

Council of Europe
Conseil de l'Europe



Strasbourg, 5 May 1994
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COE253575

Restricted
CDL (94) 23

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF ARMENIA

DRAFT LAW ON THE LEGAL STATUS OF
FOREIGN CITIZENS IN THE REPUBLIC
OF ARMENIA

**Law on the Legal Status of Foreign Citizens
in the Republic of Armenia
-Republic of Armenia-**

**CHAPTER I
COMMON PRINCIPLES**

**Article 1. The Tasks of the Law on the Legal Status of
Foreign Citizens**

This Law, based on principles and standards of international Law, defines the procedure of entering the Republic of Armenia for foreign citizens, the residency, travel within Armenia, transit trips, existing status as well as their rights and responsibilities in the Republic of Armenia.

**Article 2. The Principles of the Legal Status of Foreign
Citizens.**

Persons who are not citizen of the Republic of Armenia and have the citizenship of another country are considered foreign citizens in the Republic of Armenia. Foreign citizens are entitled to the standards of international Law, and to the rights and freedoms defined by the legislation of the Republic of Armenia.

Article 3. The Legislation on Legal Status of Foreign Citizens
The legal status of foreign citizens in the Republic of Armenia is regulated by this given Law and by other deeds of the legislation of the Republic of Armenia on the legal status of foreign citizens.

Article 4. Persons without Citizenship

The principles of this Law apply also to persons without citizenship, who are in the Republic of Armenia, if there are not any other principles provided by the legislation of the Republic of Armenia.

**CHAPTER 2
ENTRANCE AND EXIT OF THE REPUBLIC OF
ARMENIA BY A FOREIGN CITIZEN**

Article 5. Entry of the Republic of Armenia by a Foreign Citizen.

Foreign citizens may enter the Republic of Armenia with an entrance visas issued by corresponding bodies of Ministry of Foreign Affairs, and in the borders of the Republic of Armenia by the entrance visas given by the competent bodies of the Ministry of Internal Affairs, or by the procedure defined by the international agreements signed by the Republic of Armenia.

Entrance and exit of the Republic of Armenia for foreign citizens who have legal status in the Republic of Armenia, is regulated by the procedure defined by this law.

Article 6. The Procedure of Receiving an Entrance Visas for the Republic of Armenia.

To receive an entrance visas for the Republic of Armenia foreign citizens shall complete a form determined by the government and submits other requested documents.

Article 7. Entrance Visas and Terms of Visas.

A foreign citizen who is entering the Republic of Armenia is given one of the following kinds of entrance visas:

- a) transit visas ---for up to three days.
- b) tourist visas ---for up to fifteen days.
- c) long term entrance visas --- for up to three months,
- d) diplomatic entrance visas.

Article 8. The procedure of extending an entrance visas.

Diplomatic and tourist entrance visas are given for one usage time. Transit and long term visas are given for multiple usage. Entrance visas of foreign citizens may be extended not more than twice and no more than one third of the period of the visas duration. A duration of an entrance visas in the Republic of Armenia is extended by corresponding bodies of the Ministry of Internal Affairs, and outside of Armenia by the corresponding bodies of the Ministry of Foreign Affairs.

Article 9. The Rejection of an Entrance Visas.

The demand of an entrance visas for the Republic of Armenia can be rejected. The applicant will be informed of the reasons of this refusal.

Article 10. The form of Issuing an Entrance Visas.

An entrance visa is registered in an internationally recognized document which identifies the person, or it is attached to it.

Article 11. Entrance Visas Fees.

The fee for an entrance visas is taken according to the procedure defined by the legislation of the Republic of Armenia.

Article 12. The Procedure of Entrance the Republic of Armenia by Foreign Citizens.

While entering the national border of the Republic of Armenia, foreign citizens have to present an entrance visa, an internationally recognized document which identifies the person, and they have to complete a declaration according to the procedure defined by the government of Armenia.

Article 13. Responsibilities of Foreign Citizens in Border Area.

Foreign citizens have to fulfill the demands of the customs office in border area of the Republic of Armenia. These demands are defined by the legislation of the Republic of Armenia.

Article 14. The Procedure of Being in the Republic of Armenia for Foreign Citizens.

In the Republic of Armenia, foreign citizens shall have entrance visas, identifying documents and submit them to authorized officials when requested.

Article 15. The Procedure of Receiving Documents which Substitute to the Official Documents.

In the case of lost or damage of an entrance visas, a passport or other official papers a foreign citizen should immediately notify to the corresponding bodies of the Ministry of Internal Affairs, which in two days gives to the foreign citizen documents substituting damaged or lost documents.

Article 16. Exit of Foreign Citizens from the Republic of Armenia.

Foreign citizens can exit from the Republic of Armenia with the internationally recognized document identifying a person or the document substituting that, given by the corresponding bodies of the Ministry of Internal Affairs.

The exit of foreign citizens from the Republic of Armenia can be refused if:

- a) there are criminal charges against him/her, until the trial is over,
- b) there is a court judgement against him/her until the sentence is carried out.

Article 17 The Procedure of Registration of Foreign Citizens.

Registration of foreign citizens in the Republic of Armenia according to their residence is carried out by the bodies of the Ministry of Internal Affairs based on documents which confirm their right to stay in the Republic of Armenia as well as their occupation of a living place. Registration of foreign citizens who are staying in a hotel, pansion, or tourist center is carried out by these institutions according to the procedure defined by the Ministry of Internal Affairs.

Foreign citizens pay a registration fee for their registration which amount is determined by the legislation of the Republic of Armenia.

Article 18. Transit Fee for Foreign Citizens.

To enter the Republic of Armenia and to exit from the Republic of Armenia foreign citizens shall pay a transit fee which amount is determined by the legislation of the Republic of Armenia..

**CHAPTER 3
THE STATUS OF FOREIGN CITIZENS IN
THE REPUBLIC OF ARMENIA**

Article 19. Different Types of Status of Foreign Citizens.

Four types of status are defined for foreign citizens who are in the Republic of Armenia; temporary, ordinary, special, and exclusive.

A foreign citizen can have only one type of those status.

Article 20. A Temporary Status.

A temporary status is given for up to one year to the foreigners who had came to Armenia to work based on contract or for personal

business); to foreign students studying in the state or religious educational institutions of the Republic of Armenia; and to foreign journalists, researchers, as well as to persons who have been invited for public or religious work.

Duration of temporary staying may be extended as many as it necessary not more than by one year..

Article 21. An Ordinary Status.

An ordinary status is given for three years and can be renewed. It is given to every foreign citizen who has submitted an application. The priority to receive this status belongs to foreign citizens who:

- a) legally lived in the Republic of Armenia for three years,
- b) are ex-citizens of the Republic of Armenia and are close relatives of citizens of the Republic of Armenia (spouse, child, father, mother, sister, brother),
- c) graduated from a Higher Educational State Institution or from an institution having the same level,
- d) has the refugee status

Article 22. A Special Status

A special status is given for up to ten years. for more than one time. A special status can be given to a foreign citizen who is providing useful activities to the Republic of Armenia.

Article 23. An Exclusive Status.

An exclusive status is given to the foreign employees of Diplomatic and Consular Representations of foreign countries in the Republic of Armenia, as well as to the membres of their families , for the duration of their employment.

An exclusive status can be given also to the foreign employees of international organizations.

Article 24. The Procedure of Obtaining a Temporary Status and an Ordinary Status.

Temporary status and ordinary status and documents confirming them are given by the Ministry of Internal Affairs of the Republic of Armenia following the procedure defined by the legislation of the Republic of Armenia.

The Ministry of Internal Affairs in a one mounth period sends a written note to the applicant about its decision.

In case of rejection , the applicant can appeal against it to the Prime Ministre of the Republic of Armenia. The complaint is considered within a mounth and a written answer is given to the applicant.

If an application for temporary or ordinary status is rejected, the applicant may present another demand after one year.

Article 25. The Procedure of Obtaining a Special Status.

Foreign citizens who want to obtain special status submit an application on behalf of the President of the Republic of Armenia to the Diplomatic and Consular Representations of the Republic of Armenia abroad, or in the Republic of Armenia to the Ministry of Internal Affairs, submitting necessary documents and filling up a form. Foreign citizens who have obtained a special status are given a special passport by the Diplomatic and Consular Representations of the Republic of Armenia, or in the Republic of Armenia by the Ministry of Internal Affairs. For this special passport a fee which amount is defined by the government shall be paid.

If the application for the special status is rejected the applicant may apply again after a year.

CHAPTER 5

**THE RIGHTS AND RESPONSIBILITIES OF FOREIGN
CITIZENS IN THE REPUBLIC OF ARMENIA**

Article 26. In the Republic of Armenia foreign citizens have the freedom of speech, of thought, and religion according to the legislation of the Republic of Armenia.

Foreign citizens may have public preachings or rituals only by the permission of the Ministry of Internal Affairs of the Republic of Armenia.

In the Republic of Armenia foreign citizens have the right to preserve their language, national culture and traditions.

Article 27. In the Republic of Armenia, foreign citizens can not vote for the elections, can not be a member of a political or public organization, can not be elected or assigned for such positions, or have activities which request to have the citizenship of the Republic of Armenia according to the legislation of the Republic of Armenia

Article 28 . Foreign citizens have the right to legal protection from illegal interfering in their private and family life, they have the right of juridical protection against violation of their privacy and residence, of secrecy of their mail, of their honour and dignity, of the security of their life and health, of their freedom and property.

Article 29. Foreign citizens have the right to acquire property, to have employment or to have personal business according to the procedure defined by the legislation of the Republic of Armenia.

Article 30. In the Republic of Armenia, foreign citizens may get married or divorced according to the procedure defined by the legislation of the Republic of Armenia and have in family relations the same social assistances, rights and obligations than the citizens of the Republic of Armenia.

Article 31. Foreign citizens of the Republic of Armenia pay taxes, fees, and other mandatory contributions according to the procedure defined by the legislation of the Republic of Armenia.

Article 32. Foreign citizens shall not serve in the army of the Republic of Armenia.

Article 33. Defending their rights, foreign citizens make use of all means of defence of the citizens of the Republic of Armenia. When arresting, imprisoning, bringing criminal charges, or banning the exit of a foreign citizen from the Republic of Armenia, the corresponding authorities shall notify it, in 24 hours, to the representation of the country which represents the foreign citizen's interest. Foreign citizens shall leave the Republic of Armenia when their entry visas is expired or when the duration of their status is over.

Article 34. Making use of their rights and freedoms, foreign citizens must not harm the rights and freedoms of the citizens of the Republic of Armenia and other persons, as well as the social life, the well-being of the population and the national security of the Republic of Armenia.

CHAPTER 5 THE LEGAL SITUATION OF THE FOREIGN CITIZENS HAVING A STATUS IN THE REPUBLIC OF ARMENIA

Article 35. Rights and Duties of the Foreign Citizens with a Status.

Foreign citizens having a status in the Republic of Armenia have the rights as the citizens to inherit, to make a will, to donate their property, to make use of funeral by insurance and other services, to be a membre of a benevolent, cultural, sports, and other public

organizations and to be executive position, as long as those functions do not contradict the rules and regulations of those organizations.

Foreign citizens having a status may be a member of international organizations working in the Republic of Armenia.

A status gives to the foreign citizen the right to enter to and to exit from the Republic of Armenia.

Foreign citizens having temporary, ordinary, or special status have the right to invite their close relatives to the Republic of Armenia

The fee which amount is decided by the legislation of the Republic of Armenia has to be paid to get the invitation certified

The right to invite other people of foreign citizens having exclusive status is regulated by the international agreements.

Article 36. Rights and Duties of Foreign Citizens having Temporary Status.

Foreign citizens with a temporary status can acquire the right to work in the Republic of Armenia, by the procedure defined by the government of the Republic of Armenia.

Foreign students with a temporary status may get the right to work with the autorisation of the Ministry of Education and Science of the Republic of Armenia. Foreign citizens with a temporary status can enter and exit the Republic of Armenia without any restriction.

Entering Armenia they pay a entrance visas fee. Foreign students do not pay any entrance visas fee.

The rights of foreign students to go aboard and the duration of their absence are regulated by the educational institutions.

Foreign citizens with a temporary status may bring one car for their personal use during their staying in the Republic of Armenia.

Foreign citizens with a temporary status can not modify the purpose of their staying in Armenia without the autorisation of the Ministry of Internal Affairs.

Foreign citizens with a temporary status carry out their financial and commercial transactions according to the procedures defined by the legislation of Republic of Armenia.

Article 37. Rights and Duties of Foreign Citizens having Ordinary Status.

Foreign citizens having an ordinary status have the right to work, to have social rights, to provide entrepreneurship and to make use of insurance services.

Foreign citizens having an ordinary status shall work in the Republic of Armenia by contracts. A copy of the contract is to be submitted to the corresponding bodies of the ~~MINISTRY OF INTERNAL AFFAIRS~~.

The period of work of the foreign citizens is considered achieved when the duration of their status is over.

In a period of three months after receiving an ordinary status, foreign citizens can bring to the Republic of Armenia their personal belongings and their car for personal use without paying a fee. To bring other kind of property the foreign citizens shall pay customs duty according to the procedure defined by law. Foreign citizens with an ordinary status shall registre once a year and during that year they can not be absent from the Republic of Armenia for more than six months if they do not have a written agreement from the Ministry of Internal Affairs providing that they do not exceed the period of one year, and they pay a annual fee which amount is decided by law.

Foreign citizens who have lived in the Republic of Armenia for three years may apply to obtain the citizenship of the Republic of Armenia. In that case their status is extended another year during which they can not leave Armenia without the permission of the Ministry of Internal Affairs.

Article 38. Rights and Duties of Foreign Citizens having a Special Status.

Foreign citizens having a special status have the right to work, can have business activities according to the same procedure determined for foreign citizens with an ordinary status. They do not pay entrance visas fee.

Persons having a special status shall appear before registre once a year to the Diplomatic and Consular Missions of the Republic of Armenia abroad, and in the territory Armenia to the corresponding competent bodies of the Ministry of Internal Affairs.

Entering the Republic of Armenia, foreign citizens with a special status shall pay an entrance fee which amount is decided by the Government of the Republic of Armenia.

Article 39. Rights and Duties of Foreign Citizens with an exclusive status.

Rights and duties of foreign citizens with an exclusive status are defined by the international agreements of the Republic of Armenia, by the laws of the Republic of Armenia, the decrees of the President of the Republic of Armenia and decisions of the Government of the Republic of Armenia.

Foreign citizens with an exclusive status have the right to inviolability of their person according to the international agreements and the legislation of the Republic of Armenia.

CHAPTER 6
RESPONSIBILITIES OF FOREIGN CITIZENS
THE PROCEDURE OF THEIR EXPULSION FROM
THE REPUBLIC OF ARMENIA

Article 40. Responsibilities of Foreign Citizens in the Republic of Armenia

In the Republic of Armenia, foreign citizens are responsible to the law as citizens of the Republic of Armenia, except for the cases defined by international agreements of the Republic of Armenia and by its legislation.

In the case of violating the procedure of being in the Republic of Armenia defined by this law, living without legal documents confirming a status or having illegal documents, violating the procedure of registration, living in the Republic of Armenia with an expired visas, disobeying the rules of customs office, foreign citizens are responsible to the legislation of the Republic of Armenia

Article 41. Different Kinds of Expulsion of Foreign Citizens.

Following an administrative or judicial decision, foreign citizens may be expelled from the Republic of Armenia if they activities threaten the security of the Republic of Armenia or the security of its people, the public life and the morality, the health of others, or in other cases defined by law.

Article 42. Expulsion of Foreign Citizens by an Administrative Decision

The decision of expulsion of a foreign citizen which excludes citizens with an exclusive status, is taken by the Minister of Internal Affairs, based on the conclusions of the commission organized by him; a representative of the country which protects the interests of the given foreign citizen may be present at the meeting held by the commission.

The decision of expulsion of a foreign citizen with an exclusive status is taken by the Minister of Internal Affairs according to the procedure defined by the government of Armenia. The foreign citizen or the representative of the country which protects his/her interests can appeal against the decision of expulsion within seven days to the Prime Minister of the Republic of Armenia.

A foreign citizen expelled by an administrative decision can return to Armenia only with the permission of the Minister of Internal

Affairs, and a foreign citizen with an exclusive status with the permission of the Minister of Foreign Affairs.

Article 43. Expulsion of a Foreign Citizen by a Judicial Decision.

A foreign citizen is expelled from the Republic of Armenia by a judicial decision in the cases defined by the legislation of the Republic of Armenia. The tribunal of the Republic of Armenia may decide the expulsion as an additional punishment for a foreign citizen. In the case of the decision of imprisonment does not exceed two years, it may be replaced by a decision of expulsion. The President of the Republic of Armenia may replace the decision of imprisonment of a foreign citizen, or a part of it by a decision of expulsion from the Republic of Armenia. The institution which took the decision of expulsion shall notify within ten days the representation of the country which protects the interests of this given person.

Article 45 The Situation of the Expelled Foreign Citizen

A foreign citizen who is expelled from the Republic of Armenia by a judicial or administrative decision shall leave the country within a determined period of time and from a designated border crossing. A foreign citizen who resists shall be deported by force.

Article 46. The transfer of foreign citizens according to the Agreement on extradition of criminals.

Foreign citizens in the Republic of Armenia accused of crime in any other country will be handed to that country if so asked by this country or by an international organizations according to the international agreements on extradition.

Draft presented by the Parliamentary Committee on National Policy Issues and Independent Statehood.