**Government of Armenia**

Legislation of RA does not have detention for immigration, as well as Armenia does not have detention centers or places of immigrants. Therefore, Armenia does not use of immigration detention of children and their families.

However, we have regulations concerning illegal border crossing and illegal residence by criminal and administrative laws.

Illegal border crossing is punishable by Criminal code of RA. Article 329 of Criminal code of RA proclaims the following:

“Article 329. Illegal state border crossing.

1. Crossing the guarded state border of the Republic of Armenia without relevant documents or permits, is punished with a fine in the amount of 100-200 minimal salaries or imprisonment for up to 3 years.

2. The same act committed by a group with prior agreement or by an organized group or with violence or threat thereof, is punished with imprisonment for 3-7 years.

3. This Article is not extended to cases when a foreign citizen or stateless person enters the Republic of Armenia to enjoy the right for political asylum stipulated by the Constitution of the Republic of Armenia.”

The age at which a person is subject to criminal liability 16 years old. If the person has reached the age of 16, but due to retarded mental development was not able to understand the nature and significance of one’s actions or to control one’s actions, then he is not subject to criminal liability.

Illegal residence is punishable by the Code of Administrative violations. Article 201 of the Code of Administrative violations proclaims the following:

Foreigners in the Republic of Armenia without a valid visa or residence permit or with invalid documents, as well as infringement of transit procedures through the territory of the Republic of Armenia a fine equal to 50 times the minimum wage established by the Republic of Armenia up to 100 ­fold.

***Alternatives***

Criminal code of RA provides alternatives to the criminal liability of minors in general. According to the Criminal code of RA:

“Article 91. Exemption from criminal liability by application of enforced disciplinary measures.

1. The minor who committed for the first time a not grave or medium-gravity crime can be exempted from criminal liability by the court, if the court finds that his correction is possible by application of enforced disciplinary measures.”

“Article 93. Exemption from punishment by placement in special educational and disciplinary or medical and disciplinary institution.

1. A minor who committed a not grave or medium-gravity crime can be exempted from punishment, if the court finds that the purpose of the punishment can be achieved by placing the minor in a specialized educational and disciplinary or medical and disciplinary institution.”

*Rights*

Article 5 of Law on Foreigners proclaims: In the Republic of Armenia, foreigners shall have the rights, freedoms, and responsibilities equal to the citizens of the Republic of Armenia, unless otherwise provided for by the Constitution, laws, and the international treaties of the Republic of Armenia.

According to the Article 31 of the Law of the Republic of Armenia "On the Child's Rights".

The child has the right for personal inviolability, which is protected by the law. The child should not to be arrested, searched or incarcerated otherwise than it is defined by the law. The fact of arresting or incarcerating a child is to be immediately informed to the parents or other legal representatives. Each child convicted to imprisonment has the right for appellation against the imprisonment verdict in accordance with the order stipulated by the law. There is no death penalty for crimes committed by individuals of age under 18. It is forbidden to keep the child incarcerated together with adults. In cases defined by the legislation of the Republic of Armenia, the presence of the attorney (psychologist, pedagogue) at the preliminary investigation, prior to trial and post-trial investigation is compulsory. The child must not testify against its parents or close relatives. It is forbidden to exercise violence, threat and other illicit action against the child for the purpose of forcing it to testify or pledge guilty.

According to the Article 15 of the Law of the Republic of Armenia "Refugees and Asylum".

Asylum seekers and refugees shall have rights and obligations equal to those of foreign nationals and stateless persons lawfully residing in the Republic of Armenia, including adequate reception, healthcare, education, legal advice, family reunion unless this Law provides otherwise.

According to Article 15 of law of the Republic of Armenia “On medical care and services of the population” of March 4, 1996, foreign citizens, stateless persons, being in the Republic of Armenia, have the right to receive medical care and services according to the legislation, as well as International agreements of the Republic of Armenia.

According to Article 38 of the Constitution of the Republic of Armenia, everyone has the right to education, and secondary education in state educational institutions is free.

In order to realize the student's right to education, the children of those who immigrated to Armenia are given the opportunity to continue their education in the relevant classes of the secondary school, regardless of the availability of documents confirming the class. The young people who graduated in Syria and received a graduation certificate, which was lost due to the war situation, have been given the opportunity to study in the graduating class of general educational institutions of the the RA and receive an Armenian graduation certificate. In this case, the migrants were given the opportunity to take the high school exams externally and get an Armenian certificate.

In 2017, three programs of Armenian language learning courses for refugees and long-term migrants were developed and approved by the order of the Minister of Education and Science of the RA No. 741-Ա/2 dated June 30, 2017: “Basic Course” (60 hours), “Additional Course” (120 hours) and “For school-age children course ”(100 hours), which were approved.

 In case of admission to higher and vocational educational institutions of the RA, there is no restriction on the basis of the legal status of the applicants. The law on higher education and science of the Republic of Armenia is currently being drafted, which stipulates that if the qualification of refugees, displaced people and people with refugee status cannot be proved by a document, the qualification process is carried out in accordance with the procedure established by the authorized body.

**Good practices and measures taken to protect human rights of migrant children and their families**

With UNHCR support, amendments to the Law on Citizenship were adopted and were focused on legal norms governing acquisition and loss of citizenship. Amongst them was the provision for facilitated naturalization of refugees and stateless persons waiving the requirements of three-year legal residence and proven ability of Armenian language skills as well as a guarantee that children born on the territory of Armenia who will otherwise be stateless acquire Armenian citizenship.

On 6 January 2018, new amendments to the Citizenship Law of the Republic of Armenia entered into force. These amendments provide that consent of only one parent is needed for a child to obtain Armenian citizenship. Previously, both parents had to provide their consent for the child to become an Armenian citizen and it created difficulties in practice, which were against the best interest of the child.

Armenian Government has taken an open approach and is offering several protection options as well as a set of benefits to persons displaced from Syria, including accelerated asylum-procedures, facilitated naturalization for ethnic Armenians among them and residence permits. The State provides durable housing, free medical assistance and scholarships, supports them in setting up businesses taking into account their high entrepreneurial skills.

**Text of legislation**

 **The Law of the Republic of Armenia “On foreigners”** governs the relations pertaining to entering the Republic of Armenia, staying and residing in the territory of the Republic of Armenia, transit through the territory of the Republic of Armenia, exiting from the Republic of Armenia, as well as other relations pertaining to foreigners. 3. This Law does not extend to relations pertaining to the grounds for granting, refusing to grant or losing asylum and a relevant status by a foreigner seeking refugee status in the Republic of Armenia.

* **The Law of the Republic of Armenia “On Refugees and Asylum”** regulates the legal relations concerning issues of recognition as refugee and granting asylum in the Republic of Armenia, ensures the implementation of the 1951 Convention Relating to the Status of Refugees (hereafter: the Convention) as well as its 1967 Protocol, recognizes the right of all foreign citizens and stateless persons to seek asylum inside the territory of the Republic of Armenia and at the state border crossing points of the Republic of Armenia, as well as the right to enjoy asylum in the Republic of Armenia, if they fulfill the necessary requirements for the granting of asylum stipulated in the present Law.

**Chapter 6 of the Law** ***“On Foreigners”*** *envisages* regulations on the detention or arrest of foreigners in case of violation of this law, in accordance whereof:

**Article 37** Detention of foreigners — without an entry authorisation — at the crossing points of the state border of the Republic of Armenia states that:

1. Where, as provided for in Article 6(3) of this Law, it is impossible to return a foreigner to the State of origin or to the State where he or she came from, foreigners who have arrived at a crossing point of the state border of the Republic of Armenia without a passport, with an invalid passport, or who have been refused an entry visa at a crossing point of the state border of the Republic Armenia, or who have not obtained an entry authorisation from the body carrying out border control, may be detained in a transit area or in another place — in a special facility provided for that purpose.

2. If the foreigners referred to in part 1 of this Article are family members, they shall be detained together.

3. If the person referred to in part 1 of this Article is a person under 18 travelling without being accompanied by a parent or by a legal representative, he or she may not be detained in a special facility and must be immediately taken to a parent (parents) or a legal representative.

5. If the return of a foreigner to the State of origin is impossible within 90 days, the public administration body authorised in the field of police of the Republic of Armenia shall issue a temporary permit to the foreigner until the departure of the foreigner from the Republic of Armenia, but for a term not exceeding one year.

**Article 39. Rights of arrested or detained foreigners**

In cases provided for in Articles 37 and 38 of this Law, a detained or arrested foreigner shall enjoy the following rights:

* to know the reasons for his or her arrest and detention in a language he or she understands or with the help of a translator;
* to appeal against any court decision rendered in relation to himself or herself;
* to visits by an advocate or other legal representative (including non-governmental organisations), an official of the diplomatic representation or consular office of the State of origin;
* to apply to court requesting his or her release;
* to receive necessary medical assistance.
* **Article 8 of the Law “On Refugees and Asylum”** defines the categories of Asylum seekers and refugees with special needs. Thus.

1) asylum seekers and refugees with special needs - within the meaning of this Law, applying for asylum or refugee children, or persons with disabilities, or pregnant women or single parents, having minor children or suffering from a serious illness, patients or persons with a mental disorder, or victims of trafficking, torture, rape or other forms of violence;

2) Unaccompanied child-a foreign citizen or a stateless person under the age of 18 who is not accompanied in the Republic of Armenia by an adult person who takes care of him / her;

3) a child separated from the family is a foreign citizen or a stateless person under the age of 18 who is accompanied by an adult in the Republic of Armenia, but the child is separated from the parents or from the caregiver (defined by the law).

2. General asylum procedures provided for by this law shall apply to asylum seekers with special needs and refugees, unaccompanied child or child separated from the family unless otherwise provided by international treaties ratified by the Republic of Armenia, this law or other laws. Unaccompanied child or child separated from the family have the same rights envisaged for asylum seekers or refugees family unless otherwise provided by international treaties ratified by the Republic of Armenia, this law or other laws.

3. The authorized body for migration shall assist unaccompanied child or child separated from his family and persons referred to in paragraph 1 of part 1 of this article both in providing accommodation and care in accordance with the procedure established by the legislation of the Republic of Armenia, taking into account their age, gender, presence of relatives and other circumstances arising from the interests of the child, and in the implementation of all rights established by the legislation of the Republic of Armenia.

4. All public authorities established by Article 32 of this law relevant to the issues of unaccompanied child or child separated from family, or persons referred to in paragraph 1 of part 1 of this article or refugees within their competence should assist them, given their special situation and based on their interests.

**Article 50 of the RA Law “On Refugees and Asylum” envisages guarantees for** asylum seekers and refugees with special needs.

***Article 14 of the RA Law “On Refugees and Asylum” envisages:***

1. Persons applying for asylum in need of housing shall be placed in the temporary accommodation Center for asylum seekers (hereinafter referred to as the temporary accommodation Center), which is an institution specially created for this purpose, until a final decision is made on the claim for asylum. The accommodation details is enshrined in Article 24 of this Law.

2. In case of impossibility of accommodation in the Temporary accommodation Center of asylum seekers who are not able to cope with the basic needs of sustenance, monetary assistance is being provided in the order established by the Government:

3. When determining the monetary assistance provided to asylum seekers, to meet the basic life support, special needs of those persons are being addressed:

4. The internal rules of residence in the Temporary accommodation center is being established by the authorized body on migration**.**

**Chapter 2 of the RA Law “On Refugees and Asylum”** defines the rights and obligations of persons seeking asylum and refugees, including the right to apply to UNHCR, right to property, Intellectual property rights, wage-earning employment, right to social security and medical care and right to accommodation (Article 24).

**Original texts of relevant legislation of the Republic of Armenia (in Armenian) (Annex 1)**