

GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

No 239-N of 9 March 2017

**ON ESTABLISHING THE PROCEDURE AND CONDITIONS FOR APPOINTING A REPRESENTATIVE WITHIN THE FRAMEWORK OF THE ASYLUM PROCEDURE**

---

In accordance with parts 3, 9-11 of Article 50 of the Republic of Armenia Law “On Refugees and Asylum”, the Government of the Republic of Armenia *decides*:

1. to establish

1) the procedure and conditions for appointing within the framework of the asylum procedure a representative for an unaccompanied or separated asylum seeking child according to Annex N1.

2) the procedure and conditions for appointing within the framework of the asylum procedure a representative for an asylum seeker incapable of realizing the essence and significance of the asylum procedure in consequence of mental illness, temporary mental health disorder, another morbid condition or weak-mindedness or disability, according to Annex N2.

2. This decision shall enter into force on the 10<sup>th</sup> day following its official promulgation.

Prime Minister of the Republic of Armenia  
K. Karapetyan  
13 March 2017, Yerevan

## PROCEDURE AND CONDITIONS

### FOR APPOINTING A REPRESENTATIVE FOR AN UNACCOMPANIED OR SEPARATED ASYLUM SEEKING CHILD WITHIN THE FRAMEWORK OF THE ASYLUM PROCEDURE

1. This procedure regulates the relations connected with appointment of a representative for an unaccompanied or separated asylum seeking child (hereinafter referred to as “the child”) within the framework of the asylum procedure.

2. This procedure shall apply to persons under the age of 18 specified in points 2 and 3 of part 1 of Article 8 of the Republic of Armenia Law “On Refugees and Asylum”.

3. The representative of the child shall be appointed by the decision of the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia (hereinafter referred to as “the Service”).

4. If the asylum seeker does not hold a document certifying his/her age, the information on his/her age provided by him/her shall be assumed as true.

5. The Service shall stay away from implementing further administrative action with respect to the child’s asylum application until a representative is appointed for him/her in compliance with this procedure.

6. Any adult citizen of the Republic of Armenia, foreign citizen legally residing in the Republic of Armenia or stateless person who meets the requirements established by this procedure, can be appointed the representative of the child.

7. The nomination of candidates for representative shall be implemented via non-governmental organizations dealing with refugee issues in the Republic of Armenia with their consent.

8. On the working day following the date on which the child’s asylum application is received by the Service in compliance with the procedure established by the legislation of the Republic of Armenia, the Service shall apply to the non-governmental organizations dealing with refugee issues in the Republic of Armenia with an official letter requesting to nominate candidates for appointing a representative for the child. The list of the non-governmental organizations shall be approved by the Service in consultation with the Office of the United Nations High Commissioner for Refugees in Armenia.

9. The candidate nominated for representative shall possess the skills and knowledge required for working with children, as well as knowledge on the RA legislation on Refugees and Asylum and shall have completed the training courses specified in point 15 of this procedure. The representative shall operate on voluntary basis.

10. Within 3 working days after the candidates' data are received by the Service, the decision on appointing a representative for the child shall be made. In appointing a representative the preference shall be given to the candidate who meets the requirements

specified in point 9 of this procedure, i.e. he/she shall possess the skills required for working with children. The Service shall inform the representative of the decision within a period of 3 working days.

11. The guardian/custodian appointed for the child by the RA legislation should be assigned as the child's representative. If the child is allocated at a social protection centre (orphanage, boarding school, centre for child protection) the representative of that centre shall be appointed his/her representative. In that cases the child's representative shall be appointed by the representative of the guardian/custodian or the social protection centre based on the application to the Service, within a period of 3 working days after the application is received by the Service.

12. The child's representative is appointed in scope of the asylum procedure. The latter should represent the child's best interests in an appropriate way during the asylum granting procedure.

13. If, during the examination of the child's asylum application, his/her parents /parent/ are found and the child is reunited with his/her parents (parent) in the Republic of Armenia, the appointed representative's powers may be terminated by the decision of the Service.

14. The representative's powers may be terminated by the decision of the Service if the child is over the ages of eighteen. The Service shall inform the relevant non-governmental organization of the decision immediately.

15. The Service, in cooperation with the Office of the United Nations High Commissioner for Refugees in Armenia, shall organize a training on asylum granting procedure for the workers of non-governmental organizations specified in point 8 of this procedure.

MINISTER-CHIEF  
OF STAFF OF THE GOVERNMENT  
OF THE REPUBLIC OF ARMENIA

D. HARUTYUNYAN

## PROCEDURE AND CONDITIONS

### **FOR APPOINTING WITHIN THE FRAMEWORK OF THE ASYLUM PROCEDURE A REPRESENTATIVE FOR AN ASYLUM SEEKER INCAPABLE OF REALIZING THE ESSENCE AND SIGNIFICANCE OF THE ASYLUM PROCEDURE IN CONSEQUENCE OF MENTAL ILLNESS, TEMPORARY MENTAL HEALTH DISORDER, ANOTHER MORBID CONDITION OR WEAK-MINDEDNESS OR DISABILITY**

1. This procedure regulates the relations connected with the procedure and conditions for appointing within the framework of the asylum procedure a representative for an asylum seeker incapable of realizing the essence and significance of the asylum procedure in consequence of mental illness, temporary mental health disorder, other morbid condition or weak-mindedness or disability (hereinafter referred to as asylum-seeker).

2. The representative of the asylum seeker shall be appointed by the decision of the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia (hereinafter referred to as “the Service”).

3. The Service shall stay away from implementing further administrative action with respect to the asylum application of the asylum seeker until a representative is appointed for him/her in compliance with this procedure.

4. If there are well-grounded suspicions that the asylum seeker fails to realize the essence and significance of the asylum procedure and to represent his/her asylum application in a productive way in consequence of mental illness, temporary mental health disorder, other morbid condition or weak-mindedness or disability, the Service with respect to the asylum procedure shall appoint a representative to protect the asylum seeker’s interests in an appropriate way with the consent of the latter based on the relevant specialist’s conclusion.

5. The Service shall apply to the Ministry of Health of the Republic of Armenia for the relevant specialist’s conclusion, if the asylum seekers consent is available.

6. Any adult citizen of the Republic of Armenia, foreign citizen legally residing in the Republic of Armenia or stateless person who meets the requirements specified in point 9 of this procedure, can be appointed the representative of the asylum seeker.

7. The nomination of candidates for representative shall be implemented via non-governmental organizations dealing with refugee issues in the Republic of Armenia, with their consent.

8. On the working day following the date on which the conclusion of the relevant specialist specified in point 9 of this procedure is received, the Service shall apply to the non-governmental organizations dealing with refugee issues in the Republic of Armenia with an official letter requesting to nominate candidates for appointing a representative for the asylum seeker. The list of the non-governmental organizations shall be approved by the

Service in consultation with the Office of the United Nations High Commissioner for Refugees in Armenia.

9. The candidate nominated for representative shall possess the skills and knowledge required for working with asylum seekers, as well as knowledge on the RA legislation on Refugees and Asylum and shall have completed the training courses specified in point 11 of this procedure. The representative shall operate on voluntary basis.

10. Within 3 working days after the candidates' data are received by the Service, the decision on appointing a representative for the asylum seeker shall be made. In appointing a representative the preference shall be given to the candidate who meets the requirements specified in point 9 of this procedure, i.e. he/she shall possess the skills required for working with children. The Service shall inform the representative of the decision within a period of 3 working days.

11. The Service, in cooperation with the Office of the United Nations High Commissioner for Refugees in Armenia, shall organize a training on asylum granting procedure as specified in point 8 of this procedure.

MINISTER-CHIEF  
OF STAFF OF THE GOVERNMENT  
OF THE REPUBLIC OF ARMENIA

D. HARUTYUNYAN