

# ARMENIA-TURKEY EXPERT DIALOGUE GROUP

## CITIZENS OF TURKEY TRAVELLING TO ARMENIA: POLICIES AND GUIDELINES

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Despite the border being closed since 1993, there has been considerable human traffic between Turkey and Armenia. Notably, mobility is increasing not only from Armenia to Turkey but also the other way around. Between 2009 and 2019 around 110 thousand citizens of Turkey visited Armenia.<sup>1</sup> The purposes of the visits are mainly identified as tourism, business and education. In recent years, besides temporary visits, cases of residencies have been registered by citizens of Turkey. The reason for these cases are interlinked with the growing number of businesses from

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The Armenia-Turkey Expert Dialogue Group is a joint initiative of experts from both countries with backgrounds in politics, diplomacy, academia and civil society who are committed to contribute to the Turkey-Armenia relations at different levels. The Dialogue Group has been convening since 2016. The overall objective of the Dialogue Group is to develop confidence-building measures aimed at the normalisation of relations between the two neighbours. Amongst other topics, the Dialogue Group is particularly intent on exploring opportunities and innovative ideas in trade and business, migration, education and culture.

Turkey that have started investing and operating in Armenia, with stores and offices in Yerevan.<sup>2</sup> Citizens of Turkey may face a number of issues both in the case of temporary visits and longer of stays in Armenia. Due to the absence of diplomatic relations, there are no relevant consular mechanisms to control those issues, and very often visitors are left with uncertainty and may end up with misleading information.

While some of the issues and difficulties faced by the citizens of Turkey in Armenia are likely to be addressed, there are others that are impossible to facilitate without necessary consular services. For instance, citizens of Turkey residing in Armenia are unable to exercise their right to vote as they need to visit Georgia to cast a vote at the consular representations of Turkey which may require additional arrangements. As a result, most of the time, they miss their vote. Another issue is related to political asylum seekers from Turkey to Armenia as with the current state of affairs relevant control mechanisms are missing.

In this vein, the paper aspires to fill in the gap of consular relations between Turkey and Armenia, by addressing at least those issues which are somehow possible to by-pass or solve. Thus, it provides information on visa and residency procedures, expulsion, deprivation of liberty, extradition,

asylum, property rights, money transfer and legal assistance that the citizens of Turkey need to be aware of while travelling to as well as during their stay in Armenia.

### Visa and residency:

Citizens from Turkey can obtain entry visas either upon arrival in Armenia<sup>3</sup> or online via the E-visa system.<sup>4</sup>

The applicable visa types are as follows:

- Visitor visa - A visitor visa is issued when a foreigner intends to enter Armenia for the purposes of tourism, visiting relatives or other persons, business, transportation and other professional interest, medical treatment or other short-term stay. A visitor visa is issued for a single entry or for multiple entries with a validity of one year.
- Transit visa – single entry visa or multiple entry visa with a validity of 1 year for stays in Armenia of no more than 3 days and with a possibility to extend for a maximum of 4 days.

Visitor and transit visas are issued and extended by the Passport and Visa Department of the Police of Armenia, known as OVIR.

Armenian visas are issued for a maximum of 120 days with a possibility to extend for another 60 days if no other term is defined by international agreements of the Republic of Armenia.

Pursuant to Article 14 of the Law on State Fees, as of June 2021, in order to enter Armenia, foreign citizens and stateless persons should pay at the border checkpoints:<sup>5</sup>

- for visitor visas:
  - 15.000 AMD (for stays up to 120),
  - 3.000 AMD (for stays up to 21 days)
- for multiple-entry visas:
  - 40.000 AMD (for stays up to 120 days with 1 year validity)
  - 20.000 AMD (for stays up to 60 days with 6 months validity)
- for transit visas:
  - 10.000 AMD for single-entry transit visa
  - 18.000 AMD for multi-entry transit visa with 1 year of validity.<sup>6</sup>

The citizens of Turkey should note that fees can be paid in Armenian Dram (AMD) only and Turkish Lira (TRY) cannot be exchanged into AMD before their visit to Armenia and during their visit in Armenia. They should exchange TRY into Euros or US dollars before leaving Turkey and exchange the money into AMD at the airport or in Armenia at exchange offices and/or banks during their stay. It should be noted that there are ATM machines throughout Armenia, and Mastercard or Visa cards are widely used. ATM withdrawals can only be made in AMD.

E-Visas are issued by the Ministry of Foreign Affairs of Armenia with a processing time of up to 3 working days. The Ministry is authorised to request any additional information and documents. The E-Visa system is applicable only for Visitor Visas for short stays (up to 21 days) and longer ones (up to 120 days). Fees set for the respective types of visa apply to the E-Visa system, as well as an additional minor processing fee.

The above mentioned terms refer to those citizens of Turkey who hold ordinary passports. Those who hold either Special (Green), Service (Grey) or Diplomatic (Black) passports have to obtain a visa to enter Armenia either upon invitation or at the diplomatic representations of consular offices of Armenia in Georgia. Citizens of Turkey who travel to Armenia upon invitation cannot obtain a visa upon arrival. Invitations<sup>7</sup> should be submitted to the diplomatic representations of Armenia in Georgia, or to the Ministry of Foreign Affairs in Armenia 3-4 weeks prior to the planned visit by

- juridical persons registered in Armenia or
- authorities of Armenia and diplomatic representations or international organizations or their representatives (physical persons submit invitation to OVIR).

The visa fee for the above mentioned types of passports is 5000 AMD (roughly 9.73 USD) which should be paid before submitting the invitation. These citizens can travel to Armenia only when the invitation is approved by the Ministry of Foreign Affairs in Armenia. The duration of the visa is contemporaneous with the arrival and departure dates mentioned in the invitation and the stay cannot exceed 120 days (in case of stays of 120 days, the relevant fee applies). The holders of these passports are allowed to enter Armenia at border checkpoints based on the official notice sent to them by the Ministry of Foreign Affairs in Armenia. During their stay, these citizens should go to the Ministry of Foreign Affairs in Armenia to obtain the visa. They will need to present the entry visa application form<sup>8</sup> together with their valid passport.

In Armenia foreign citizens can have the following residency statuses:<sup>9</sup>

- a) Temporary
- b) Permanent
- c) Special

Temporary residency can be granted if there are reasons to reside in Armenia for up to a year or more, such as education, existence of a work permit, being the spouse, parent or offspring of a foreigner with temporary residency in Armenia or conducting business activities or being employed in Armenia, etc. Temporary residency is granted for a year with the possibility of extending it annually. If foreigners want to be self-employed in Armenia and get a temporary work visa, they need to register their business in Armenia and file the relevant application, however state authorities have discretion in approving or rejecting such applications. The same discretion is also applicable in cases where foreigners visit Armenia for reasons other than those mentioned above. For instance, if they visit Armenia under exchange programmes, there is no particular law to address such cases. There is however a practice to use the option of exiting Armenia to Georgia and then re-entering the country by obtaining a visitor (tourist) visa to extend their stay in Armenia as a tourist or a non-immigrant.

Permanent residency can be granted if the foreign citizen proves that:

- a) they have a husband/wife or close relatives (parent, child, sibling, grandparent) that are RA citizens or have special residency status, that they have accommodation and living allowances and have lived in Armenia for three years before applying for permanent residency;
- b) they are of Armenian descent or conduct business activities in Armenia.

Permanent residency is granted for 5 years with the possibility of extending it for 5 years at a time.

### **Expulsion**

When the visa term or the term for residency has lapsed or residency status was not granted, the foreign citizen should leave Armenia voluntarily.<sup>10</sup> If the person does not leave Armenia voluntarily, the Police institutes the expulsion proceedings and sends the case to court.

The expulsion of a foreign citizen to a state where human rights are violated is prohibited, in particular if the person is being persecuted on racial, religious grounds, social status, civic or political opinions or if they can be subjected to torture or other inhuman or degrading treatment or punishment or capital punishment.<sup>11</sup>

It is important to note that the burden of proof regarding the threat of persecution or torture or other inhuman or degrading treatment and punishment rests with the foreign citizen.

Moreover, the expulsion of foreign citizens residing in Armenia is prohibited if

- a) they are minors and their parents legally reside in Armenia,
- b) they take care of minors or persons older than 80 years old in Armenia.

Collective expulsion is also prohibited.

During expulsion proceedings foreign citizens are entitled to the same fair trial rights as citizens of Armenia.<sup>12</sup> Domestic courts should adopt a decision on granting or rejecting the expulsion. This decision can be appealed, in which case the expulsion is suspended.

In case of expiry of the visa, ordinary passport holders can also prolong their visas at OVIR prior to the expiry date or they will have to pay a fine for overstaying the visa at the visa violation office in the airport in case of air travel and the border checkpoint in case of land travel via Georgia. There is no fixed fine and it is decided at the visa violation office, however it may vary around 100.000 AMD. Compared to ordinary passport holders, holders of special, service and diplomatic passports cannot prolong their visa and there is no regulation on the fine that they need to pay at the visa violation office. In this case they will be held legally liable.

### **Deprivation of liberty:**

The foreigner may be placed in the transit zone or a specifically designated facility if

- the return of the foreign citizen to the country of origin is impossible,
- the person has no passport,
- the person crossed the Armenia border with an invalid identification document,
- the person's entry visa was denied,
- the person's residency application was rejected.<sup>13</sup>

Within 24 hours after the foreign citizen is placed in the transit zone, the border control authority should file a request to the domestic court asking for authorization to keep the foreign citizen for up to 90 days.

If after 90 days the return of the person is impossible, the foreign citizen receives a temporary authorization from the Police for a duration of no more than 1 year.

A foreign citizen can be detained and kept in a specifically designated facility if there are sufficient grounds to suspect that they may abscond before the expulsion proceedings or the execution of the expulsion decision.<sup>14</sup> Within 48 hours of the foreign citizen being placed in the transit zone, the Police should file a request to the domestic court asking for authorization to keep the foreign citizen for up to 90 days.

Within no later than 24 hours after the arrest, the Police inform the embassy or consular services of the detainee's state or their close relatives that reside in Armenia. In case of the arrest of citizens of Turkey, the Police inform the Ministry of Foreign Affairs of Armenia which informs the Turkish Embassy in Georgia about the arrest of citizens of Turkey in the territory of Armenia.

The arrested foreign citizen may be held in the special facility until the court decision adopted as a result of the expulsion proceedings enters into force, but for no more than 90 days.

The restrained or arrested foreign citizens have the following rights:<sup>15</sup>

- to be informed about the reasons of their arrest or restraint in the language of their understanding or with the help of a translator;
- to appeal to the court against any decision adopted in their respect;
- to be visited by an attorney or other legal representative (including from NGOs), the official of the diplomatic or consular services of the country of origin. In the case of citizens of Turkey, the latter is impossible due to the absence of diplomatic relations between Armenia and Turkey. The Turkish Embassy in Georgia may establish contact with the local attorney in order to get information about the prisoner and relay that information to the prisoner's relatives in Turkey. The prisoner may consider checking if the embassy or the consulate of Turkey in Georgia has a list of Armenian lawyers. Additionally, the relatives of the prisoner may get the list of lawyers, with contact information, by visiting either the office or the webpage of the Chamber of Advocates;<sup>16</sup>
- to apply to the court requesting their release;
- to be provided with the necessary medical care.

#### **Extradition:**

The extradition of foreigners is prohibited if the conduct for which the person is being charged is punishable with the death penalty or there are serious grounds to suspect that they may be subjected to torture, inhuman or degrading treatment or punishment.<sup>17</sup>

The person may be subjected to 40 days temporary arrest for the purposes of receiving the motion for extradition and clarifying the circumstances preventing the extradition, if the crime has been committed abroad and the person was arrested in the territory of Armenia.<sup>18</sup>

Detention with the purpose of extradition can be applied for a term of two months at a time, but for no more than 8 months. The same rule is applicable to other restraint measures not related to the deprivation of liberty.<sup>19</sup>

The arrested or detained have the right to a lawyer, to know the charges against them, to appeal against the decisions of the investigator, prosecutor or the court, the right to a translator, the right to communicate with their close relatives.<sup>20</sup>

If the criminal case instituted abroad is at the pretrial stage, the decision on allowing or denying the extradition is adopted by the Prosecutor General. If the case is in the trial stage or there is a final judgment, the decision is adopted by the Minister of Justice or by the court that adopted the judgment with the motion of the Minister of Justice.<sup>21</sup> These decisions may be appealed to the Criminal Appeals Court within 10 days following receipt and the decisions of the Criminal Appeals Court may be appealed to the Court of Cassation within 5 days following receipt.

The foreign state's request for extradition may be denied if:

- the person has been granted asylum in Armenia,<sup>22</sup>
- the person is being persecuted on political, racial or religious grounds,
- the person is being persecuted for committing a military crime during non-combat period,
- the crime was committed on the territory of Armenia.

Armenia and Turkey may cooperate on extradition procedures in the framework of international multilateral framework treaties such as the UN Convention on Transnational Organized Crime or international organizations such as the Interpol. However, due to a lack of diplomatic relations such cooperation may be limited to case specific initiatives.

#### **Asylum:**

In order to apply for asylum in Armenia, the person shall either

- when on the border of Armenia, submit an application to the border control authorities either verbally, in writing or in sign language, or
- when in the territory of Armenia, submit an application with the State Migration Service (SMS) or the Police.<sup>23</sup>

Though the above mentioned options are widely practised, it should also be noted that an application can be submitted in the police station even when the person is under detention or under arrest. In this case, the authorities have to accept the application under any circumstance.

The foreign citizen will not be granted asylum if there are serious grounds to believe that the person

- committed crimes against peace or mankind or war crimes,
- committed a non-political crime before applying for asylum in Armenia,
- was found guilty for committing conduct contrary to the objectives and principles of the United Nations.<sup>24</sup>

Moreover, asylum may be denied if the person arrived from a third safe country where they do not face danger of persecution, human rights violations or fear of returning to their country of origin, there is no fear of widespread violence, external aggression, internal conflicts or other conduct breaching public order and the person can return to their country of origin.

In order to assess the grounds for granting asylum the representatives of the SMS conduct interviews. In the end the SMS adopts a decision on either granting or denying asylum. The latter decision can be appealed before the Administrative Court within 30 days following receipt.<sup>25</sup>

**Property rights:**

Foreign citizens have the same property rights as citizens from Armenia with the exception of land ownership, which is reserved only for citizens of Armenia.<sup>26</sup>

**Money transfer:**

Currently, Turkey has informal sanctions in place regarding bank transfers to and from Armenia. Any transaction is subject to the approval of the Undersecretariat of Foreign Trade. Only some private banks allow bank transfers to/from Armenia on a case by-case basis.<sup>27</sup>

**Legal Assistance:**

If citizens from Turkey need legal assistance in Armenia, there are many law offices both in the capital Yerevan and in the regions. Citizens of Turkey may access the list of licensed attorneys at the official webpage of the Armenian Chamber of Advocates by visiting [www.advocates.am](http://www.advocates.am). Local attorneys may assist citizens of Turkey by providing legal representation before the state and non state actors, filing legal documents, including visa applications, residence permit requests, asylum applications and so forth. There has been prior successful cooperation between citizens of Turkey and local attorneys on criminal, civil and administrative litigations.

- 1 Statistical yearbook of the Republic of Armenia (2010-2019)
- 2 Interim Policy Brief on Consular Relation between Armenia and Turkey, Armenia-Turkey Expert Dialogue Group, September 2018
- 3 [https://www.mfa.am/filemanager/consular/visa/uppon\\_arivaLeng.pdf](https://www.mfa.am/filemanager/consular/visa/uppon_arivaLeng.pdf). In the case of entry into Armenia via Georgia by the land routes, the Bagratashen or Sadakhlo checkpoints, citizens of Turkey must visit the Embassy of the Republic of Armenia in Tbilisi and obtain their visa from the Embassy, submitting the special permit letter issued for their names by the Ministry. In case the Embassy is given prior notice about the situation, they can also issue a visa on the same day. The Embassy in Tbilisi can only be visited during weekdays and during the working hours. Therefore, it is important to plan the travel dates accordingly. Website of the Armenian Embassy in Tbilisi: <https://georgia.mfa.am/en>.
- 4 <https://evisa.mfa.am/>
- 5 For more up-to-date fees, please check <https://www.mfa.am/en/fees/>.
- 6 As of June 21, 1 TRY is equivalent to 59.16 AMD, 1 USD is equivalent to 513.73 AMD. See <https://www.cba.am/am/sitepages/ExchangeArchive.aspx>.
- 7 [https://www.mfa.am/filemanager/consular/visa/invitation\\_form.pdf](https://www.mfa.am/filemanager/consular/visa/invitation_form.pdf)
- 8 <https://www.mfa.am/filemanager/consular/visa/visaappform.pdf>
- 9 Article 14, Law on Foreigners
- 10 Article 30, ibid
- 11 Article 32, ibid
- 12 Article 33, ibid
- 13 Article 37, ibid
- 14 Article 38, ibid
- 15 Article 39, ibid
- 16 Chamber of Advocates – website: [www.advocates.am](http://www.advocates.am); address: 7-2 Zakyán street, Yerevan.
- 17 Article 41, ibid
- 18 Article 478.2, Criminal Procedure Code
- 19 Article 478.3, ibid
- 20 Article 478.4, ibid
- 21 Article 479, ibid
- 22 Article 488, ibid
- 23 Article 13, the Law on Refugees and Asylum
- 24 Article 11, ibid
- 25 Article 57, ibid
- 26 Article 60, par. 6, RA Constitution
- 27 Armenia and Turkey an Overview of Relations and Prospects for Normalisation, Artak Ayunts & Talha Köse, contribution of Burcu Becermen, March 2019, Hrant Dink Foundation Publications, p.29

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