

Do RA Citizens Enjoy Freedom of Movement?

Mobility rights of RA citizens

The RA Constitution ensures the right to freedom of movement for the RA citizens, including the right to free exit from the Republic of Armenia and the free entry to the country (Article 25).

Freedom of movement is secured within the Universal Declaration of Human Rights and the European Convention on Human Rights and Freedoms. The mentioned documents declare also the state's right to apply limitations to the realization of the mobility rights of its citizens under certain conditions, since in some cases the individual right to free movement of a citizen may contradict the rights of the state, society or other individuals or groups, due to the migrating citizen's fulfillment of commitments ascribed by law in relation to the latter groups.

Does the RA legislation contribute to the implementation of the RA citizens' right to freedom of movement?

The legislative dimension is characterized with some gaps. In particular, the relevant legislative documents lack the following:

- list of documents required for the exit and entry of the RA citizens;
- legal norms and time limits of temporary entry restrictions;
- clarification of the legislative bases of restrictions and terms of regulation;
- solutions to border crossing issues in regard to people of special categories (juvenile, people identified as disabled in accordance with the legal procedures)
- legal norms and procedures for providing return certificates to RA citizens having lost their passports in foreign countries, a practice widely pursued in the recent years;
- legislative bases for attaching a passport seal to verify the ID authenticity of RA citizens in foreign countries.

Why or who needs the double authentication of the passport of an RA citizen?

The validity of the RA citizen's passport is 10 years. As a rule, it is later extended for another 5 years (Statute on RA Passport System ratified by the RA resolution no. 821 on March 24, 1998). However, until today a special seal is attached to the passports of RA citizens (validity extending from one to five years) for a fixed fee (AMD 1000 per year) as a proof of the validity of the ID document in foreign countries. Thus, in fact, officially a scheme of double authentication for one and the same document is required: one for internal validity and the second for validity in foreign countries.

Why is this special seal required? According to official interpretations, the main reason is checking for accuracy of possible restrictions applied to citizens leaving the Republic of Armenia. Does the given mechanism address this issue? In our opinion, IT DOES NOT, since,

first and foremost, passport is an ID document and not a means of preventing a probable illegal activity or behavior of an individual. Second, even if the relevant bodies really check the accuracy of the reasons for possible restrictions applied to citizens leaving the country, this is quite a vulnerable mechanism, because adequate causes to restrict one's right to leave the country may rise immediately after attaching the seal. Thus, we have a situation when the citizen who has the authentication seal for five years basically becomes exempt from any checks. Third, this seal is, in fact, a special type of an exit visa, which contradicts the requirements a passport should meet in accordance with international legal documents, in particular, Chapter 3 of Annex 9 of the Chicago Convention on International Civil Aviation, "Arrival and departure of passengers and their luggage:

What if this seal

- is simply a means to get additional sums from citizens in order to provide for the budget income?
- pursues a political goal to artificially restrict the fundamental right of RA citizens to freedom of movement?
- is a tool for certain bodies to gain shadow profits through corruption in a country with intensive migration flows?

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