of war situations, s/he cannot or is not willing to return to the country of his/her citizenship or of former permanent residence.

Temporary asylum is granted for one year. After that this period can be extended if there are bases for granting temporary asylum.

### **Article 21.2 The Rights and Obligations of Persons who had Applied for Temporary Asylum and have received it**

Persons who have applied for temporary asylum to the responsible body have the rights regulated for the persons who have applied for a refugee status ( except the right of receiving a lump-sum allowance, in a manner defined by the RA government), as well as the obligations.

Persons who have received a temporary asylum have the rights regulated for the persons who have received a refugee status (except the right of voting during the local self governance elections) as well as obligations.

### **Article 21.3. A Document Certifying Temporary Asylum**

The responsible authority shall issue a certificate of temporary asylum, the description and procedure of its provision is defined by the RA Government, to the person who has been granted temporary asylum.

The certificate of temporary asylum is considered to be a base for a person to legally reside in the territory of the Republic of Armenia.

### **Article 21.4. The Cessation of Temporary Asylum and Withdrawal of Temporary Asylum**

Temporary asylum ceases if:

the circumstances which have served as a base for the provision of a temporary asylum in the Republic of Armenia are not existing anymore  
the person have received a refugee or any other legal residence status in Armenia  
the person has acquires the citizenship of the Republic of Armenia or of any other foreign country  
the person has left the Republic of Armenia for a permanent residence in some other country  
the period defined by the 5<sup>th</sup> para of the article 21.1 of this law has expired

A person is loosing temporary asylum if

s/he has provided false information or documents which were taken as a base for granting him temporary asylum  
the person can be of danger to the security of the Republic of Armenia.

### **Article 21.5. the deportation of the person in case of the cessation of temporary asylum or its withdrawal**

In case of the cessation of temporary asylum or its withdrawal, as proposed by responsible state authorities, a person has to leave the Republic of Armenia in 5 days time if s/he does not have other legal bases to reside in the territory of the Republic of Armenia.

The person , who refuses to leave the Republic of Armenia in the proposed time frame, is subject for deportation in the manner prescribed by the legislation of the territory of the Republic of Armenia.

## **CHAPTER 7. The State Designated Body for Refugee issues**

Article 22. The Competence of the State Designated Body for Refugee issues

The competence on matters relating to recognition, rejection, loss, deprivation of refugee status in the territory of the RA shall belong to the state designated body dealing with refugees.

The state designated body shall organise reception, settlement and social protection of an applicant for refugee status in accordance with manner prescribed by this Law and the order defined by the government of the RA.

## **CHAPTER 8. Acquisition of the Citizenship of the Republic of Armenia by Refugees**

### **Article 23. Acquisition of the RA Citizenship by Refugees**

Acquisition of the RA citizenship by refugees is implemented in accordance with the manner prescribed by the Law of the RA “On Citizenship of the RA”.

The corresponding state authorities, within the scope of their jurisdiction, shall assist the refugees to acquire RA citizenship.

## **CHAPTER 9. Responsibility for Violation of the Law**

### **Article 24. Responsibility for the Violation of the Law**

The persons violating provisions of this Law shall be responsible in a manner prescribed by the RA legislation.

## **CHAPTER 10. Transitory Provisions**

### **Article 25. On Persons Forcibly Displaced to the RA in 1988-1992**

Persons, who are forcibly displaced to the RA from the Republic of Azerbaijan in 1988-1992 and registered as refugees with the state body responsible for refugees, are refugees in the context of this law. *(Amended as of 3 March 2004)*

PRESIDENT OF THE REPUBLIC OF ARMENIA

R. KOCHARYAN

Yerevan, 27 March 1999