

Unofficial translation

Ratified by
RA President R. Kocharyan
19 July 2001

RA GOVERNMENTAL

DECISION # 655

19 July 2001

Yerevan

On Refugee Status Determination Procedure

In order to implement the RA Refugee Law and regulate the process of granting or rejecting refugee status to the applicants for refugee status in the Republic of Armenia, the RA Government decides:

To approve Refugee Status Determination Procedure (attached).

RA Prime-Minister

A. Margaryan

Approved by the RA
Government on 19 July
2001, by the decision #
655

Refugee Status Determination PROCEDURE

1. General provisions

1. These provisions define the procedure for recognition or rejection of applicants for a refugee status in the territory of the Republic of Armenia.
2. In accordance with the article 1 of the RA Refugee Law, in the RA the refugee status can be given to a person, who is not a citizen of the Republic of Armenia and 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 nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside of 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 it; or who has more than one nationality and based on well-founded fear, he is unable to avail himself of the protection of one of the countries of which he is national.
3. Discussion on granting a refugee status to the foreign citizen and stateless person, who applied for a refugee status to the RA Governmental Department on Migration and Refugees, starts upon receiving his/her application.

2. Procedures for initiating the process of Refugee Status Determination

4. A person, who entered the territory of the Republic of Armenia in a manner prescribed by the RA legislation and is intending to apply for a refugee status shall submit, within 10 days, an application to DMR. The format of the application is established by the Department
5. A person, who does not have an entry visa for the Republic of Armenia and who came from a country where he/she was subjected to the conditions mentioned in the article 1 of the RA Refugee Law, at the RA border point and within 24 hours shall

inform the border services or the relevant bodies of the Ministry of Interior of his/her intention to apply for a refugee status. Border services or the relevant bodies of the Ministry of Interior shall immediately inform DMR about such person. DMR takes responsibility for such person upon receiving information on him/her.

6. In a case of not having an entry visa for the Republic of Armenia, the application submitted to DMR at the border point permits the asylum-seeker to enter the Republic of Armenia. Representative of the border guards shall leave a copy of an application for refugee status at his office and provide one to the representative of the Ministry of Interior. UNHCR staff can participate when considering the application for refugee status at the border point or SDMR office.

7. The documents identifying the person as well as the documents which serve as a proof for giving a refugee status, shall be attached to the application for the refugee status.

8. When there are no identity documents in possession of an applicant for a refugee status, DMR, in order to establish his/her identity, sends an official query to the relevant bodies of the RA Ministry of Interior and other competent institutions.

9. An asylum-seeker shall fill out by hand the questionnaire, where he states the main reasons of leaving the country of his nationality or former habitual residence. When asylum-seeker is not able to fill out a form due to his/her language skills, SDMR staff member shall fill out the form. The format of the questionnaire is established by the Department

10. The application and the attached documents shall be registered by DMR. The applicant for refugee status shall receive the ID of the applicant for refugee status. The applicant for refugee status shall be enlisted in the records of the Ministry of Interior.

11. DMR puts, in a prescribed manner, an asylum-seeker in a special premise for the period needed to arrange a medical examination and a verification of submitted documents. The reference letter (annex 1) given by DMR shall be the basis for residence in a special premise.

12. The applicant for a refugee status shall be explained the order of taking a decision on his/her application, his/her rights and obligations.

3. Procedures on processing the application for a refugee status

13. As a rule, the individual case of an applicant (from registration of the application to the final decision) is processed by one of DMR officials. The official shall assess the credibility of the information given by the applicant and prepare a written conclusion on the possibility to give a refugee status to the applicant.

14. Not later than in 7 days from the registration of the application for a refugee status, an interview is conducted with a prior notice to the applicant. The interview is conducted to acquire information for verification of the credibility and assessment of

the proofs submitted by an applicant for refugee status. In the course of an interview, the interviewer fills out the data card (annex 2).

15. An interviewer, in the case of a necessity, has the right to use the service of a translator.

16. In the case of lack of credibility of the information relayed by an applicant for refugee status, detection of a false document, Department shall apply with a corresponding inquiry to the RA Ministry of Foreign Affairs, interior bodies, other institutions.

17. The application for refugee status shall be registered in a separate journal, and his/her personal file shall be kept with the responsible staff of the Department till the final decision is made. Applications registration procedure is established by the Department.

4. Adoption of a decision on application

18. Department takes a decision on giving or rejecting a refugee status to the applicant for refugee status, informing him/her thereof within 3 days. Decision on giving a refugee status is taken by the Head of Department not later than in one month, and three months in a case of necessity for additional investigation, after the registration of the application.

19. Decision on giving a refugee status shall be taken on the basis of a written conclusion by an official of Department, which shall result from detailed examination of all the documents and verification of the facts relayed by the applicant for refugee status. The RA Ministry of Interior shall be informed by Department, within one week, of a decision on giving a refugee status.

20. The person, who has been recognised as a refugee in the RA, shall receive the refugee identity card of a pattern established by the RA Government Decision # 695 on procedure of providing ID cards and travel documents for refugees in the Republic of Armenia, dated 20 November 1999.

21. A refugee shall have the right to select a temporary dwelling proposed by Department for temporary residence. The reference letter given by Department shall be the basis for residence in a temporary dwelling (annex 3).

22. The personal case of a refugee shall be kept in an archive.

5. Rejection of the application for refugee status and appeal of the rejection

23. Refugee status in the Republic of Armenia will not be given to a person, in accordance with the articles #6 and #14 of the RA Refugee Law.

24. Decision on rejection of an application for refugee status is taken by the Head of Department in the form of an order: based on a written conclusion of an official of Department dealing with the case.

25. The applicant for refugee status is given a paper on rejection of the an application for refugee status (annex 4), and the previously given paper on that he/she had applied for a refugee status is taken back.

The RA Ministry of Interior shall be informed by Department, within one week, of a decision on rejection of an application for refugee status.

26. Rejection of an application for refugee status may be appealed to the RA Prime-Minister and to the courts, within one month.

27. The person whose application for refugee status has been rejected (including the end of an appeal process), shall, within 5 days after receiving the final rejection, voluntarily leave the RA, if Department has demanded so.

28. The person, whose application for refugee status has been finally rejected, is deported from the RA in a manner established by the RA legislation for foreign citizens and stateless persons.