

Unofficial translation

*Ratified by
RA President R. Kocharyan
on 25 January 2003*

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

DECISION

9 January 2003 # 11-N

On the procedure for granting temporary asylum to foreign citizens and stateless persons.

According to article 21.1 of the Refugee Law the Government of the RA decides:

1. To approve the procedure for granting temporary asylum to foreign citizens and stateless persons.
2. This procedure enters into force from the tenth day of its official publication.

Prime Minister of the RA

A. Margaryan

20 January 2003-02-10 Yerevan

Annex
of the RA Government Decision
11-N dated 9 January 2003

Procedure

*On granting temporary asylum
to foreign citizens and stateless persons*

I General Provisions

1. This procedure is developed in accordance with article 21.1 of the RA Refugee Law (hereinafter-Law) and defines the procedure for granting temporary asylum to foreign citizens and stateless persons (hereinafter- applicant).
2. The temporary asylum is granted through the examination of application for temporary asylum in accordance with the procedure for determination of refugee status approved by the GoA decision # 655 dated 19 July 2001.

II. Granting temporary asylum, in cases when the applicant qualifies for refugee status

3. If the applicant qualifies for refugee status as per RA Refugee Law, s/he shall be recognised as a refugee. After being recognised as a refugee, the applicant has the right to forward a written application to designated government body for being granted temporary asylum.
4. Upon receipt of applications defined in the para. 3 of the current procedure, responsible official of the designated Government body shall inform the applicant of the rights and obligations under the refugee and temporary asylum status respectively.
5. After receipt of the application for temporary asylum the responsible official of the designated governmental body shall present conclusion to the head of the designated body on granting temporary asylum to the applicant mentioning that even though the applicant has been granted refugee status s/he has voluntarily chosen temporary asylum.
6. Based on the written conclusion the head of the designated government body makes a decision on granting temporary asylum.

III Granting temporary asylum in case when the applicant's data does not qualify for refugee status under the Law.

7. If the data of an applicant does not qualify for refugee status as per the Law, he/she is granted temporary asylum in the RA if s/he cannot or is unwilling to return to his/her country of citizenship or habitual residence due to the risk to be subjected to torture, inhuman or degrading treatment or if his/her life and freedom are in danger due to war situation.

IV On applicants who have been in the territory of the RA prior to the adoption of the current procedure.

8. Prior to the entry into force of the current procedure, persons, who arrived in the RA from the conflict areas of the former USSR due to military conflicts, are granted temporary asylum without being examined in accordance with the RSD procedure, if they apply to the designated governmental body for temporary asylum within one-year period.

Applications which fail to meet the a/m deadline shall be examined under general procedure.

*The Head of Staff of the RA
Government-Minister*

M. Topuzyan