



ARMENIA

A Migrant Integration Policy Index assessment

Carried out by



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Acknowledgements

The MIPEX assessment has been carried out by Mr Thomas Huddleston of the Migration Policy Group in accordance with the MIPEX methodology.

INTRODUCTION

Implementation of OSCE commitments on migrant integration

Over the years, the OSCE participating States have agreed to a number of commitments in the field of migrant integration, such as:

- The need for their national migration practices to comply with their respective international obligations and OSCE commitments¹;
- The obligation to combat discrimination, intolerance and xenophobia towards migrants and their families²;
- The need to take appropriate measures to enable migrants participation in the life of the society of the participating States³, including measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State⁴;
- The obligation to promote the integration of migrant workers in the host societies of participating States, in which they are lawfully residing, while encouraging their active participation in the integration processes⁵.
- The need to include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms in the national integration policies of the OSCE participating States⁶;
- The need to address⁷ and to promote integration of migrants with respect for cultural and religious diversity and facilitating dialogue, partnership and co-operation on migration related issues between the OSCE participating States⁸;
- The need to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter⁹.
- The need to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.”¹⁰

¹ Decision No. 5/09 on Migration Management of the Athens Ministerial Council.

² For example, see statements in the documents of the Sofia Ministerial Council (Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination), or the Athens Ministerial Council (Decision No. 5/09 on Migration Management).

³ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991 (Paragraph 38.2).

⁴ Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37,38 and 45).

⁵ Concluding Document of Budapest, 6 December 1994 (Decisions, chapter VIII, Paragraph 31).

⁶ Document of the Thirteenth Meeting of the Ministerial Council, Ljubljana, 5-6 December 2005 (Decision No. 2/05 on Migration).

⁷ Ibid, Paragraph 5.6.

⁸ Document of the Fourteenth Meeting of the Ministerial Council, Brussels, 4-5 December 2006, (Ministerial Statement on Migration, Paragraph 5).

⁹ Document of the Fifteenth Meeting of the Ministerial Council, Madrid, 29-30 November 2007 (Paragraph 7).

¹⁰ Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37, 38 and 45).

Therefore it can be concluded effective policies of integration of migrants are part of the commitments of the OSCE participating States in the area of migration.

Achievements made in the area of migrant integration by the OSCE participating States are noteworthy. However, more remains to be done. Progress is uneven across the region as migrants continue to experience various barriers, indirect and direct, that prevent them from integration in the life of the societies of their receiving countries.

In the beginning of the 1990's due to the economic and social situation between 800,000 and 1,000,000 people left Armenia for overseas employment¹¹. However gradually a significant number of, primarily, labour, migrants as well as returnees entered the country. Armenia ratified a number of labour migration-related international legal instruments. The key national policy documents in the area of migration are the Concept of the State Regulation of Migration in the Republic of Armenia and the Action Plan for its implementation in 2012-2016.

Moreover, migrant integration is also relevant in view of Armenia's membership of the OSCE and its adherence to OSCE commitments, and its ongoing effort to approximate its legislation in line with the provisions of European Union law as a part of the process of establishing a country's closer co-operation with the European Union. The State Migration Service of the Republic of Armenia is the central authority responsible for the development and implementation of state policy on migration management. It also coordinates government bodies dealing with migration issues in policy development and the drafting of legal acts.

In March 2013 the Service requested ODIHR to conduct a MIPEX assessment for Armenia. Based on this request the MIPEX assessment was conducted by ODIHR in co-operation with the Migration Policy Group.

The MIPEX assessment is a tool that authorities can use to identify and advance issues relevant for migrant integration in order to make further progress in meeting related OSCE commitments. The assessment identifies key issues pertinent to migrants' integration, such as labour market mobility, family reunion or anti-discrimination measures. Most of all, the assessment provides solid data on the basis of which the authorities can make further policy improvements. It provides Armenia with information about the best practices of other participating States in the area of migrant integration, giving access to comparable data for scrutiny and debate. The MIPEX assessment allows Armenia to share its experiences on migrant integration with other countries in the region and also to learn about new integration measures introduced by states with a longer migration experience. It may facilitate a meaningful dialogue on migrant integration with relevant regional actors, such as neighbouring migrant sending countries, as well as internal stakeholders, such as civil society. In addition, the results of the assessment also permit the authorities to monitor and evaluate progress achieved in migrant integration in the future.

¹¹ Migration and Development: Armenia Country Study, International Labour Organization, 2009, p.1.

What is the Migrant Integration Policy Index?

Integration actors can struggle to find up-to-date, comprehensive research data and analysis on which to base policies, proposals for change and projects to achieve equality in their country. Instead they may find anecdotal, out-dated information and piecemeal statistics that are too disconnected from the real impact on people's lives to assist in formulating improvements.

The Migrant Integration Policy Index (MIPEX) is a reference guide and fully interactive tool to assess, compare and improve integration policy. It measures integration policies in 32 OSCE participating States, as well as Australia and Japan in order to provide a view of integration policies across a broad range of differing environments. MIPEX was developed in these countries by the British Council and the Migration Policy Group. Using 148 policy indicators, MIPEX establishes the extent to which all residents are legally entitled to equal rights and responsibilities as well as to any support that addresses their specific needs to make equal opportunities a reality.

Uses for policymaking

Policymakers and civil servants obtain a quick reference guide to assess the impact of their policy changes and get an overall impression of their country's strengths and weaknesses. This allows governments to see the effects of their approach and policy changes. It highlights policies that score well and possible areas for improvement. They can compare these strengths and weaknesses with other countries, either across the OSCE region, Europe and North America, or all the countries covered in MIPEX at once. They can find inspiration for policies and learn lessons from their objectives, implementation, and results. Since policies are one factor influencing integration, MIPEX can be used as a starting point to evaluate how policy changes can improve integration in practice. Its research findings can be complemented by further information from official statistics, budgets, project and scientific evaluations, government reporting, and evidence from NGOs, courts and migrants.

What are the highest standards used by MIPEX?

MIPEX demonstrates how countries can do better in creating the legal environment in which immigrants contribute to a country's well-being, where they have equal access to employment and education, live in security with their families, become active citizens and are protected against discrimination. For each of the 7 policy areas: labour market mobility, family reunion, education, political participation, long-term residence, access to nationality and anti-discrimination, MIPEX identifies the highest international and European standards aimed at achieving equal rights, responsibilities and opportunities for all residents. These standards establish a basic rule-of-law approach, which have helped to improve policies in European Union and Council of Europe Member States, all of which are OSCE participating States. Where only minimum standards exist, policy recommendations are used from international research networks and civil society.

How does MIPEX obtain its scores?

The 148 policy indicators have been designed to benchmark current laws and policies against the highest standards through consultations with top comparative researchers as well as international and European institutions. A policy indicator is a question relating to a specific policy component of one of the 7 policy areas. For each answer, there are 3 options. The maximum of 3 points is awarded when policies meet the highest standards for equal treatment. A score of 2 is given when policies can be judged as being halfway to meeting the highest standards, and a score of 1 is given when they are furthest from the highest standards. Where a country has no policies on a specific indicator, it is given a default value of 1.

Within each of the 7 policy areas, the indicator scores are averaged together to give one of 4 dimension scores which examine the same aspect of policy. The 4 dimension scores are then averaged together to give the policy area score for each of the 7 policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make rankings and comparisons, the initial 1-3 scale is converted into a 0-100 scale for dimensions and policy areas, where 100% is the top score.

MIPEX key legend (0-100)

0	Critically unfavourable for integration
1-20	Unfavourable
21-40	Slightly unfavourable
41-59	Halfway favourable
60-79	Slightly favourable
80-100	Favourable for integration

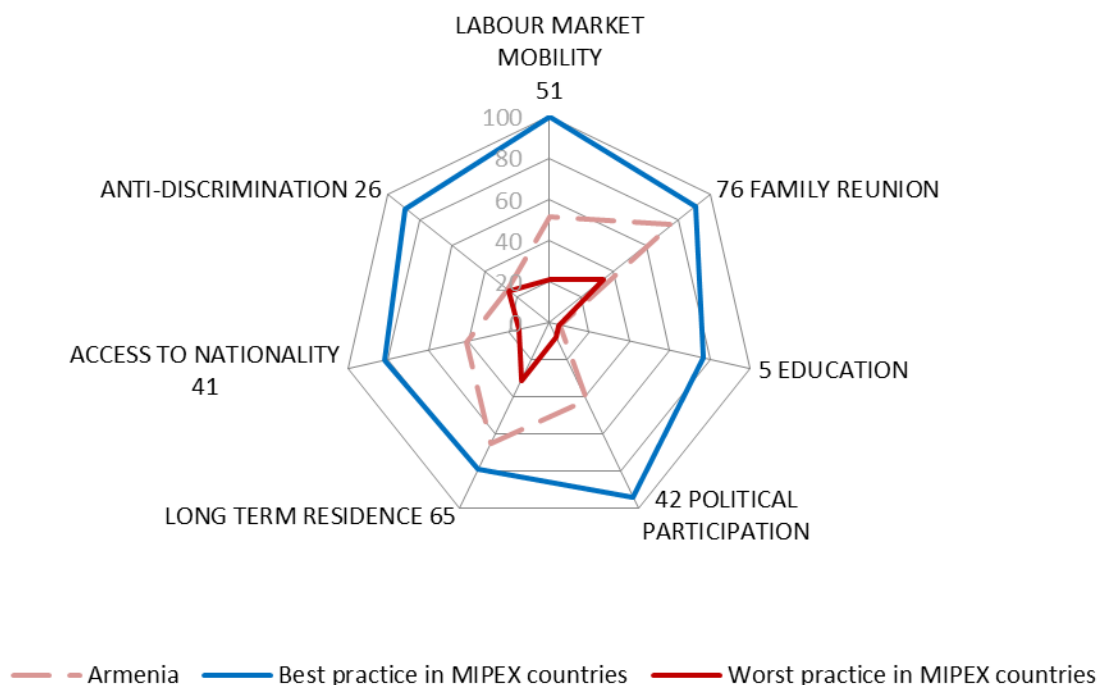
Who gathered the data?

Unlike indexes based on expert opinion, MIPEX is based on public laws, policies and research. In every country, an independent experts in migration law, education and anti-discrimination, filled out the score for each indicator based on the country's publicly available documents as of 1 June 2013. All scores were anonymously peer-reviewed by a second expert. The national experts for Armenia were Mr. Vahan Bournazian, Ms. Anna Melikyan, and Mr. Khachik Harutyunyan. The Migration Policy Group moderated any discrepancies and checked the completed questionnaires for consistency across "policy strands" and countries over time. Migration Policy Group wrote up this country report based on its official scoring and analysis of the questionnaire results, following the established MIPEX procedure. Comparisons are made with the average practices in most MIPEX countries and EU Member States. Special attention was paid to the comparison of Armenia to new immigration countries among the MIPEX countries, particularly their recent progress in establishing basic procedures and residence statuses.

ARMENIA

A MIPEX assessment

OVERVIEW



Largely a country of emigration, Armenia is also slowly becoming a country of immigration and a country of transit for people from Commonwealth of Independent States (CIS) countries and the Middle East. In the 1990s, immigrants were 20% of the country's population, mostly refugees from the Nagorno-Karabakh conflict. Today, the immigrant population is half that size (10.5% of the population), composed mostly of labour migrants from CIS countries and a few non-CIS countries, such as Iran and Syria. The representation of female migrants (58.9%) in Armenia is also one of the highest in the world.

Migrant integration is relevant in terms of Armenia's membership of the Organization for Security and Co-operation in Europe (OSCE) and Council of Europe and its plans for closer co-operation with the EU. Armenia's policies have similarly expanded from diaspora and humanitarian policies to other areas of migration in the 2000s. Institutional reform and legal approximation with EU legislation were two objectives of the December 30 2010 *Concept of State Regulation of Migration* and its associated *Action Plan for Implementation 2012-2016*. Internationally, Armenia has signed most of the major ILO Conventions and UN Conventions that guarantee the rights of all persons including migrants, except for the ILO Private Employment Agencies Convention (C181) and, most notably, the UN Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families. Armenia has not yet

signed several key Council of Europe Conventions on the Legal Status of Migrant Workers (1977, n. 093), the Participation of Foreigners in Public Life at Local Level (1992, n. 144), and Nationality (1997, n. 166). The country has also signed a number of bilateral agreements on labour migration with various states, including Georgia (1993), the Russian Federation (1994), Ukraine (1995) and Belarus (2000).

As Armenia grows into a new country of immigration, the MIPEX assessment confirms that its current legal framework is halfway favourable for integration. Overall, its legal framework scores 44-out-of-100 points and ranks alongside other ‘new’ immigration countries in the MIPEX (e.g. Southeastern Europe, such as Bulgaria, Greece, Romania, and Serbia). Immigrants to Armenia can benefit from several favourable policies: inclusive requirements for reunited families and permanent residence, local voting rights for foreigners, and the acceptance of dual nationality. Several of Armenia’s policy weaknesses are also shared with other ‘new’ destination countries in Europe. Immigrants to Armenia face highly discretionary procedures for family reunion, permanent residence and access to nationality and lack targeted state support to find the right job, improve the education of their children, and organise themselves to be heard in political debates. Furthermore, Armenia’s policies fall below international, EU and other European legal standards and national practices on family reunion and permanent residence procedures, the absence of immigrant consultative bodies, and, most notably, the absence of a dedicated anti-discrimination law and independent equality agency. In contrast, these laws and procedures have recently become much more favourable in several Central and Southeastern European countries.

INTERNATIONAL MIGRATION STATISTICS ON ARMENIA

Net migration ¹	-4.6
Largest countries of origin ²	Azerbaijan, Georgia, Russia
Foreign-born population ³	317 000
Foreign-born as part of population ⁴	10.6%
Women as part of foreign-born population ⁵	54.2%
Refugees residing in Armenia ⁶	2 854

¹ United Nations, Department of Economic and Social Affairs, Population Division (2013), *International Migration 2013, Wallchart* (United Nations publication, Sales No. E.13.XIII.8)

² 2005 data, Chindea, A et al. (2008), *Migration in Armenia: A country profile 2008*, International Organisation for Migration, Geneva, Switzerland.

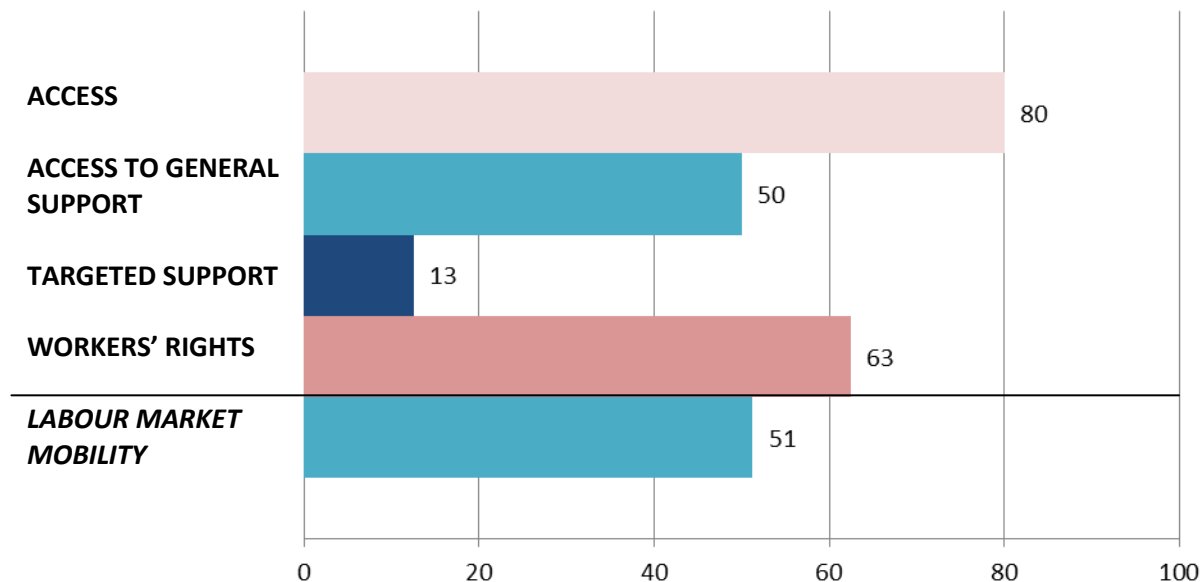
³ United Nations, Department of Economic and Social Affairs, Population Division (2013), *International Migration 2013, Wallchart* (United Nations publication, Sales No. E.13.XIII.8)

⁴ *ibid*

⁵ *ibid*.

⁶ 2013 data, 2013 UNHCR Regional Operations Profile - Eastern Europe, at <http://www.unhcr.org/pages/49e48d126.html>, (last accessed on 30.09.2013)

LABOUR MARKET MOBILITY

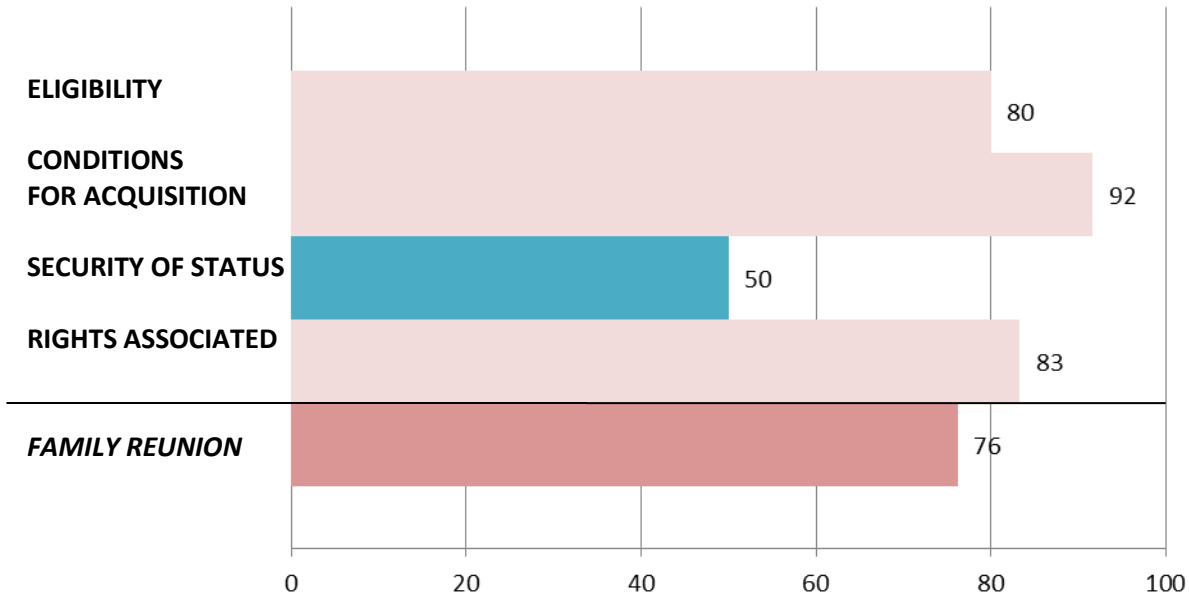


Armenia only sets halfway favourable conditions for migrant workers to contribute to the economy, due to several gaps in legislation. As in many other new immigration countries, legally resident foreigners in Armenia generally have favourable access to all sectors of the economy, especially self-employment. However, their rights as workers are only slightly favourable because foreigners do not receive access to unemployment benefits, due to ambiguities in the law. Similarly, temporary migrant workers are not guaranteed equal access to the full labour market or public employment services because authorities retain significant discretion in implementation. Foreigners also face limits on access to general support—more specifically, all foreigners are not guaranteed access to free vocational training, while they must pay two times as much as Armenian nationals do for the recognition of foreign qualifications. More broadly in OSCE participating States in Europe, equal access to education, vocational training, and public employment services are guaranteed in most countries surveyed and under EU law. Beyond access to general support, hardly any targeted support is available in Armenia or in Central and Southeastern European countries, in contrast to the practices in the major developed immigration countries.

Equal access to general support

The so-called EU Single Permit Directive 2011/98/EU guarantees most non-EU migrant workers equal access to public employment services, education and vocational training (with some exceptions), the recognition of foreign qualifications, social security, and goods and services available to the public as well as targeted information on their rights. EU Member States are in the process of ‘transposing’ this EU Directive into national law, which should significantly improve labour market mobility in most EU countries, especially in new immigration countries in Central and Southeastern Europe. General and targeted support for migrant workers is already more favourable than average in several new immigration destinations, including Portugal, Spain, Estonia, and Romania.

FAMILY REUNION

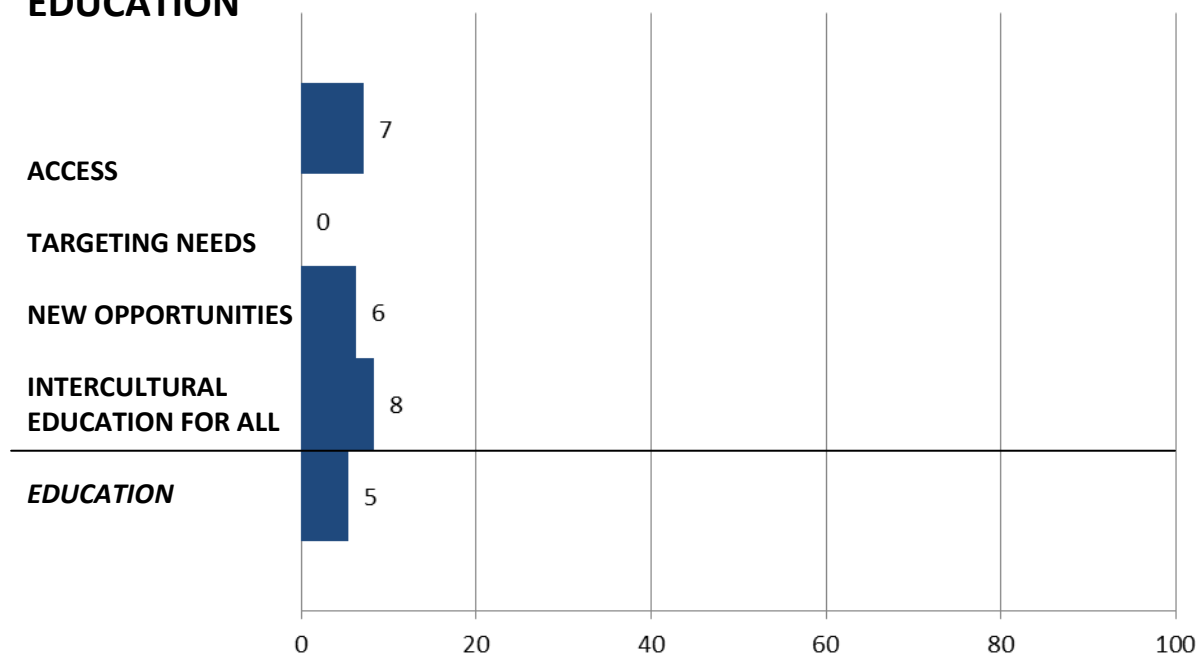


Armenia obtained its highest score on family reunion because reuniting families can benefit from a slightly favourable legal framework, apart from a few gaps in legislation not in conformity with EU law. The eligibility and legal conditions for family reunion are favourable in Armenia, as in several new immigration destinations in Southern and Central Europe. Temporary or permanent residence can apply for their close relatives, including their spouse, children, parents, and siblings. For applicants, the procedure should be short and low-cost because authorities should have no reason to reject their application if it is not fraudulent and poses no security threat. Reunited family members obtain equal rights as their sponsor, autonomous residence permits, and can apply for permanent residence after a few years. However, family reunion is not yet specified as a right in Armenian law, as it is in EU law and most OSCE participating States covered in MIPEX. Consequently, the major area of weakness is the authorities' wide discretion in the procedure. Applicants can be rejected without due account taken of their personal and family circumstances and without the right to representation before an independent administrative court.

The right to family reunion enshrined in law

The Czech Republic before transposition of the EU directive 2003/86/EC did not have a specific policy for family reunion. The family members of migrants had to apply for different national statuses with their own sets of required documents. Now the migration law has reduced the number down to one status with one set of documents. Since 1 January 2000, the migration law has clarified that before any decision of rejection or withdrawal authorities must take into account the impact of their decision on a migrant's private and family life. The best interest of the child must also be considered as a general principle of law. Since 2003, most European countries surveyed in MIPEX have established family reunion as a right and explicitly require an individual assessment in cases of rejection or withdrawal. However gaps remain and procedures are still rather discretionary in many Southeastern European countries.

EDUCATION

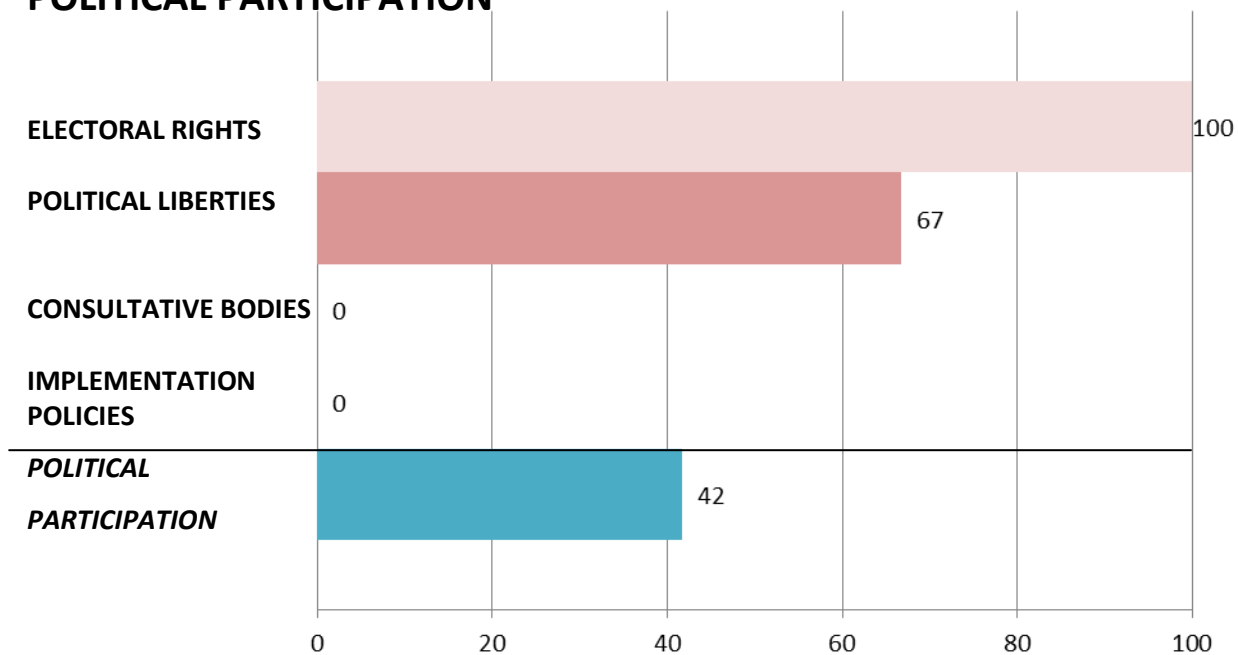


The education of immigrant children is an area of weakness for most MIPEX countries, especially the new countries of immigration in Central and Southeastern Europe. Nevertheless, Armenia obtained a very unfavourable score on education policies, especially when compared to the MIPEX countries, most of which provide basic integration programmes for immigrant pupils. Firstly, legal access to education is unfavourable in Armenia. The legislation is generally silent on immigrant pupils. All children are guaranteed the right to at least compulsory education. In many cases, immigrant children educated in Armenia then face additional fees to access vocational training and higher education. In half the MIPEX countries, all immigrant children, regardless of their legal status, enjoy equal access to all levels of the school system. Beyond legal access, Armenia offers hardly any support for immigrant pupils, besides a few programmes for foreigners of Armenian descent, national minorities, and children from countries with bilateral agreements on teaching their cultures of origin. The general ‘tolerance’ course in primary and secondary education does not specifically address the appreciation of immigrants’ languages and cultures. For comparison, most MIPEX countries, including Central and Southeastern European countries, provide additional tuition or immigrant pupils to master the official language, additional funding or teachers for schools with immigrant pupils, and required teacher trainings on immigrants’ needs and intercultural education. Most also support the teaching of immigrant languages and cultures during the school day.

Adapting schools in recent countries of immigration

Estonia provides all migrant newcomers with compulsory, continuous and standardized support to learn Estonian as well as their own language and culture. Similarly in Czech law, language courses should be needs-based, professionally taught, and regularly evaluated, while mother tongue and cultures should be available. Czech teachers can integrate multicultural education into their curriculum through state-supported pedagogical materials and teacher trainings like the much-used information portal (www.czechkid.cz). Slovakia also recently introduced ‘multicultural education’ into its curriculum as well as intercultural education training for qualifying and working teachers.

POLITICAL PARTICIPATION

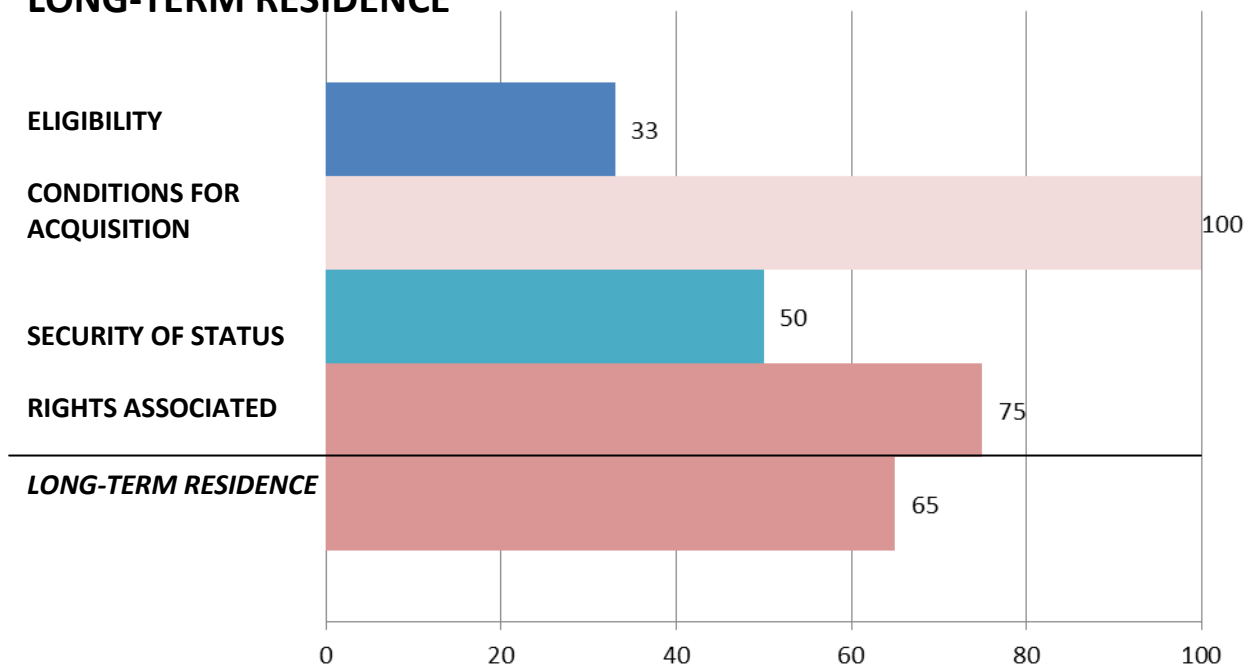


Going beyond many Central and Southeastern European countries, Armenia is still only halfway to promoting the political participation of foreigners. Local voting rights are found in most European countries and are favourably inclusive in Armenia. All foreigners registered for at least six months can vote in local elections, stand as candidates, and join political parties. Their political liberties are not entirely favourable because they cannot be elected as party leaders or own a majority share in TV or radio companies. More importantly, national and local governments do not structurally finance immigrants' political associations or consult them in a national consultative body of immigrants. Consultative bodies and implementation policies are missing in most Central and Southeastern European countries, though projects have been piloted in a few (e.g. Greece and the Baltic States).

The participation of foreigners in public life at local level

The highest European standard, ratified at present by a handful of states, is the Council of Europe Convention 144 on the participation of foreigners in public life at local level. Signatory countries commit to inform foreigners of their political rights and to encourage and facilitate the creation of consultative bodies with representatives either elected by foreign residents themselves or appointed by their associations. Most EU countries have used a new European Integration Fund to support associations working on integration. Local and national authorities in Portugal, Spain, and Ireland have started to dialogue and consult with associations of foreign residents. For example, the Spanish Forum for the Social Integration of Immigrants has an independent chair and issues opinions or reports on any drafts affecting social integration. The Forum has the right to prepare reports, plans, programs on request or own initiative and to formulate its own proposals and recommendations. Members participate extensively on reports and resolutions and secure much government consensus around their recommendations.

LONG-TERM RESIDENCE

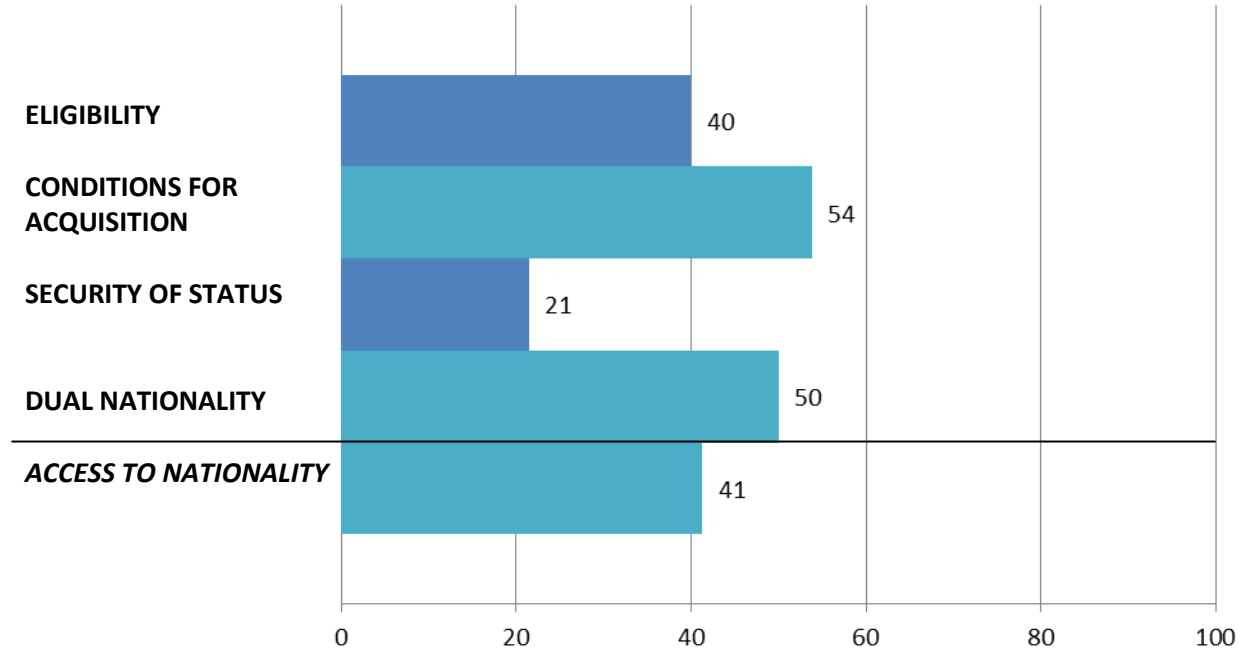


Notwithstanding several elements of the policy favourable for integration, permanent residence in Armenia is a slightly insecure status reserved for only a few categories of foreigners. Eligible immigrants can apply after a favourably short residence period of three years and go through a short and low-cost procedure. As in many OSCE countries covered in MIPEX, they can obtain a five-year renewable permanent residence if they have sufficient means of subsistence for themselves and their family. The only other grounds for rejection or withdrawal are fraud, threat to public security or order, and long absences from Armenia. However the procedure can be very discretionary since no clear legal guidelines exist on the interpretation of the residence and subsistence requirements. Once accepted, permanent residents enjoy some of the same social and economic rights as Armenian nationals, with notable exceptions such as unemployment benefits, free vocational training, and land ownership. Their residence rights are also slightly insecure due to short absences allowed outside Armenia (six months) and few protections against expulsion (only for minors, the elderly over the age of 80, and people fearing persecution). However, the major weakness for integration are the slightly unfavourable eligibility provisions. Permanent residence is not an entitlement for all temporary residents who meet the legal conditions. Instead, the only eligible temporary residents are people with Armenian ancestry, close family in Armenia, or their own business.

An entitlement to long-term residence

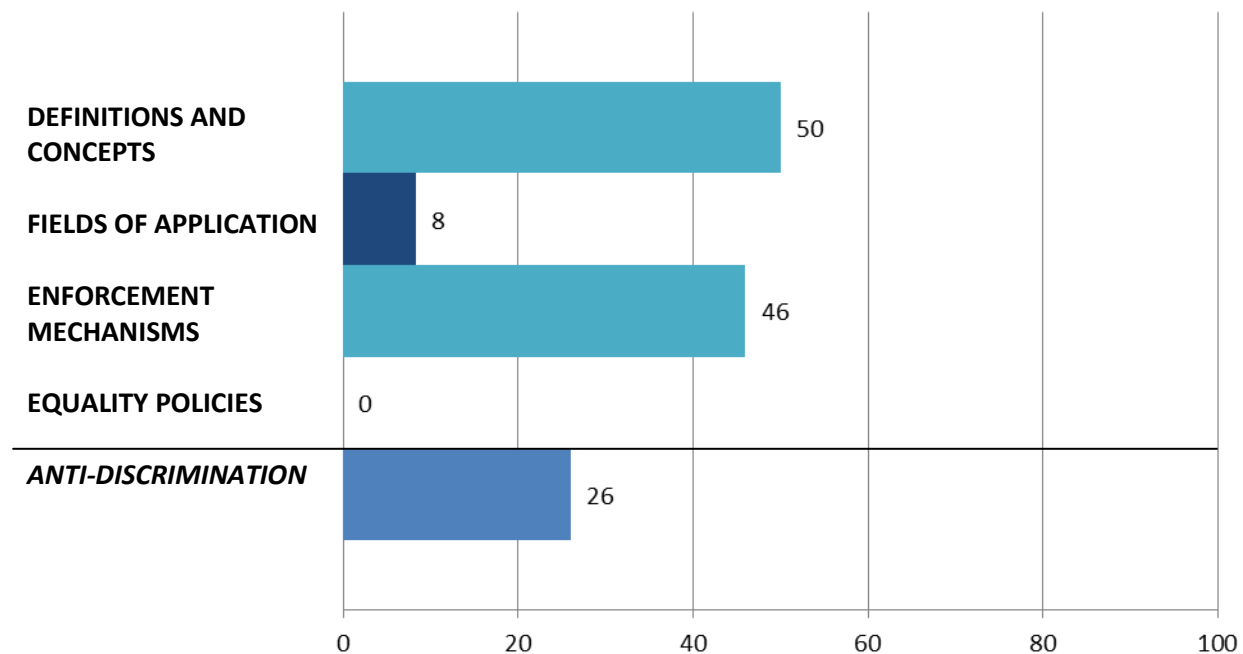
EU Member States agreed and implemented the EC long-term residence directive (2003/109/EC), with the common objective that the integration of long-term residents will promote economic and social cohesion. Since then, several new immigration countries introduced the entitlement to long-term residence for most temporary residents. For example, Portugal's 2007 law opened long-term residence to nearly all categories of legal residents and protected them from deportation anyone born in the country, living there since childhood, or raising their children there. Under EU law, long-term residents must enjoy equal rights to employment, education and vocational training, study grants, unemployment benefits, social security, and access to goods and services available to the public, including housing. Long-term residents may also leave the EU for up to 12 consecutive months. Expulsion decisions must take into account several of their life circumstances.

ACCESS TO NATIONALITY



Immigrants face a slightly uncertain path, with a few significant obstacles, to becoming Armenian citizens. Favourably, dual nationality is accepted in Armenia, as in the majority of MIPEX countries. But unlike several reforming immigration countries in the EU, Armenia more resembles some of the recent immigration countries in Central and Southeastern Europe, where nationality policies remains less favourable for integration. For example, children born in the country are not eligible to be citizens at birth (for recent debates on birthright citizenship, see Czech Republic, Greece, Italy, and Portugal). First-generation immigrants can apply relatively quickly (three years' legal residence) for naturalisation, but with highly discretionary legal conditions (i.e. criminal record assessment and interview on language and constitution) and a highly discretionary procedure (i.e. authorities' wide discretionary powers and grounds for rejection). Citizenship requirements like the interview on the constitution are less common across Europe, while language assessments tend to be more professional and proportionate. Another area of weakness in Armenia is the protection against involuntary loss of citizenship and statelessness. Unlike in most OSCE countries surveyed in MIPEX, a naturalised citizen in Armenia can lose their citizenship on several grounds after many years, even if he or she would become stateless.

ANTI-DISCRIMINATION



Unlike the other MIPEX countries, Armenia lacks a dedicated law and specialised equality agency to protect its residents from discrimination. The only provisions come from the constitution, international law, and vague equality clauses in a few national laws and codes in a few areas, such as employment and education. Without a comprehensive law, the concepts of racial, ethnic, religious, nationality and other forms of discrimination are neither well-defined, nor specifically prohibited in all areas of life, such as vocational training, social protection and advantages, health and housing. The available enforcement mechanisms may be little used or not very effective, scoring only 46/100 for helping victims to seek justice. The existing enforcement mechanisms are only halfway favourable for enforcing these fragmented prohibitions. Civil, criminal, and administrative courts are technically open to all types of discrimination cases and able to use a wide range of compensations and sanctions. Given how hard discrimination is to prove, these channels are likely to be ineffective without specific anti-discrimination mechanisms required by EU law, including the shift in the burden of proof, protection against victimisation, and the role in proceedings for equality NGOs in support or on behalf of the victim. As such, potential victims in Armenia must bring forward a case alone, without a legal role for NGOs and without the help of a specialised equality body, since the Human Rights Defender can only assist victims in cases against the state. The Armenian state has not taken on legal commitments to prevent and punish discrimination among staff and service-providers in the public sector. Nor has it led public dialogue and information campaigns on people's rights as victims.

A basic comprehensive law against discrimination

Since passage of landmark EU legislation (Directives 2000/43/EC and 2000/78/EC), great progress has been made in all European MIPEX countries, especially Central European and new immigration countries. Many of these countries now have strong and independent equality bodies. Romania's National Council on Combating Discrimination is an independent administrative body with a jurisdictional mandate. Hungary's Equal Treatment Authority also has legal standing to intervene on behalf of the complainant, while instigating its own procedures against certain public bodies. In the policymaking process, Bulgaria's Protection against Discrimination Commission can submit binding recommendations to the parliament and government to prepare bills and abolish discriminatory laws.