



Roundtable on the developing of a mechanism for identification and referral of asylum-seekers in Armenia

21 May 2014

Royal Tulip Grand Hotel Yerevan, Grand Oval Hall

Introduction

This report is a summary of one day meeting, which aimed to provide a forum for discussion of a proposal to strengthen the mechanism for identification and referral of asylum-seekers at the borders of Armenia. The discussion touched on themes as diverse as the UNHCR Ten Point Plan of Action on Refugee Protection and Mixed Migration¹ and protection sensitive entry systems and effective mechanisms for referral of asylum-seekers; the national legal framework and the practice of identification and referral of asylum seekers; the role of NGOs at the border; examples of mechanisms for identification and referral of asylum seekers in other countries (the experience of Moldova was discussed in detail); and further steps on improving the national mechanism for identification and referral of asylum seekers in Armenia.

The roundtable brought together all the stakeholders (State Migration Service (SMS), Border Guard Troops of the National Security Service, Passport and Visa Department of the Police, Ministry of Justice, Office of Ombudsman, Armenian Red Cross Society, Mission Armenia NGO) for the discussion of the possibility to improve the mechanism for identification and referral of asylum seekers in the Republic of Armenia. A representative from the Border Police Department of the Ministry of Internal Affairs of the Republic of Moldova was invited to the roundtable and shared the experience of Moldova on the internal instruction regarding protection and assistance provided at the border to foreign nationals and stateless persons². There were also representatives of EU delegation, UNDP, IOM and the EU-funded Twinning Project of Sweden participating in the discussions.

Rationale for the meeting

The further development of a national mechanism for the identification and referral of asylum seekers stems from a recommendation made in the recently published UNHCR report on the gaps in the Armenian asylum system which was produced under the auspices of the EU-funded regional project Asylum Systems Quality Initiative in Eastern Europe and South Caucasus (QIEE). The recommendation draws on the experience of

¹ <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4afc19472>

² Attached as an annex to this report are: (i) Moldova internal instruction regarding protection and assistance provided at the border to foreign nationals and stateless persons, dated 2010; and (ii) the power point presentation provided by Mr. Sergiu Martin, Head of Operational Cooperation Unit, Border Police Department of the Ministry of Internal Affairs of the Republic of Moldova.



other States which shows that the existence of detailed guidance for the staff of the mentioned agencies on how to work with persons potentially in need of international protection has vital importance in ensuring respect for the principle of *non-refoulement* and adequate reception conditions. The Regional Project Coordinator of the QIEE project also joined the roundtable discussion.

Key outcomes

The participants noted that a number of positive initiatives have already been adopted in Armenia, which in turn contribute to the strengthening of a protection-sensitive entry-system. These include having the Law on Refugee and Asylum; Law on Aliens, Decree on Special Facilities at the Borders, Border Guards academy; UNHCR/SMS/ARCS trainings; involvement of Border Guards in QIEE activities; border visits by ARCS & UNHCR and dissemination of Asylum leaflets.

Notwithstanding these significant steps, the round-table concluded that some areas require further work. In particular, it was observed that the Criminal Code of the Republic of Armenia under Article 329 makes no exception for refugees or persons seeking asylum (as opposed to political asylum), and that the legislative framework therefore should be amended in order to bring Armenia fully in line with its obligations under Article 31 of the 1951 Convention relating to the Status of Refugees. Another important aspect mentioned was the practical issue of access to information about the asylum procedure and the need to further supplement what is already provided in this respect by the Border Guards, Office of the Ombudsman, SMS, UNHCR and the Armenian Red Cross Society. Building on training that is currently offered to new Border Guard staff, it was agreed that there is still a need for more specific guidance for Border Guards as to how to work with asylum-seekers in different scenarios and that practical advice on working with persons with specific needs could be further strengthened. The participants agreed that there is so far no profiling tool or questionnaire introduced to facilitate the work of Border Guards and there is certainly potential to strengthen cooperation in the delivery of protection training. More technical gaps that may affect service delivery were observed such as the non-availability of dedicated interview rooms in some Border Crossing Points, occasional lack of translation capacity and linked to this the need to further improve English language skills among BCP personnel.

Throughout the day, recommendations continued to come back to the following key themes of (i) review of domestic legislation, (ii) development of specific guidance or Standard Operating Procedures and/or a guidebook for border guards, (iii) partnership and (iv) capacity-building. Thus, a summary of recommendations along these themes is included in this report. As a response to the overwhelming interest shown during the roundtable, UNHCR will continue to engage in 2014 and beyond in assisting further development of the referral mechanism in Armenia, which will include information-collection and monitoring, coordination of protection responses and development of SOPs/guidebooks, as well as training initiatives for the border management actors in Armenia.



Summary of recommendations

1. Review of domestic legislation

- ✓ Participants agreed that there is a need to address the conflict in law arising from Article 329 of the Criminal Code vs Article 7 of the Law on Refugees and Asylum.
- ✓ It was proposed also that participants may contribute to the development of amendments to the Refugee Law, which are now being drafted by the State Migration Service (SMS) in consultation with UNHCR, and which may further contribute to a protection-sensitive entry system in Armenia.

2. Development of tools to support identification and referral at the borders such as: specific Standard Operating Procedures and a guidebook for border guards

- ✓ The State Migration Service (SMS) invited interested organizations to submit their suggestions on the procedure of identification and referral of asylum seekers in view of the plans for amendments of the Asylum and Refugee Law in 2014.
- ✓ The Border Guards Troops invited suggestions from partners to develop specific instructions for identification of asylum seekers and their referral to SMS that will include templates for short interview, protocol of the transfer to SMS and other practical aspects.
- ✓ UNHCR suggested that a Working Group can be established to develop the guidelines for the identification and referral of asylum-seekers and to propose types of technical assistance needed for development of those mechanisms.

3. Partnership

- ✓ The Armenian Red Cross Society (ARCS) offered to continue cooperation with all of the stakeholders at border crossing points for provision of counselling and awareness raising activities.
- ✓ UNHCR proposed to develop a Memorandum of Understanding for formalizing the cooperation between the main stakeholders, i.e. SMS, Border Guards Troops, a specialized NGO and UNHCR.

4. Capacity-building

- ✓ UNHCR offered to continue to provide introductory sessions on international protection to the border guards in close cooperation with SMS and ARCS.
- ✓ The Border Guards (BG) Troops and UNHCR proposed that capacity-building efforts will be most effective when the representatives of BGs Headquarters also participate as resource persons in the trainings, which are jointly facilitated by SMS, UNHCR and ARCS.



- ✓ Building on the adoption of a curriculum by the Border Guards academy in 2013, it was agreed that UNHCR and the SMS could meet the facilitators of sessions covering refugee law to receive an update on the training.
- ✓ Systematic training for lawyers to be provided in the framework of the curriculum in The School of Advocates shall allow the creation of the lawyers network and the provision of the legal advice to (potential) asylum seekers as of the earliest stage of their arrival to Armenia.
- ✓ Areas in which some or all participants expressed specific training needs include: non-refoulement principle, non-penalization principle, confidentiality and registration standards; working with unaccompanied minors and other vulnerable groups; skills-sharing in the context of protection-sensitive border management.

UNHCR would like to thank all participants for the active participation and fruitful discussions during and since the roundtable. Each session of the roundtable was the occasion to decide on recommendations, which are outlined in this report. Already, plans are being put in place to organise in the second half of 2014 some trainings that were recommended by the participants.

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