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The Current Stage of the EU-Armenia Visa Dialogue¹

Summary

This study outlines the current level of EU-Armenia cooperation concerning visa procedures and related spheres. It includes an overview of the cooperation, particularly with introduction of the Eastern Partnership (EaP) initiative, technical issues and the level of readiness of Armenian governmental bodies to deal with them, a short comparison with other EaP countries and an assessment of the current practice of issuing visas. Finally, a set of practical recommendations is proposed.

The main research methodology used in drafting the paper is desk research covering the websites of state institutions, EU bodies and other international organisations as well as information in mass media; in addition to desk research, a comparative analysis of publications by various research institutions and surveys was conducted. Attention was paid to the working procedures of governmental bodies dealing with issuing of documents, border control and other related issues, as well as to visa issuing procedures used by the consular authorities of European states. The recommendations, in particular, take into account the measures that the Western Balkan states had implemented before their citizens were granted visa-free travel, and cover the measures that may be implemented in the short-term perspective.

Awareness about EU-Armenia cooperation

Reduction and further removal of administrative barriers between the EU and partner countries in the sphere of freedom of movement for the citizens may be considered one of the cornerstones of cooperation. At the same time, the conditions and pace of such policy are still the subject for discussions in EU member states, while specific mechanisms are being formed.

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An opinion poll on the EU conducted in October 2009 by the Armenian-European Policy and Legal Advice Centre (AEPLAC) and the International Centre for Human Development (ICHHD) among residents of Yerevan showed that 86.3% of the respondents thought that Armenia should integrate into the European community. However, only 25.9% indicated that they had heard about the European Neighbourhood Policy (ENP) and 13.4% had heard about the Eastern Partnership initiative (EaP). At the same time, 75% regarded the issues covered by the ENP and EaP (support for the solution of the Nagorno-Karabakh conflict, economic development, strengthening of democratic structures, respect for human rights, improvement of investment climate, regional cooperation) as important areas for cooperation between the EU and Armenia.²

It has also been noted that Armenian media pay relatively little attention to EU-Armenia relations, in particular the EaP. A monitoring of 15 leading Armenian newspapers conducted by the Yerevan Press Club in March and April 2010 showed that only 20 publications had mentioned the EaP.³

During the EaP Civil Society Forum (CSF) organised by the European Commission together with the Swedish EU Presidency and European Economic and Social Committee in Brussels on 16–17 November 2009, representatives of more than 200 civil society organisations from EU member countries and the EaP countries formed four working groups. Three of four working groups of the forum (WG1: Democracy, Human Rights, Good Governance and Stability; WG2: Economic Integration and Convergence with the EU Policies; WG4: Contacts between People) mentioned visa facilitation and liberalisation in their communiqués as an issue important for development of cooperation between the EU and the EaP countries.

There has not been a large-scale public campaign to promote the EaP. The general pub-

lic is not very well informed and there is no widespread public demand to accelerate adoption of required legal acts. However, among those who are informed about the issue, the attitude towards possible visa liberalisation is overwhelmingly positive. The government and civil society organisations should consider elaboration of advocacy and communication strategies that would help to inform the general public more adequately, so that efforts in the field of European integration could receive more consistent support.

It may be noted that liberalisation of visa-related procedures, including a reduced visa fee and availability of long-term visas, might increase the number of tourists from Armenia willing to visit European countries. The cost of airline tickets from Armenia to Austria, the Czech Republic, France, Hungary, Italy and other popular tourist destinations in Europe are comparable to the cost of travelling to visa-free countries such as Russia, Turkey, or Ukraine. The reduction of visa costs and paperwork would further stimulate interest in travelling to Europe. It is also important, as some representatives of civil society noted, that easier travelling might stimulate business activities, contribute to development of a democratic set of values and improve the quality of knowledge about Europe and its cultural influence, so the society in general would become more open-minded.

Introduction of the Eastern Partnership initiative

The Decision of the European Council dated 20 June 2008, followed by the Communication from the European Commission on Eastern Partnership dated 3 December 2008, included declaration of the political perspective of a visa-free regime and referred to the specific practical mechanism applied to achieve the aim, the so-called roadmaps. Such roadmaps would be developed taking into account specific conditions and peculiarities of each country. The communication said, in particular: 'Once visa facilitation and readmission agreements are effectively implemented, [the EU should] open dialogues on visa-free travel with all cooperating partners. Dialogues would establish roadmaps leading to visa waiver, dealing with four

² *Survey on Awareness of EU and Armenia's European Integration among Yerevan Residents*. Available at http://www.aeplac.eu/images/activities_1/Survey_report_final.pdf.

³ Boris Navasardian, *Debating Eastern Partnership: A comparison of perspectives and expectations. Report on Armenia*, Yerevan 2010. Available at http://www.feswar.org.pl/fes2009/pdf_doc/Armenien.pdf.

main blocks of issues: document security; fight against irregular migration, including readmission; public order issues; and external relation issues, including human rights of migrants and other vulnerable groups.⁴

The Communication also listed the ways of providing EU assistance for partner countries. To ensure that mobility would take place in a secure environment, the EU should help its partners to implement the political and legislative commitments they have already undertaken in the European Neighbourhood Policy framework in the justice and law enforcement areas. This could be done through reinforced technical cooperation and financial assistance, where the role of twinning projects and TAIEX should be substantially enhanced.

However, EU member states have rather different approaches, so some of them would prefer deeper cooperation with a perspective of integration of Eastern European partner countries, while others prefer to preserve the traditional ENP agenda. The differences proved to be quite clear in the sphere of visa liberalisation. As a result, successive EU documents on the EaP were less ambitious and specific, as an attempt was made to find a common denominator acceptable for all.

The Presidency Conclusions of the Brussels European Council adopted in Brussels in March 2009 included the term 'full visa liberalisation' instead of 'visa-free regime'. The wording allows to suggest that the European Council, in general, applies a more cautious approach towards visa regime removal than the European Commission: 'The EU, in line with the Global Approach to Migration, should also take gradual steps towards full visa liberalisation as a long term goal for individual partner countries and on a case-by-case basis provided that conditions for well-managed and secure mobility are in place.'⁵

The Declaration of the inaugural Eastern Partnership (EaP) summit in Prague in May 2009 stated: 'Supporting mobility of citizens

and visa liberalisation in a secure environment is another important aspect of the Eastern Partnership. It will promote mobility of citizens of the partner countries through visa facilitation and readmission agreements; the EU [...] will also take gradual steps towards full visa liberalisation as a long term goal for individual partner countries on a case-by-case basis provided that conditions for well-managed and secure mobility are in place.'⁶

Concerning migration control and security issues, the EU would help partners, in particular, to establish high-standard border management procedures at the external borders; assist in setting up an effective data protection regime which would allow to sharing operational information with Europol and Eurojust in the context of bilateral agreements; grant partners special status in relevant EU agencies, where feasible; support adopting and implementing national strategies in line with EU standards to fight vigorously against organised crime, trafficking and high-level corruption; and to prevent money laundering and financing of terrorism at an early stage.

The EaP, launched in May 2009, offered an opportunity for closer cooperation between the European Union, on the one side, and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, on the other, in several spheres besides visa liberalisation. Cooperation with any particular country would be individualised and developed within four thematic platforms: Democracy, good governance and stability, economic integration and convergence with EU policies, energy security and interpersonal relations.

Each of the countries involved in the EaP has an opportunity to conclude an Association Agreement with the EU; to establish a deep and comprehensive free trade area (DCFTA); cooperation enhancement in the field of common borders control, aiming at setting up a visa-free regime for both sides in a long term perspective, but in the short term – liberalisation of the visa systems; cooperation in the field of energy security; EU support in economic and social development.

⁴ *Communication from the Commission to the European Parliament and the Council*, 3 December 2008, p. 7. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF>.

⁵ *Brussels European Council Presidency Conclusions*, 19–20 March 2009, p. 20. Available at <http://register.consilium.europa.eu/pdf/en/09/st07/st07880-re01.en09.pdf>.

⁶ *Joint Declaration of the Prague Eastern Partnership Summit*, 7 May 2009, p. 7. Available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf.

The importance of dialogue between the EU and Armenia on matters related to the movement of people, including readmission and visa issues, had already been emphasised in the EU-Armenia Action Plan signed in 2006 as a part of the European Neighbourhood Policy.⁷ More recently, in April 2009, the need for the conclusion of visa facilitation and readmission agreements between the EU and Armenia had been highlighted again during a meeting of the EU-Armenia Parliamentary Cooperation Committee.

The Southern Caucasus Integrated Border Management (SCIBM) programme, adopted in 2007 and funded by the EU, helped to organise preparatory training sessions for Armenian customs and border guard services in several EU countries.⁸ Training programmes targeting border guards, customs and other officials involved in border management will be continued.

Armenian governmental bodies coordinating issues related to the Eastern Partnership

Several government agencies are responsible for different aspects related to the EaP. The following bodies are involved in coordination: The Committee for Coordination of Cooperation between Armenia and EU institutions (headed by the President), which acts as the general coordinator in the field of cooperation with the Council of Europe, EU and NATO; the National Council and Coordination Committee for EU-Armenia Cooperation for the Purposes of Implementation of the ENP EU-Armenia Action Plan, chaired by the Prime Minister (the National Council includes civil society stakeholders, discusses and assesses the performance progress of implementing the ENP Action Plan, while the Coordination Committee is responsible for developing the policy and strategy directions for EU-Armenia integration); the Inter-agency Committee

chaired by the Secretary of the National Security Council, which coordinates the activities of state institutions and implementation of the ENP Action Plan; the Ministry of Economy is responsible for monitoring of ENP Action Plan implementation, implements projects under TACIS and ENPI, and is also responsible for the Deep and Comprehensive Free Trade Agreement (DCFTA), part of the Association Agreement, as it implements the political coordination of the DCFTA negotiation process, manages the activities of DCFTA Inter-Agency Commission, and conducts the DCFTA negotiations; the Ministry of Foreign Affairs (European Department) is the main coordinator for the political and cultural relations with the European countries and European institutions, it leads the negotiation process about the EU-Armenia Association Agreement, and the Consular department deals with readmission issues; the Ministry of Justice heads the Armenian side of the sub-committee on Justice, Freedom and Security, in this respect also having an active role in Association Agreement negotiation process, and is responsible for coordinating the work on approximation of legal provisions and practices with the EU acquis related to the visa process; the Passport and Visa Department of the Police and the Ministry of Foreign Affairs (which is responsible for issuing visas) will cover the security of travel documents and visa issues, while the process is technically implemented by the E-Governance Infrastructure Implementation Unit chaired by the Minister of Economy of Armenia; the Police also has a Division of Combating Illegal Migration and International Cooperation, and a Division on Combating Human Trafficking in its structure, and is also responsible for the fight against organised crime and money laundering, as well as for drafting legal acts related to data protection; the State Migration Service under the Ministry of Territorial Administration is coordinating migration-related issues, including development of migration policy and legislation, deals with the problems of refugees, asylum seekers and internally displaced persons; the National Security Service is co-responsible for the control over illegal migration, and is in charge of border management and control.

⁷ Available at http://ec.europa.eu/world/enp/pdf/action_plans/armenia_enp_ap_final_en.pdf.

⁸ Karen Hovhannisian, *Visa Liberalization Baseline Study: Armenia*, p. 5. International Centre for Human Development, Yerevan 2011. Available at <http://novisa.eu/wp-content/uploads/2011/01/ArmeniaFINAL.pdf>.

The current stage of negotiations and technical issues

Negotiations towards the conclusion of the EU-Armenia association agreement began in July 2010. The EU Council also recommended starting negotiations on the readmission agreement together with presenting a roadmap for visa liberalisation. During the first meeting of the Armenia-EU sub-committee on Justice, Freedom and Security in Yerevan on 6 July 2010, the EU representatives noted a number of issues to be solved, particularly related to illegal migration, border management, security of travel documents and data protection.⁹

On 26 November 2010, the head of the European Commission delegation to Armenia, Raul de Luzenberger, signed an agreement with the minister of economic development, Nerses Yeritsyan, providing that in 2011–2013 the EU would allocate 32 million euros within the framework of the Comprehensive Institution Building Programme aiming, particularly, at supporting law enforcement and border security.¹⁰ Then, during a press conference, Mr. de Luzenberger again emphasised the importance of signing a readmission agreement with the EU, as well as carefully monitoring reliability of Armenian citizens' documents.¹¹

It may be noted that Armenia signed bilateral readmission agreements with several EU countries (Belgium, the Czech Republic, Denmark, Germany, Latvia, Lithuania, Luxembourg, the Netherlands and Sweden) and other countries participating in the Schengen agreement (Iceland, Norway and Switzerland), but not yet with the EU, while that is an important prerequisite for visa facilitation.

Another issue connected to readmission is the supposed possibility of illegal migration of third-country nationals via Armenia. According to an UNHCR assessment, Armenian legislation on asylum and refugees adopted on 26 November 2008 and implemented since 24

January 2009 regulates 'most aspects of admission and treatment of asylum seekers and refugees in line with international standards, ensuring respect for the right to asylum and addressing national security concerns.'¹² There were 135 asylum seekers in Armenia in 2009–2010, 80 of whom were granted refugee status or temporary protection. Before that, in 2003–2008, the number of applications was considerably higher, most of the applicants were ethnic Armenians from Iraq for whom Armenia was the destination country providing a simplified procedure for granting residence permits and citizenship. The largest number of applicants being registered in 2006, during the Second Lebanon War, when besides the Iraqi Armenians, around 200 Lebanese and Israelis sought protection; 353 of 650 applications filed that year were denied.

Table 1. The number of asylum seekers in Armenia, 2003–2010.¹³

YEAR	Number of applications	Granted refugee status or temporary protection	Rejected	Case processing suspended
2003	82	63	19	
2004	162	146	16	
2005	163	127	36	
2006	650	297	353	
2007	291	274	17	
2008	207	79	128	
2009	67	56	11	
2010	68	24	34	10
TOTAL	1690	1066	614	10

Citizens of a number of African and Asian countries where there is political instability, terrorist threat or civil war may enter Armenia only with a visa issued by an Armenian consulate on the basis of an officially approved invitation. The list includes countries whose citizens need A type (airport transit) visas for travelling via European airports, as well as some other countries. Moreover, there are no Armenian consulates in most of the countries on that list (Afghanistan, Nigeria, Pakistan, Somalia,

⁹ Hovhannisian, p. 10.

¹⁰ Regnum News, 27 November 2010, <http://regnum.ru/news/fd-abroad/armenia/1350761.html>.

¹¹ PanArmenian News, 27 November 2010, http://www.panarmenian.net/eng/world/news/57457/Armenia_must_undertake_deportation_of_citizen_illegally_residing_in_EU_territory.

¹² Hovhannisian, p. 11.

¹³ State Migration Service of Armenia, http://www.smsmta.am/?menu_id=61.

Sudan, etc.), so citizens of those countries seldom enter Armenia. As there is no shared border between Armenia and EU, the possibility of illegal migration of third-country nationals via Armenia is not significant. However, the possibility of readmission of third-country nationals must also be foreseen.

In February 2011, a group of European experts headed by Ms. Dafni Gogou (Head of Unit, International Aspects of Migration and Visa Policy, DG Justice and Home Affairs, European Commission) met with Armenian officials. European experts noted that negotiations with Armenia would start soon and the process would unfold in stages: submission of the draft of the visa facilitation agreement to the Armenian authorities, final agreement on the text of the document and its ratification.¹⁴ The conclusion of the visa facilitation agreement will help to shorten Schengen visa application procedures for Armenian citizens; the visa fee will be 35 euros, instead of 60 euros, and may even be waived for certain categories of applicants; consular decisions may be delivered in a shorter time.

In September 2011, the European Commission proposed to open negotiations on a visa facilitation agreement between the EU and Armenia. The list of suggested visa facilitation measures includes the simplification of documentary evidence to be submitted in support of visa applications, the possibility of issuing multiple-entry visas with a long period of validity and the reduction of the handling fees or fee waivers for some categories of applicants.¹⁵

During the Warsaw Eastern Partnership Summit which took place on 29–30 September 2011, a Joint Declaration was adopted by heads of states or governments of EU members and the EaP countries. The declaration stated that once visa facilitation and readmission agreements would be concluded and implemented, gradual

steps towards visa-free regimes might be taken. The declaration also welcomed the establishment of mobility partnerships with Georgia and Moldova, and mentioned good progress made by Armenia in this respect.¹⁶ New mobility partnership was officially launched in October, when a joint declaration on carrying out a series of initiatives in the field of migration was signed by EU Commissioner for Home Affairs Cecilia Malmström, Poland's Minister of the Interior and Administration, Jerzy Miller, and Armenia's Minister of Foreign Affairs, Edward Nalbandian. Mobility partnership's goal is to ensure, through dialogue and practical cooperation, that there is a responsible and joint management of migratory flows that protects the interests of the Union, of its partners and of the migrants themselves. The partnership will also support Armenia's efforts to improve the way it deals with issues relating to asylum and the protection of refugees, and to the prevention and reduction of irregular migration and human trafficking.¹⁷

Concerning other important issues that need solutions, namely, border management and data protection, some problems may arise because Armenia's borders with Iran and Turkey are controlled by Russian border guards, who also supervise the border control service at Yerevan international airport. Data protection and privacy is a particularly sensitive issue, since Armenian authorities probably hand over personal data of visa applicants (including EU citizens) to the Russians. This suggestion may be substantiated: for example, in 2008, during the Russo-Georgian armed conflict, two Polish journalists who intended to travel to Georgia via Armenia, were denied visas at Yerevan international airport and had to return to Warsaw. The refusal decision could hardly be based on grounds provided by the law (reasons to believe that an applicant may be engaged in an illegal activity, pose a threat to state security or public order, etc.). Such an unfavourable decision could hardly be taken

¹⁴ *Armenia and EU to start negotiations over simplified visa regime*, 9 February 2011, <http://tert.am/en/news/2011/02/09/visa/?sw>.

¹⁵ *The Commission proposes to open negotiations on Visa Facilitation and Readmission Agreements with Armenia*, Brussels, 27 October 2011, IP/11/1257, Europa press releases RAPID, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1053&format=HTML&aged=0&language=EN&guiLanguage=en>.

¹⁶ Joint Declaration of the Warsaw Eastern Partnership Summit. Available at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/124843.pdf.

¹⁷ *Better mobility between the EU and Armenia*, Brussels, 27 October 2011, IP/11/1257, Europa press releases RAPID, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1257&type=HTML>.

by the independent judgement of Armenian officials, without considering the Russians' opinion. The Armenian government will need to regain exclusive control over the country's borders and guarantee a proper approach to data protection and privacy.

Planned introduction of biometric passports and ID cards

The Armenian government announced a tender for printing of biometric passports in November 2010. On 17 December 2010, the director of the Department of Passports and Visas, Norayr Muradkhanyan, stated that issuing of biometric passports would begin in September 2011. Mr. Muradkhanyan also noted that biometric passports would be issued optionally, and citizens would have an opportunity to opt for old type passports as well.¹⁸ Apparently, such an approach could be adopted because of the considerably higher price of biometric passports: Currently, old type passports issued in five working days cost 1000 AMD (about 2 euros), and it is also possible to receive a passport in one working day for 20.000 AMD (about 39 euros), while the suggested fee for issuing of biometric passports mentioned by Mr. Muradkhanyan was 15.000 AMD (about 29 euros).

In June 2011, Minister of Justice Hrayr Tovmasyan stated that introduction of biometric passports might be postponed until 2012.¹⁹ By that time, the government had not made a final decision which company would be contracted. In September, deputy head of the National Police Arthur Osikyan confirmed at a parliamentary hearing that biometric passports would be issued from 2012 and would cost around 50–60 euros.²⁰ In comparison, the minimum price of biometric passports in Georgia is 100 GEL (about 40 euros),²¹ and in Moldova – 700 MDL (about 44 euros), although passports may also

be issued for a higher fee if shorter processing time is required by the applicants.²²

In November it was confirmed that the first delivery of biometric passports printed by the Polish company PWPW S.A. will take place in the first quarter of 2012. In 2012–2016, 300.000 passports will be delivered.²³ It is planned that initially 61 registration centres as well as 10 mobile stations will deal with citizens' applications for biometric passports and ID cards. The system is going to be fully integrated with the State Register of Population of the Passport and Visa department.

A short comparison with other countries involved in the Eastern Partnership initiative

Georgia has moved to a more advanced stage: the EU-Georgia visa facilitation agreement was signed on 17 June 2010, and on 22 November 2010, the readmission agreement was signed. As Georgia had already started issuing biometric passports and enhanced its border security and data protection measures, ratification of the recent readmission agreement allowed, according to a statement by European Commissioner for Enlargement Štefan Füle, 'both the visa facilitation and readmission agreements [...] enter into force, facilitating mobility for Georgian citizens who want to come to the EU. It will make it easier, cheaper and quicker to obtain a short term Schengen visa.'²⁴ Notably, soon after the ratification, starting from 1 March 2011, the visa fee for Georgian citizens was set at 35 euros, instead of the previous 60 euros.

In the Moldovan and Ukrainian cases, visa facilitation agreements entered into force in 2008; moreover, the reduced visa fee had been applied since 2006. Moldova has been using the visa liberalisation roadmaps for Balkan

¹⁸ Press conference report available at <http://www.lragir.am/armsrc/society42044.html>.

¹⁹ PanArmenian News, 7 June 2011, http://www.panarmenian.net/eng/society/news/71962/Biometric_passports_to_be_issued_in_Armenia_in_2012.

²⁰ 1st Armenian News Agency, 14 September 2011, http://www.1in.am/arm/armenia_politics_33443.html.

²¹ Ministry of Justice of Georgia, http://www.justice.gov.ge/index.php?sec_id=531&lang_id=ENG.

²² State Information Resources Centre 'Registru', http://www.registru.md/pa_ru.

²³ 1st Armenian News Agency, 8 November 2011, http://www.1in.am/arm/armenia_society_41510.html.

²⁴ *European Union signs readmission agreement with Georgia*, Brussels, 22 November 2010, MEMO/10/601, Europa press releases RAPID, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/601&format=HTML&aged=0&language=EN&guiLanguage=en>.

countries as a point of reference. From 2008, optional issuing of biometric passports began, and since 2011, only biometric passports fully complying with the ICAO standards are issued, while the Integrated Border Management System will be fully functional from 2012.²⁵ It is worth noting that in a recent comparative study of reform performance by the EaP countries prepared by the International Renaissance Foundation in cooperation with the Open Society Foundations and publicised during the CSF event in Poznan on 30 November 2011, Moldova has been ranked as the best performing country, Georgia – as the second, Ukraine – the third and Armenia – the fourth.²⁶ In this respect, especially Georgia's and Moldova's experience should be further studied by Armenian experts and policy makers, not only concerning the visa dialogue with the EU, but reforms in general.

The perception of the visa application process and possible improvements

While visa facilitation for Armenian citizens depends on the fulfilment of aforementioned technical conditions, some issues concerning the visa application process could be solved earlier, and it would be desirable to take appropriate measures as soon as possible. Visa application procedures used by different consulates are reviewed in this part, as well as summarised in Table 2 on pages 13–14.

One of the problematic issues is the need to submit visa applications to consular authorities situated in other countries. The EU Visa Code, which entered into force on 5 April 2010 and applies to most of the EU members, as well as other countries participating in the Schengen agreement, stipulates that 'Member States should be present or represented for visa purposes in all third countries whose nationals are subject to visa requirements. Member States lacking their own consulate in

a given third country [...] should endeavour to conclude representation arrangements in order to avoid a disproportionate effort on the part of visa applicants to have access to consulates'²⁷ and 'Member States shall cooperate to prevent a situation in which an application cannot be examined and decided on because the Member State [...] is neither present nor represented in the third country where the applicant lodges the application'.²⁸

Presently, in Armenia there are consular representations of six members of the Schengen agreement: France, Germany, Greece, Italy, Lithuania and Poland. Whereas short-term visas in most cases can be issued (the consular section of the French embassy is authorised to issue such visas on behalf of Denmark, Iceland, Latvia, Norway and Portugal, the German – on behalf of Austria, Belgium, Luxembourg, the Netherlands and Sweden, the Italian – on behalf of Finland and Spain, the Lithuanian – on behalf of Estonia and Hungary, the Polish – on behalf of Slovenia), four member states are not represented in Armenia, so applications for visas for the Czech Republic and Switzerland must be submitted to the consular authorities in Tbilisi (the recently opened Swiss embassy in Yerevan has not yet opened a consular section), and for Malta and Slovakia – in Moscow. In addition, some of the consular authorities used to accept applications and deliver issued visas via intermediaries before the current Visa Code was applied, but now refuse to do so, therefore, when travelling to Moscow is required, the cost of submitting an application exceeds 400 euros. This may really be defined as a 'disproportionate effort on the part of visa applicants'.

With regard to consular representation, it may also be noted that a Yerevan-based think-tank, the Analytical Centre on Globalisation and Regional Cooperation (ACGRC), invited attention to the issue as early as October 2008. In a letter sent to the ministries of foreign affairs and embassies of the EU member states not having consular representation in Armenia, the ACGRC noted the high cost and complexity of visa issuing procedures, and suggested that the

²⁵ Leonid Litra, *Moldova's Foreign Policy Statewatch Issue 5*, June 2010, p. 2. Institute for Development and Social Initiatives "Viitorul", Chisinau, available at <http://www.viitorul.org/public/2880/en/Policy%20Statewatch5.pdf>.

²⁶ Index of European integration for the Eastern Partnership countries. Available at <http://www.irf.ua/files/ukr/programs/euro/eap%20index%20pilot%20edition.pdf>.

²⁷ *Regulation of the European Parliament and of the Council establishing a Community code on Visas (Visa Code)*, preamble, p. 3. Available at <http://register.consilium.europa.eu/pdf/en/09/st03/st03625.en09.pdf>.

²⁸ *Visa Code*, article 5, p. 21.

proposed Eastern Partnership might serve as a framework for solution. The ACGRC also proposed a practical suggestion, namely, establishing a Schengen visa centre on the premises of one of the consulates located in Yerevan. The letter received positive responses from high-level officials representing Estonia, Hungary and some other states. Estonia authorised its consular post in Tbilisi to deal with applications of Armenian citizens from January 2009, and soon concluded a representation agreement with Lithuania, so the Lithuanian consular post in Yerevan started issuing visas on behalf of Estonia from April 2009. From July 2009, the Lithuanian consular post in Yerevan was also authorised to issue visas on behalf of Hungary. There are other issues regarding the member states' compliance with the Visa Code rather than signing of visa facilitation and readmission agreements. For instance, the Visa Code stipulates that if the consular authority refuses to issue a visa, the applicant must be notified about the reasons for such a decision, and a specimen of the standard form on which notification has to be made is provided.²⁹ However, explanations of refusal decisions are not issued by all consulates as required; for instance, the French consulate, which deals with a large share of applications submitted by Armenian citizens, announced its plans to introduce notification procedures only in the second half of 2011, according to consul Frédéric Grapin.³⁰ In contrast, German and Polish consular authorities introduced notification procedures in April 2010, as soon as the Visa Code came into force. Information available from different consular representations and the quality of services differ considerably. The website of the German embassy provides the best functionality, with detailed information in Armenian about visa procedures for different categories of applicants and downloadable bilingual forms; visa applications may be filled online and then printed out. Consular decisions are available for most applicants within three working days. Beginning from 1 July 2011, the previous e-mail appointment registration procedure was abandoned in favour of an online registration form.

The consular section of the Polish embassy also provides detailed information in Armenian, and beginning from 15 September 2011, online appointment registration and application forms are available (in English).

The website of the Italian embassy contains information in Armenian about different spheres of bilateral cooperation, cultural and other issues. However, the visa section provides information only in English and Italian. Although the application form may be downloaded, the online appointment booking link is not functional; visa applicants have to visit the consular section during its working hours without making appointments in advance. This results in long queues, especially in summer, when there is a large amount of applications by tourists planning to visit Italy or Spain, and near the entrance there is neither a seating area nor a roof to protect against the sun. Decisions by the Italian consular authority take the longest time – two weeks (for applicants requesting a visa for Spain – three weeks).

Waiting conditions at consular sections of embassies are inconvenient in most cases. The majority of applicants need to wait outside, without a seating area or any facilities. The German embassy presents a partial exception, as it provides chairs or benches for about 20–25 people waiting in queue, and at the Lithuanian embassy the few chairs available inside are enough because of the small number of applicants.

The website of the French embassy is in French only; information regarding visas in Armenian and application forms may be downloaded, but finding them requires a minimum knowledge of French. The website of the Greek embassy is in Greek only, while the visa application form available for downloading is outdated.

The recently launched website of the Lithuanian embassy provides information in English; information in Russian (understandable for the majority of Armenians) is available from the website of the Ministry of Foreign Affairs. Consultations and appointments are available by email or phone, and the application form may be filled online in English or Russian. Decisions may take up to two weeks, but applicants who travelled to the Schengen area previously may receive visas in three working days. It should be noted that the consular section of

²⁹ *Visa Code*, article 32, p. 60.

³⁰ Regnum News, 21 October 2010, <http://regnum.ru/news/fd-abroad/armenia/1338681.html>.

the Lithuanian embassy usually requires the minimum amount of supporting documents. A long appointment waiting time is often a problem. The Visa Code provides: ‘The appointment shall, as a rule, take place within a period of two weeks from the date when the appointment was requested.’³¹ However, consulates often fail to provide appointments in time. The worst case is presented by the French consular post, where appointments should be made 5–6 weeks in advance, and in summer – more than two months in advance. The waiting time at the German consular post waiting time in mid-July was 21–23 days.

It should be noted that applicants who do not download application forms or receive them via email have to wait in queue, sometimes for more than an hour, just to get an application form. In general, in order to ensure an open procedure, access to information that would assist the potential applicant in assessing the duration, complexity and total cost of obtaining a visa is needed prior to a visit at a consulate. Learning the details of the procedure from available sources is especially important for applicants who live far away from the location of consular offices.

As having a valid insurance policy is one of the requirements for visa applicants, most of the consulates accept insurance policies issued by all licensed Armenian companies. However, the consular section of the French embassy has a more restrictive approach, with a preference for certain insurance companies.

Another significant issue is interpretation of the term ‘non-exhaustive list of supporting documents’ by some consular authorities. The Visa Code provides that documents showing an applicant’s family ties as proof of integration into the country of residence may be required.³² Based on that, some of the consulates require only marriage certificates, children’s birth certificates, job and bank account certificates; but in other cases, adult persons are also required to present their parents’ passports, siblings’ passports and so forth. Moreover, applicants who have travelled several times and used previous visas lawfully are sometimes asked to present a maximum amount of sup-

porting documents with each new application. Besides, some of the consulates accept most of the supporting documents in Armenian. For instance, the consular section of the German embassy requires job certificates in English or German, and for minors, the parents’ agreement for leaving the country must be accompanied by a notarised translation, but other documents (marriage certificates, children’s birth certificates, bank account certificates, property entitlement certificates and so forth) may be presented without translation. In contrast, the French and Italian consular authorities, though employing local staff, require notarised translations of most of the documents, thus adding to the cost of visas considerably.

Such practices, in addition to a relatively high percentage of refusals and inadequate explanations of refusal decisions, cause frustration and suspicions about the subjective judgement of the applications, as the author’s survey among visa applicants and representatives of civil society organisations that participate in the EaP CSF shows. Moreover, in some cases there were even suggestions among representatives of the civil society about the possibility of politically motivated refusal decisions in favour of Armenian authorities, for instance, when in 2008 the French consulate refused visas to two lawyers invited to the European Court of Human Rights (the lawyers were representing the interests of a man who had died in 2007 during police interrogation, allegedly because of torture).

Multiple-entry visas with a period of validity of six months are in general issued for representatives of civil society organisations, scholars and students travelling for the purpose of educational training, seminars and conferences. However, issuing of longer term visas, valid for 1–5 years, for these categories of applicants is very rare. The Visa Code provides that multiple-entry visas may have a period of validity between six months and five years, on the condition that ‘the applicant proves the need or justifies the intention to travel frequently and/or regularly, in particular due to his occupational or family status, such as business persons, civil servants engaged in regular official contacts with Member States and EU institutions, representatives of civil society organisations travelling for the purpose of educational training, seminars and conferences’ and that ‘the applicant proves

³¹ *Visa Code*, article 9, p. 25.

³² *Visa Code*, article 14, p. 33 and annex II, p. 4.

his integrity and reliability, in particular the lawful use of previous uniform visas or visas with limited territorial validity, his economic situation in the country of origin and his genuine intention to leave the territory of the Member States before the expiry of the visa applied for.³³ The need to justify the intention to travel frequently or regularly specified by the Visa Code is interpreted by most consular representations as a requirement to present several invitations at the time of visa application, while invitations are seldom sent six months or more in advance. Applicants' occupational status and the lawful use of previous visas are usually not considered as sufficient justification of the need to travel frequently. So, long-term multiple-entry visas are issued almost exclusively to civil servants and businessmen, with very few NGO representatives as an exception.

Most of the consular representations do not provide statistical data about the percentage of refusals, but surveys among visa applicants allow to estimate that it is rather high – about 20 percent have been refused visas. Most of those refused are applicants desiring to travel privately, without invitations, and those with personal invitations. In the latter category, women aged about 50-65 invited by their recently naturalised children are refused quite often, probably of the concerns about possible staying for a longer time than allowed with the purpose of home keeping or babysitting. Visa applicants are in most cases required to file applications personally, exceptions are made generally for some state officials and wealthy businessmen. Some exceptions are also allowed by the Lithuanian consulate, which accepts applications and delivers decisions via intermediaries with a power of attorney, and the German consulate, which permits the use of intermediaries for 'frequent travellers' (those who received at least two Schengen visas during the previous 24 months, or who previously received a visa valid for one year or a longer term). The collective application mechanism, when accredited or 'reliable' travel agencies submit applications on behalf of groups of applicants is not used, although consular authorities of the same EU members provide such possibilities in Russia, Ukraine and other countries.

It may be observed that the ethical standards and character integrity of some officials may create additional obstacles for visa applicants, as unreliable or forged documents presented by some applicants induce the consular authorities to use a stricter approach. As the ambassador of Poland in Armenia Zdzisław Raczyński noted during the presentation of the Coalition for European Continent Undivided by Visa Barriers organised in Yerevan on 12 September 2011, many of the applicants who have been denied visas presented unreliable documents certified by state officials and public notaries. It is important to mention that most of the interviewed CSF participants hope that EU-Armenia cooperation within the EaP, and visa facilitation in particular, will not be limited to solution of technical issues, but will also work as a tool for advancement of democratic reforms, as a component of EU's 'soft power'. In general, there is a perception among many civil society representatives (as well as among visa applicants) that the rather restrictive character of visa procedures used by the consulates is quite often accompanied by an unfriendly attitude on the part of consular employees, so rather many applicants feel humiliated. Many civil society representatives consider that the way visa regime is applied may reflect the inclination of the Europeans to prevent the hybrid post-Soviet states from 'exporting' their problems related to democratic governance, social and economic spheres to the EU. However, people feeling desperate manage to migrate anyhow, so strict visa issuing procedures create unnecessary obstacles for law-abiding applicants and sometimes stimulate corruption rather than prevent unwanted migration.

Recommendations for implementation by the Armenian government

The Armenian government needs to take the necessary measures ensuring effective implementation of the Community Readmission Agreement and in particular, the replacement of the previous bilateral agreements or arrangements by the Community readmission agreement, the conclusion of implementing protocols with EU member states, the adoption of the measures ensuring that proper infrastruc-

³³ *Visa Code*, article 24, p. 50.

ture, in particular sufficient staff is in place to deal with readmission applications, the respect of the various deadlines set by the Community Readmission agreement and the acceptance of readmission applications for third country nationals/stateless persons.

While proceeding towards the conclusion of the visa facilitation agreement, with regard to its further implementation, continuous monitoring of all institutions, authorities and bodies involved in Armenia with the implementation should be conducted, as regards the issuing of passports and other documents. Appropriate administrative measures ensuring the integrity and security of the personalisation and distribution process should be adopted, together with a high level of security of documents and strict procedures surrounding issuing processes.

The government should consider issuing only biometric passports once they become available. An exception could be made for children, as in a number of countries, including EU members, passports without electronic chip are issued for children. The practice of issuing passports in five working days for a minimal price with availability of a fast-track option should be kept when biometric passports are issued. Such an arrangement, introduced a few years ago, helped to reduce corruption. Previously, when passports had been issued in 3–4 weeks and there had not been an official fast-track option, bribes might have been extorted for shortening the waiting time.

It may be recommended to lift the visa requirement unilaterally for EU citizens, as well as for citizens of other European states and non-European OECD member states. Currently, EU citizens visiting Armenia may receive single-entry visas valid for 21 days or 120 days at border crossing checkpoints; visas cost, respectively, 3.000 and 15.000 AMD (about 6 and 29 euros), and it is possible to extend visitor visas at the Department of Passports and Visas for about 1 euro a day.

As some of the Schengen states have no consular representation in Yerevan, the government should conduct negotiations with such states, primarily with the Czech Republic and Slovakia, concerning the need for providing consular representation as stipulated by the Visa Code.

Measures for improvement of the capacity to investigate cases of organised facilitated illegal migration should be defined and applied.

Capacity building initiatives for the officials dealing with passports and visas are needed, including those on anti-corruption. Improvement of the level of law enforcement and reform implementation is required.

Steps should be taken to ensure efficiency of law enforcement cooperation among relevant national agencies – border guard, police, customs officers, as well as cooperation with the judicial authorities. The Border Management Information System needs to be connected with other electronic registry systems, so exchange of information between national agencies and coordination may be improved.

Regional law enforcement cooperation should be promoted, and bilateral and multilateral operational cooperation agreements, including the timely sharing relevant information with competent law enforcement authorities of EU Member States, should be implemented.

Legislation on the protection of personal data should be implemented, including establishment of an independent data protection supervisory authority.

Armenia should sign, ratify and implement relevant international conventions, such as the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data and its additional protocol. An operational cooperation agreement with Europol with special emphasis on data protection provisions should be concluded.

Recommendations for implementation by the members of the Schengen agreement regarding consular services

The current Visa Code provides a ground for an easier and more transparent application process, but the procedures used by the consular authorities may be improved considerably. The application procedures should be standardised in accordance with the Visa Code and, although the issues concerning the opening hours of consulates, staff skills, etc. are not part of the *acquis communautaire*, best practices should be approached with more attention.

Appointments should be provided within the two-week term specified by the Visa Code. The staff should be instructed in order to prevent undignified treatment of applicants and showing of negative attitude. Refusal decisions should be delivered as required and the availability of an appeal procedure should be clearly explained by all consular representations.

The requirements concerning supporting documents should be harmonised; additional costs and paperwork related to translation and notarisation should be minimised, or even excluded for applicants who previously received Schengen visas or temporary residence permits and used them lawfully.

It is desirable that applicants who travelled several times and did not commit any violation, particularly regarding visa or residence permit validity terms, might receive multiple-entry visas for longer term. Such an arrangement may especially be recommended for representatives of civil society organisations, journalists, scholars and students.

All member states not having consular representations in Armenia should conclude appropriate agreements with other members as soon as possible, so consular authorities stationed in Yerevan would be authorised to issue visas on behalf of the states which do not have a representation.

Table 2.

Country names in the table are abbreviated in accordance with the Visa Code: Austria – AT, Belgium – BE, Denmark – DK, Estonia – EE, Finland – FI, France – FR, Germany – DE, Greece – GR, Hungary – HU, Iceland – IS, Italy – IT, Latvia – LV, Lithuania – LT, Luxembourg – LU, Netherlands – NL, Norway – NO, Poland – PL, Portugal – PT, Slovenia – SI, Spain – ES, Sweden – SE.

Country (also issues visas on behalf of)	Access to information	Appointment registration	Appointment waiting time	Requirements for supporting documents	Decision waiting time (working days)	Facilities for applicants
FR (DK, IS, LV, NO, PT)	Finding information on the website requires some knowledge of French	Online (in English or French)	5–6 weeks (9–10 weeks in summer)	Excessive, requiring notarised translation of many documents (also for applicants with positive visa history)	5	Few chairs inside
DE (AT, BE, LU, NL, SE)	Website with detailed information in Armenian	Online (requires knowledge of few German words)	Up to 3 weeks in summer (in other seasons usually within 1 week)	Vary for different categories of applicants	3–4	Seating area
GR	Website in Greek only, downloadable application form outdated, consultations by phone available	In person at the consular section	Usually 1 week, longer in summer	Standardised	4–8	Few chairs inside

Country (also issues visas on behalf of)	Access to information	Appointment registration	Appointment waiting time	Requirements for supporting documents	Decision waiting time (working days)	Facilities for applicants
IT (FI, ES)	Website with information in English and Italian	Online appointment registration not functioning, entry to the consular section on first-come-first-served principle	–	Excessive, requiring notarised translation of many documents (also for applicants with positive visa history)	10–15	Few chairs inside
LT (EE, HU)	Website in English, online application form in English and Russian, consultations by phone available	By phone or email	1–2 weeks	Minimum requirements, unless applicant seems unreliable	3–10	Few chairs inside
PL (SI)	Website with detailed information in Armenian	Online (in English)	1 week	Standardised	5	–

Applications for visas for the Czech Republic and Switzerland must be submitted to the consular authorities in Tbilisi, for Malta and Slovakia – in Moscow.

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