

LAW OF THE REPUBLIC OF ARMENIA

On Political Asylum

Chapter I. General Provisions

Article 1. Subject of the Law

This law regulates the grounds and procedure for granting political asylum in the Republic of Armenia, the basis for rejection of application, cessation of this right as well as other relations relating to the subject of this Law.

Article 2. Area of implementation

1. This law spreads on foreign citizens and stateless persons who implement public-political activities in their country of citizenship or permanently residence, well-known by the society and in a manner prescribed by this Law have applied to be granted political asylum in the Republic of Armenia or already have been granted political asylum in Armenia.
2. This law does not cover foreign citizens and stateless persons who have been granted refugee status or other residence permit in the Republic of Armenia.

Article 3. Definition of Political Asylum

1. Political asylum is a special status granted to foreign citizen and stateless person (hereafter foreign citizen) in the Republic of Armenia, which provides protection to the foreign citizen from political persecution that he/she experienced in the country of his/her citizenship or permanent residence and would have been still persecuted, if the Republic of Armenia will not give an asylum.
2. According to this law “political persecution” means physical, moral or other pressure on foreign citizen by the state authorities or by public-political organisations of that country based on permission of the state authorities, which is aimed to change political view of the person, or prevent public criticising speeches against the state and the authorities made by a person in line with his/her political views and expressed opinions, corresponding to the international human rights.
3. The action is not considered to be “political persecution” if it is made by a foreign state, the appropriate authorities, and international organisations against a foreign person, who conducted a non-political crime or took actions contradicting the principles of international law.

Chapter II. Procedure for applying for the right of political asylum and procedure for making of decision

Article 4. Applicant for political asylum and his/her entrance to the Republic of Armenia

1. Applicant for political asylum (hereafter an applicant) is a foreign citizen who has submitted written application for being granted political asylum in the Republic of Armenia, in accordance with defined procedure.
2. The entrance of the applicant to the Republic of Armenia is implemented in accordance with the RA legislation and international treaties of the RA.
3. The procedure of provision of temporary shelter and other conditions of life to an applicant is defined by the Government of the RA.

Article 5. Procedure of applying for political asylum

1. Foreign citizens residing in foreign countries can submit their applications for being granted political asylum in the Republic of Armenia to the diplomatic representations and consulates of the Republic of Armenia in those countries.
2. Foreign citizens who entered the Republic of Armenia shall submit their applications for being granted political asylum in the Republic of Armenia to the responsible RA governmental authority (hereafter-designated state authority).
3. In cases stipulated in the point 1 of this article the diplomatic representations and consulates of the Republic of Armenia in foreign countries through the RA Ministry of Foreign Affairs shall forward the application with other necessary documents to the designated state authority within 10-day period after receiving the application.
4. The responsible state authority, after receiving appropriate state authorities' conclusion regarding application for political asylum and based on existing documentation shall present its proposal to the President of the Republic of Armenia within one month period.

The proposal shall be prepared on the principle of describing the circumstances available in the case-file by separately indicating the grounds provided by the law for granting or rejecting the application.

5. Based on the application the designated state authority prepares a personal file.
6. The form of the application, the list of documents to be attached to it and the procedure for making and maintaining the file shall be defined by the Government of the RA.

Article 6. The non-processing of the application and its rejection.

1. The application for being granting political asylum in the RA shall not be processed if it turns out that s/he has been granted refugee status of other resident permit in the RA, which have not been abrogated in the manner defined by the law, as well as if the application is not appended by the necessary documents stipulated by the articles 5 and 6 of this law, except for the cases, when the absence of some of them, in fact, does not impede the decision making on the application.
2. The application may be rejected by the designated state authority, if:
 - (a) An applicant has received any legal status (including asylum) in another country,
 - (b) An applicant is prosecuted by the legitimate state body of the RA for the crime within its territory or against it,
 - (c) There is no persecution against him/her in his/her country of citizenship or permanent residence, or s/he is prosecuted by that state for the conduct exclusively generating criminal responsibility or for other violation made.
1. The diplomatic representations and consulate institutions of the RA in the foreign countries may also reject the applications for political asylum presented to them, if the grounds stipulated in the point 2 of this article exist. The designated state authority shall be informed about rejection through the Ministry of Foreign Affairs within 10-day period.
2. The rejected applicant may appeal to the President of the RA within 10-day period in a manner prescribed by the Law.
3. After receiving the appeal within 10-day period the designated state authority with the statement of its opinion on the appeal shall present the appeal and other documents pertaining to that to the President of the RA.

Article 7 Decision making on the application and appeal.

1. The designated state authority shall present the application with the necessary documents (article 5 of this law) to the President of the RA, who within one month after receiving the documents makes a decision on granting or rejecting political asylum.

In cases when the application requires additional study the a/m time can be prolonged up to three month.

2. Political asylum is granted for one-year period, which by the presentation of the designated state authority can be extended each time for one year by the President of the RA, except for cases when there are grounds for termination of this right provided by the law.
3. The designated state authority in accordance with the procedure defined by the RA Government shall issue a person being granted the political asylum an ID card on the right of political asylum in the RA and a travel document.
4. In case of rejection of application by the RA President a foreign citizen may reapply under the availability of the newly emerged circumstances.

Newly emerged circumstances mean the submission of such documents by an applicant, which were not attached to the original application and which are sufficient

for the processing of the application the second time due to the absence of the grounds for rejection.

5. If the application has been rejected and an applicant has not appealed the decision on rejection within the period defined, then he may apply for second time in a general manner prescribed by this law.
6. The provisions of this article shall also extend over the decisions making by the President of the RA on appeal stipulated by point 4 of article 6 of this law.
7. An applicant shall be informed about being granted or rejected within 5-day period from moment of making the decision.

Chapter III The status of person granted political asylum.

Article 8. The status of a person, who has been granted political asylum

The legal regime stipulated for a person, who has temporary resident permit received in accordance with the Law “On the legal status of foreign citizens” shall apply to a person, who has been granted political asylum in the RA.

Article 9. Provision of temporary apartment to a person who has been granted political asylum

1. A person, who has been granted political asylum can buy an own dwelling space on his/her own initiative in a manner stipulated by the RA legislation.
2. In case a person who has been granted political asylum cannot afford to buy dwelling space himself, a designated state authority shall provide him with temporary shelter according to the procedure and requirements defined by the RA Government.

Chapter IV. The Cessation of Political Asylum.

Article 10. The basis for the cessation of political asylum.

1. Political asylum is terminated based on the application of a person, who has been granted political asylum.
2. The right for political asylum may also terminate with the petition of a designated state authority if:
 - (a) the period of validity of right for the political asylum has expired, consequently from that moment when conditions which served as a basis for the right of political asylum are eliminated.
 - (b) the person who has the right for political asylum, has acquired the Armenian citizenship according to the legislation of the Republic of Armenia.
 - (c) has left for a foreign country for a permanent residence, or if he has acquired the citizenship of a foreign country,

- (d) a verdict has been released on a person who has received political asylum which has come into force, or if according to the international agreements of the Republic of Armenia he has been handed over to the relevant authorities of foreign country with the purpose of criminal persecution, including to the country of citizenship, or where he had a permanent residence before he has been granted political asylum.
- (e) Did not submit to the designated state authority documents or facts providing information on continuation of his/her political persecution.
- (f) according to the RA legislation he has been granted refugee status or any other legal status.

Article 11. The procedure of cessation of political asylum.

1. In case there are grounds stipulated in article 10 of this law, as well as, based on the relevant documents, the designated state authority submits a proposal to the President of the Republic of Armenia on the cessation of the right for political asylum, mentioning the reasons and the motives.

2. In case of the cessation of the right for political asylum, a citizen of a foreign country can stay in the territory of the Republic of Armenia if there is other legal base for that. If such basis is absent, he can be deported from the Republic of Armenia in a manner stipulated by the Law.

Article 12. The Responsibility for the Violation of the Law

The persons who violates the requirements of the above law, bears the responsibility according to the legislation of the Republic of Armenia.

Article 13. Validity

The above law comes into force after its official declaration.