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# EUDO CITIZENSHIP OBSERVATORY

## ***COUNTRY REPORT: ARMENIA***

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European University Institute, Florence  
Robert Schuman Centre for Advanced Studies  
EUDO Citizenship Observatory

***Report on Armenia***

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EUDO Citizenship Observatory  
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# Armenia\*

by Shushanik Makaryan

## 1. Introduction

The Soviet Union collapsed in 1991 and fifteen former Soviet republics acquired independent statehood. Redefinition of territorial boundaries by the Soviet authorities, the immigration of skilled labour-force (mostly Russians), voluntary and forced migration, as well as intense assimilation into Russian culture had transformed the ethno-demographic composition of many republics (Anderson & Silver 1989, Castells 1997, Brubaker 2000). These transformations were so momentous that in some republics, such as Latvia, ethnic minorities could have soon outnumbered the titular nation (Brubaker 1992). Thus, when the Soviet Union collapsed, citizenship laws were among the first laws adopted. These laws were intended to halt the immigration of other ethnic groups, and to help constitute control over domestic demographic dynamics in the republics.

Within four years of the disintegration of the Soviet Union, fourteen of the fifteen post-Soviet republics had already established a new citizenship regime (IOM 2006). Various aspects of Soviet and pre-Soviet historical legacies left their imprint on the choices that post-Soviet republics made when adopting their citizenship laws. Some states, such as Latvia or Estonia, caught the attention of the international community when they adhered to citizenship regimes that marginalized ethnic minorities, primarily Russians, from the polity of the post-Soviet state (Helsinki HRW 1992). In contrast, Armenia and most other republics adopted the ‘zero-option’ and extended citizenship to all persons who were permanent residents in their republics since Soviet times (Helsinki HRW 1992).

This report examines the institutionalisation and transformation of Armenia’s citizenship regime since the disintegration of the Soviet Union. In contrast with other Soviet republics, Armenia did not experience heavy assimilation into Russian culture and remained ethnically homogenous throughout the 70 years of Soviet rule. However, Soviet policies still left heavy footprints on Armenia’s citizenship regime.

In the 1980s, Mikhail Gorbachev, the General Secretary of the Communist Party, implemented reforms that allowed freedom of speech (*glasnost*). These reforms sparked nationalism and ethnic tensions across the Soviet Union. The legitimacy of Soviet assimilation policies was challenged as ethnic tensions escalated into conflicts in many regions of the Soviet Union. One of those conflicts erupted in the autonomous district of Nagorno-Karabakh – an Armenian enclave of Armenia’s neighbouring Soviet Socialist Republic of Azerbaijan. According to the 1989 (last) Soviet population census, 75 per cent of Nagorno Karabakh’s population consisted of ethnic Armenians, and the other 25 per cent were Azeris (cited in Helsinki HRW 1994). The Armenian population of Karabakh demanded that the enclave be transferred to Armenia. This led to anti-Armenian riots in Azerbaijan. Eventually the ethnic violence escalated into a war in Nagorno Karabakh region of Soviet

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Azerbaijan and led to a large flow of Armenian and Azeri refugees. While at war, Azerbaijan (and Turkey - acting in solidarity with Azerbaijan) imposed an economic blockade on Armenia that resulted in high unemployment. This unemployment, combined with corruption and political instability, forced many people to emigrate in search of better life opportunities outside of Armenia.

The independence of Armenia also rejuvenated hopes that after Soviet rule was lifted new ties could be established between Armenia's large diaspora and the homeland that they still cherished. Thus, the decisions that Armenian authorities made about Armenia's citizenship regime were shaped by the Nagorno Karabakh war, high emigration rates on the part of Armenia's population, inflows of refugees into an economically and politically unstable Armenia, as well as the presence of a large diaspora both in the West and in the former Soviet region – the so called Near Abroad. This report examines in detail how these conditions have affected Armenia's citizenship regime.

Before I proceed, some terms should be clarified. In the Armenian language 'citizenship' (*քաղաքացիություն*) and 'nationality' (*ազգություն*) are distinct notions. This distinction is also reflected in the legal texts. The Constitution and the Citizenship Law of Armenia use the term 'citizenship' to refer to the legal bond of the individual with the state and to the bundle of rights of citizens. 'Nationality' is used to refer to the ethnic origin of the individual. The Citizenship Law of Armenia uses the terms 'persons of Armenian origin' or 'persons of Armenian descent' to refer to the ethnic origin of the person, i.e. the nationality (as clarified in Article 13, Citizenship Law of Armenia).<sup>1</sup>

My analysis highlights the impact of various provisions of the Citizenship Law on certain groups, such as refugees or members of the diaspora. My findings reveal that Armenia's Citizenship Law, adopted in 1995, is heavily based on the *ius sanguinis* principle. The *ius soli* citizenship applies only to children of stateless parents or to foundlings when both parents are unknown.

In 2007 the Citizenship Law was amended to allow for dual citizenship. Dual citizens enjoy the same rights as Armenian citizens who hold no other citizenship. However, dual citizens cannot become members of the National Assembly of Armenia (the parliament), run for the Presidency, or become members of the Constitutional Court of Armenia. Dual citizens can vote in the elections only if they are entered on the electoral register in Armenia.

Naturalisation is conditional on three years of permanent residency in Armenia, proficiency in the Armenian language and the knowledge of Armenia's Constitution. Persons of Armenian origin or persons who have a spouse, a child or a parent of Armenian citizenship are eligible for facilitated naturalisation without meeting the residency and the language proficiency requirements. Facilitated naturalisation is also offered to persons who since 1 January 1995 by their own application had renounced Armenian citizenship.

The three years residency requirement for naturalisation is one of the shortest among all the former Soviet republics. However, during 1997-2007 Armenian citizenship was mainly acquired by refugees from Nagorno-Karabakh. After the introduction of dual citizenship in 2007, the number of both citizenship applications and naturalisations has increased drastically. This trend is likely to continue in the near future.

The next section is a brief summary of Armenia's history. I discuss the pre-conditions that led to the formation of Armenia's large diaspora which eventually came to play a key role

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<sup>1</sup> Citizenship Law of Armenia, adopted on 6 November 1995, entered into force on 16 November 1995, last amended on 6 April, 2010.

in shaping Armenia's citizenship regime. After discussing Armenia's citizenship within Soviet framework, I examine the post-Soviet era. Here I discuss the public debates that have surrounded Armenia's citizenship regime since 1995 – when the Citizenship Law of Armenia was adopted. I conclude my report by summarizing the main features of Armenia's current citizenship regime.

## 2. Historical Background

Armenia's history dates back to the Kingdom of Urartu in the 9<sup>th</sup> century BC. In the 6<sup>th</sup> century B.C. this Kingdom was ruled by an Armenian dynasty. Between 95-65 BC, under King Tigran Mets (Tigranes the Great), the Kingdom reached its peak. In his time the Kingdom of Great Armenia was one of the most powerful kingdoms to the East of the Roman Empire. Its territories extended from the Black Sea to the Caspian Sea and spanned the geographic landscape of the Caucasus, today's Syria, Lebanon and parts of Turkey (Gale Group 2003, Encyclopaedia Britannica 2010). In 301 AD King Tiridates III was the first to declare Christianity the state religion (the Roman Emperor Constantine did so only in 313 AD).

Located on an important travel route between the East and the West, from the 4<sup>th</sup> to the 19<sup>th</sup> century the Armenian Kingdom lost territories to the Byzantine, Persian, Ottoman, and Russian Empires (Gale Group 2003). In the 16<sup>th</sup> century Armenia fell under the rule of the Ottoman Empire. During the Persian-Turkish wars in the 16-19<sup>th</sup> centuries, parts of Armenia were incorporated into Persia. Later, during the Russian-Persian war (1824-1828) and Russo-Turkish war (1828-1829), the Russian Empire acquired some parts of Armenian territories from the Ottomans and the Persians.

At the beginning of the 20<sup>th</sup> century, in 1915, radical Ottoman Turkish nationalism escalated into the genocide of Armenians. Scholars argue that several factors led to this traumatic event, such as the geopolitical destabilisation at the beginning of the 20<sup>th</sup> century and economic privileges that Christians enjoyed in the Ottoman Empire (Mann 2005), the perception among radical nationalists that the Ottoman hegemony and superiority was in decline (Akcem 2004), as well as the revolutionary transformation promoted by the Young Turks (Melson 1996) that sparked anti-Christian sentiments.

World War I marked the end of the Ottoman Empire and the onset of the 1917 Bolshevik revolution. Armenian territories managed to gain independence from the Russian and Ottoman Empires. Thus, a short-lived first Democratic Republic of Armenia was born (1918-1920). During the Turkish-Armenian war in 1920 the post-Ottoman Turkish state was able to regain lost territories from Armenia. However, later that year Soviet troops invaded and forced the Turks to leave. By several treaties the Soviet Union and Turkey divided amongst themselves and exchanged parts of Armenian territory. Turkey acquired several territories, including the ancient Armenian cities Ani, Kars and Ardahan (Barseghov 2002). In exchange, Turkey ceded Adjara (currently part of Georgia) to the Soviet Union. Turkish and Soviet authorities agreed to assign Zangazur to Armenia, whereas Nakhichevan and Nagorno-Karabakh were allocated to Azerbaijan as autonomous units (Barseghov 2002, Europa Publications 2000). Hence, the contemporary boundaries of Armenia were drawn.

In 1922 Armenia officially became part of the Soviet Union and, along with Georgia and Azerbaijan, was incorporated into the Transcaucasian Socialist Federative Soviet Republic (SFSR). The Transcaucasian SFSR was dissolved in 1936, and the Soviet authorities created three separate Soviet Socialist Republics (SSR) – Armenia, Georgia and Azerbaijan.

## 2.1. Soviet Citizenship Law and the Citizenship of the Armenian Soviet Socialist Republic

During Soviet times republic-level citizenship was regulated by the Soviet Union Citizenship Law. The citizen of a particular republic was also a citizen of the Soviet Union. While each republic had its own citizenship law, that law was almost identical to the Soviet Union Citizenship Law. To acquire citizenship in a Soviet republic and, hence, also Soviet citizenship, the only requirement one had to fulfil was to simply obtain a permanent residency status in the particular republic (Ginsburgs 1983).

After World War II Soviet authorities tried to consolidate Soviet Armenia as the homeland for all Armenians in the world. Hence, the Soviet government started a campaign to facilitate the repatriation of people of Armenian origin – dispersed around the world due to the 1915 genocide and the collapse of the Russian Empire. To foster the process, Soviet authorities issued a decree which allowed repatriated Armenians to build private housing in the territory of Soviet Armenia – with 50 per cent of the cost being paid by Soviet authorities (Avakov 1957 cited in Ginsburgs 1968). By the 1946 decree, persons of Armenian nationality that returned from abroad into Soviet Armenia were declared Soviet citizens as soon as they had arrived in the Soviet Union (Ginsburgs 1968: 33). Turkey forbade the repatriation of 30,000 Armenians from Turkey. Nevertheless, during 1946-1947 around 60,000-80,000 Armenians were able to repatriate into Soviet Armenia from Lebanon, Syria, Greece, Egypt, France, Bulgaria, Romania and Iran (Vernant 1953 cited in Ginsburgs 1968). Another wave of returns occurred in the mid 1960s.

Soviet authorities made no mandatory provision to require that Armenian repatriates renounce their previous citizenship, which unintentionally created a possibility for *de facto* dual citizenship (Ginsburgs 1968: 199).

## 2.2. Debates Surrounding Armenia's Post-Soviet Citizenship Regime

The Soviet Union collapsed in 1991, and the international community recognised the independence of fifteen former Soviet republics. As sovereign states, the republics now had to define the initial constituent citizenship body of the newly independent state. In the Baltic republics this became a controversial issue. Labour immigration by Russians and other ethnic groups, as well as high fertility rates among ethnic minorities were among the key factors that had transformed the ethno-demographic structure of Latvia and Estonia (Brubaker 1992).

In contrast, the Armenian SSR was one of the most ethnically homogenous republics among all fifteen former Soviet republics (Anderson & Silver 1989). In the 1989 Soviet Union population census, Armenians comprised 93.3 per cent of the republic's population (see Table 1). The Armenian public therefore did not share the same concerns about ethnic minorities that were present in the Baltic states during the early years of post-Soviet statehood. Hence, already in the 1990 Declaration of Independence Armenia stated that '[a]ll citizens living on the territory of Armenia [are] granted citizenship of the Republic of Armenia' (Article 4).<sup>2</sup>

<sup>2</sup> Declaration of Independence of Armenia, adopted 23 August 1990 by the Supreme Council of the Armenian Soviet Socialist Republic (SSR). <http://www.armeniaforeignministry.am/arm/index.html>, 14 June 2010.

**Table 1.** *De iure* Population of Armenia by Ethnic Composition in 1989 and 2001 Population Census Results.

Ethnicity	1989 Population Census		2001 Population Census	
	Total Population (in persons)	%	Total Population (in persons)	%
Total	3,448,600	100.0	3,213,011	100.0
Armenian	3,217,544	93.3	3,145,354	97.9
Azeri	89,664	2.6	not available	0.0
Kurd	58,626	1.7	not available	0.0
Russian	51,729	1.5	14,660	0.5
Yezed	not available	not available	40,620	1.3
Other	31,037	0.9	12,377	0.4

**Sources:** Europa Publications (2000); NSS (National Statistical Service) of Armenia (2003).

In 1995, after the Constitution of Armenia was adopted, the parliament of Armenia enacted a citizenship law. Two main issues – dual citizenship and citizenship rights for the Armenian refugees from the neighbouring country Azerbaijan – were at the centre of the debates about the citizenship regime.

### *Debates over Dual Citizenship*

The first issue was dual citizenship. Post-Soviet independent Armenia had a large diaspora in Western Europe, North and Latin America, as well as in the former Soviet region – the Near Abroad. While the diaspora in the West was primarily formed due to the 1915 genocide of Armenians by Turkey, the diaspora in the Near Abroad (primarily settled in Russia) had formed during the Soviet years and shortly after the collapse of the Soviet Union. The last Soviet population census held in 1989 stated that there were over one million persons of Armenian nationality living in other republics of the former Soviet Union (Anderson & Silver 1989). Moreover, post-Soviet economic hardships had forced many citizens to leave Armenia in the early 1990s in search of better job opportunities in Russia and other former Soviet republics. Due to the intended temporary nature of emigration, many of these labour migrants, despite being absent for years, did not alter their place of permanent residence from Armenia and remained eligible to vote in elections (IFES 1996 [1998]).<sup>3</sup> These persons could eventually settle in host countries and acquire second citizenship. Thus, there were concerns among the Armenian legislators that many Armenians who now lived in the Near Abroad

<sup>3</sup> According to IFES (1996 [1998]: 38), the Law on Conduct of the Referendum and the Law on the Election of National Deputies to the National Assembly stated that Armenian citizens were eligible to vote in elections if they had become eighteen years old or higher and had resided in Armenia for one year prior to the day of the election. These rules regulated the 1995 national elections to the parliament and the national referendum on the constitution, both held on 5 July 1995. However, given that the Citizenship Law of post-Soviet Armenia was not adopted at the time, and the process of replacement of Soviet passports with Armenian passports was still ongoing, the Central Election Committee (CEC) decided that those citizens of the former Soviet Union who resided in Armenia, had a permanent residence permit, and met the one year residency requirement were eligible to vote in 1995 elections (CEC decision of 24 May 1995 cited in IFES 1996 [1998]: 38).



could be eligible for dual citizenship.<sup>4</sup> This large number of potential dual citizens could have an impact on elections, and could thus challenge the political stability of Armenia.

There were also fears that dual citizenship would allow many Armenian citizens to avoid military service at a time when Armenia and the neighbouring Republic of Azerbaijan were engaged in a conflict over the Nagorno-Karabakh territory:<sup>5</sup> a cease-fire was achieved in 1994 – only one year prior to the adoption of the Citizenship Law.

The issue was further complicated by the hostility that existed between the Armenian government and the Armenian Revolutionary Federation (ARF, also known as Dashnaktsutyun political party). After Armenia became part of the Soviet Union, the ARF, created in the 19<sup>th</sup> century, was banned from Soviet Armenia, and hence the ARF remained active in the exile among the Armenian diaspora in the West (ARF-D n.d.). The ARF ‘strongly opposed Armenia’s first post-Soviet government led by [then President] Ter-Petrosian from 1991 to 1998 [who] controversially ... banned [ARF] in 1994’.<sup>6</sup> The Armenian authorities also feared that dual citizenship would allow Armenians in the West to interfere and shape the domestic politics and foreign policy of Armenia.

Eventually, in April 1995 the Supreme Council (i.e. the parliament, since 1995 renamed as the National Assembly of Armenia) decided to ban dual citizenship from the final draft of the constitution that was put on the ballot during the national referendum in July of the same year. This Constitution did not allow Armenian citizens to possess multiple citizenships (Article 14).<sup>7</sup> However, the Constitution also stated that persons of Armenian nationality were eligible to acquire Armenian citizenship in a simplified manner (Article 14, 1995 Constitution of Armenia). As I discuss later, the 1995 Citizenship Law made persons of Armenian descent eligible for facilitated naturalisation without meeting the mandatory three years residency requirement. However, the 1995 Law was vague on regulating the renunciation of previous citizenship.

### *Citizenship Status of Armenian Refugees*

The second issue was the citizenship status of Armenian refugees from the Nagorno-Karabakh territory – an Armenian enclave in the neighbouring Republic of Azerbaijan. Since 1988, when conflict erupted in Nagorno-Karabakh between ethnic Armenians and Azeris, hundreds of thousands Armenian refugees fled to Armenia and Russia, among other destinations. It was estimated that over 400,000 Armenian refugees left Nagorno-Karabakh, and more than 300,000 settled in Armenia (Regional Surveys of the World 1999 cited in UNHCR 1999). This flow of refugees was equivalent to roughly 10 per cent of Armenia’s population at the time (see the 1989 population census in Anderson & Silver 1989). The citizenship status of these refugees was one of the issues to be formulated in the post-Soviet citizenship law.

<sup>4</sup> Supreme Council of Armenia (1995), *Հայաստանի Հանրապետության Գերագույն Խորհրդի նիստի արձանագրություն* [Transcripts of the Parliamentary Hearings of the Supreme Council]. May 2 1995.

<sup>5</sup> ‘Ter-Petrosyan Holds Press Conference. 4 October, 1997’ *Azbarez* [Armenian daily newspaper], 16 October 1997.

<sup>6</sup> Musayelyan, S. (2009), ‘Ter-Petrosian Pushes For Broader Opposition Collaboration’ *Azatutyun Radiokayan* [Radio Liberty], 12 June 2009. <http://www.azatutyun.am/content/article/1753151.html>, 17 June 2010

<sup>7</sup> The [First] Constitution of Republic of Armenia. Adopted 5 July 1995 by the Supreme Council of the Armenia. <http://www.president.am/files/output.php?fid=111>, 10 May 2010.

The Citizenship Law of the Soviet Union remained in force until 1995, when the new post-Soviet citizenship law was finally adopted. The Soviet Citizenship Law did not regulate the matter of refugees among the republics: citizens of a certain republic were all citizens of the same Soviet Union. Thus, during 1990-1991 the Government of Armenia decided the status of citizenship applications of Nagorno-Karabakh refugees on a case-by-case basis. Armenian authorities granted citizenship by descent – i.e., to ‘all the members of a family who applied for citizenship if one of the parents was a citizen of Armenia. Families whose heads were both citizens of Azerbaijan were not entitled to Armenian citizenship’ (Immigration & Refugee Board of Canada 1994).

## **2.3 The Citizenship Law of 1995 and the Subsequent Changes**

### *The Initial Body of Citizens*

When the Citizenship Law was finally adopted (entered into force 16 November 1995), Article 10 specified the initial constituent body of citizens of Armenia. Several groups of people were addressed in that category – previous citizens of the Armenian Soviet Socialist Republic (Article 10(1)), refugees from the neighbouring republic Azerbaijan and stateless persons or citizens of other republics of the former Soviet Union (USSR) who were living in Armenia and did not have other citizenship (Article 10(2)), as well as the post-Soviet Armenian diaspora and migrants from Armenia (Article 10(3)). Article 10(2) reinforced the zero-option, and made Armenian citizenship available to all former USSR citizens that were permanent residents in Armenia for three years prior to the enactment of the 1995 Citizenship Law and who had not acquired foreign citizenship. Specifically, the following categories of persons were declared citizens of post-Soviet Armenia (IOM 1996):

- 1) Citizens of the former Armenian SSR permanently residing in the Republic of Armenia who prior to the enactment of the Constitution [1995] [had not] acquire[d] citizenship of another state or renounced it within a year as of the day of enactment of the present Law;
- 2) Stateless persons or citizens of other republics of the former USSR who [were] not aliens and who prior to the enactment of the present Law permanently resid[ed] in the Republic of Armenia for [previous] three years and who, within a year as of the day of the enactment of the present Law, appl[ied] for the acquisition of the citizenship of the Republic of Armenia;
- 3) Citizens of the former Armenian SSR residing [since] 21 September 1991 outside the Republic of Armenia who [had not] acquire[d] citizenship of another state, as well as citizens of the former Armenian SSR who [were] Armenians by origin and who [had] resided before outside Armenia and [had] not acquire[d] citizenship of another state and prior to the enactment of the present Law were on the consular record.

Between 1997 and 2010 the Citizenship Law of 1995 was amended seven times, and in each of these amendments (except in 2001) Article 10(2) was modified. The refugee population

was slow in acquiring Armenian citizenship.<sup>8</sup> Table 2 depicts the naturalisation rate of the total annual number of refugees, identified so by the UNHCR, that were present in Armenia. The UNHCR (2004a) estimated that there were 334,000 refugees in Armenia identified as refugees by the UNHCR in 1993 – roughly 10 per cent of Armenia’s population (Table 2).

**Table 2.** Amendments to Article 10(2) of the Citizenship Law of Armenia and the Number of Annually Naturalised Refugees in Armenia by the End of the Year.

Year	Total Annual Number of Refugees	Citizenship Law Adopted/ Amended	Refugees Naturalised Annually
1992	300,000		
1993	334,000		
1994	304,039		
1995	218,950	Citizenship Law adopted	
1996	218,950		
1997	219,000	Art. 10(2) amended	
1998	310,012		7,000*
1999	296,216	Article 10(2) amended	7,497
2000	280,591		15,631
2001	264,337	Amendment not affecting Art. 10(2)	16,259
2002	247,550	Article 10(2) amended	9,055
2003	239,289	Article 10(2) amended	8,287
2004	235,235		4,149
2005	219,550		2,274
2006	113,226		1,200
2007	4,566	Article 10(2) amended	700
2008	3,953		733
2009	2,700		400
2010	not available	Article 10(2) amended	not available
<b>Total</b>			<b>73,185</b>

\* Total number of refugees naturalised prior to 1998 (UNHCR 2004b).

**Sources:** UNHCR (2004a, 2004b, 2007a, 2007b, 2008, 2010).

In 2005 there were still around 220,000 refugees in the country (UNHCR 2007a).<sup>9</sup> By the end of 2008 only a total of 73,185 refugees (Table 2) had acquired Armenian citizenship.<sup>10</sup> Thus, Article 10(2) was repeatedly amended in order to extend the time for refugees to file applications for Armenian citizenship.

In 2001, the citizenry of Armenia was again redefined. This time the change was made to Article 10(3). The paragraph was re-written to refer only to the Armenian diaspora of the former Soviet Socialist Republic of Armenia. Specifically, the new wording extended

<sup>8</sup> Many refugees believed that by acquiring Armenian citizenship they would hence become not eligible to claim property rights and receive property compensation from Azerbaijan (UNHCR 2004c).

<sup>9</sup> By the end of year 2006, the number of registered refugees in Armenia decreased from 219,555 to 113,714 persons. The UNHCR (2007b: 24) attributes this drastic decline to ‘other’ unspecified reasons that do not include resettlement, voluntary repatriation and naturalisation. Many refugees are believed to have moved to other destinations, such as Russia and other CIS republics, or the United States and Europe.

<sup>10</sup> The Armenian government cites a different number – a total of 81,300 refugees by 2008 (official Armenian statistics cited in UNHCR 2009).

citizenship only to ‘citizens of Armenian origin of the former Armenian SSR who were living outside of Republic of Armenia and had not acquired citizenship of another country’.

### ***Acquisition of Citizenship***

The 1995 Citizenship Law heavily relied on the principle of *ius sanguinis* (Article 11). The *ius soli* principle applied only if the child was born in Armenia to stateless parents (Article 12).

Foreigners could apply for citizenship if they were able to communicate in the Armenian language, were familiar with the Constitution of Armenia and had lived in Armenia for three years prior to filing an application for citizenship (Article 13). Once granted citizenship, the person was required to read a loyalty oath in Armenian language and sign it.

The three years residency requirement was waived if the person had married an Armenian citizen or had a child or a parent of Armenian citizenship (Article 13). This requirement was also waived for a person who was an Armenian by birth and had established residence in Armenia (Article 13). This provision was a rather limited waiver that members of Armenian diaspora were entitled to by law. After all, Armenia’s Citizenship Law was largely driven by the principle of *ius sanguinis*, and Article 14 of the 1995 Constitution of Armenia explicitly stated that ‘[i]ndividuals of Armenian origin [should] acquire citizenship of the Republic of Armenia through a simplified procedure’.<sup>11</sup> However, one should not forget that the 1995 Citizenship Law was drafted during times when relations between the Armenian government and the Armenian diaspora in the West were strained. Those were years when the ARF political party that enjoyed the support of diaspora Armenians was banned in Armenia and was accused of trying to overturn the Armenian leadership.

Among all the former Soviet republics Armenia’s citizenship law had one of the smallest number of requirements for naturalisation. In fact, the three-year residency requirement was one of the shortest among all post-Soviet republics. Nevertheless, until 2007 only 1,735 persons had acquired Armenian citizenship.<sup>12</sup> The most plausible explanation for this discrepancy is that citizenship of Armenia remained largely unattractive to foreign citizens, including the Armenian diaspora, as long as the economic and political situation of Armenia failed to improve.

### ***Dual Citizenship***

When Armenia adopted its first post-Soviet Constitution in 1995, Article 14 specified that ‘[a] citizen of the Republic of Armenia may not be a citizen of another state simultaneously.’ Article 1 of the 1995 Citizenship Law restated this principle. However, the Law failed to specify whether acquiring another country’s citizenship would *automatically* result in the loss of Armenian citizenship. Thus, the Law did not regulate or prevent instances that could allow *de facto* dual citizenship. Moreover, the renunciation of the other citizenship was never

<sup>11</sup> The [First] Constitution of Republic of Armenia. Adopted 5 July 1995.

<sup>12</sup> Press-conference of the Head of the Passport and Visa Bureau of the Ministry of Interior of Armenia, Mr. Norayr Muradkhanyan. *Novosti-Armenia* (Armenia News), 23 December 2008. One must assume that Mr. Muradkhanyan was referring to naturalised foreign citizens rather than the more than 81,000 refugees or stateless persons that had acquired citizenship of Armenia by 2008 (official Armenian statistics cited in the UNHCR 2009).

explicitly made a requirement for foreigners who wanted to naturalise (see Article 13 of the 1995 Citizenship Law). In contrast, for example, in Latvia's Citizenship Law of 1994, Article 12.1(7) explicitly stated that Latvian citizenship could be granted only if the applicant had met several naturalisation requirements, among these providing a statement of renunciation of former citizenship or a document proving loss of that citizenship (IOM 1996).

Article 23 on termination of Armenian citizenship did not directly make reference to dual citizenship either. This article vaguely mentioned that the citizenship of Armenia could be terminated on the basis of 'changing the Armenian citizenship' and 'other reasons defined by [the Citizenship] Law'. Instead, Article 25 stated that the person '*could be* deprived of Armenian citizenship... if [he or she] had acquired citizenship of another state by violating the Citizenship Law of Armenia' (Article 26(3), emphasis added).

Since the collapse of the Soviet Union, many citizens of Armenia had emigrated as (undocumented) labour migrants to the United States, Russia and other former Soviet republics. Unfortunately, the population census and alternative measures for annual migration statistics have failed to provide reliable estimates for annual migration dynamics (Makaryan forthcoming). However, according to Armenia's Aviation Department, during 1990-1999 630,000 more passengers had left the country than had arrived (Yeganyan, Badurashvili, Andreev, Mesle, Shkolnikov, & Vallin 2001). This was roughly 20 per cent of Armenia's 2001 population size (see Table 1). Russia's 2002 population census reported 136,841 citizens of Armenia (5 per cent of Armenia's 2001 population size) living in Russia at the time of the census (Rosstat 2004). Moreover, in Russia alone the proportion of persons of Armenian nationality (not citizenship) had more than doubled since the 1989 (last) Soviet population census. There were 779 Armenians (rather than 362 in 1989) per 100,000 persons in Russia in 2002 (Rosstat 2004).

As economic conditions failed to improve, and emigration continued to remain at high levels, the issue of dual citizenship remained a topic of public debate during the next decade.

### *Loss of Armenian Citizenship*

Article 25 of the Citizenship Law also specified the basis for the loss of Armenian citizenship. Acquiring citizenship of another state or providing false documents and information to acquire Armenian citizenship could lead to the termination of Armenian citizenship (Article 25(3 and 2)).

Controversy surrounds point 1 of Article 25 which stipulates that 'if the person has acquired Armenian citizenship under Article 13 of this Law [i.e. citizenship through naturalisation], and by being a permanent resident abroad has failed to file for consular registration for seven years without reasonable justification' then the Armenian citizenship may be revoked. Already in the 1994 draft version of the Law, the UNHCR objected to this wording and insisted that instances of statelessness could occur if the person had resided abroad for seven years and had not acquired another citizenship. 'In such cases the loss of Armenian citizenship would make him/her a stateless person.'<sup>13</sup> Thus, the UNHCR suggested limiting the wording to only those persons who possessed second country's citizenship. Yet, when the Law was adopted in 1995, this advice of the UNHCR was neglected.

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<sup>13</sup> The letter of the Head of the UNHCR in Armenia Mr. Reinout Wanrooy to the Head of the Parliament of Armenia Mr. Babken Ararktsyan, 24 January 1994.

Nevertheless, what is peculiar is that Article 25(1) targets specifically naturalised citizens and does not extend to persons that acquired Armenian citizenship at birth based on the Armenian citizenship of the parent. Had the statement in who 25(1) also included those Armenian citizens by birth, then thousands of Armenian citizens that had left the country as undocumented labour migrants and had lived in Russia, the United States and other countries for many years would have been in danger of losing their Armenian citizenship. In the context of the high emigration trends, this could have led to the depopulation of Armenia. Thus, one could assume that the wording of Article 25(1) was chosen carefully to target only those naturalised aliens who, after acquiring Armenian citizenship, had left the country and could potentially influence Armenia's domestic politics from outside.

### *Controversies Surrounding Citizenship of the Armenian Diaspora*

Citizenship and residency in Armenia have often been used by Armenian authorities to create obstacles to political competition or political opposition. Members of the opposition have often been from the Armenian diaspora in the West or the Near Abroad.

Among the most salient cases, and perhaps also the most publicly debated, was the citizenship status of Mr. Raffi Hovhannisyanyan, an American Armenian who in 1989 settled in Armenia and in 1991-1992 was the first Minister of Foreign Affairs of post-Soviet Armenia.<sup>14</sup>

In 1991 Mr. Hovhannisyanyan applied for Armenian citizenship,<sup>15</sup> which was granted only nine years later in 2001.<sup>16</sup> The media and the general public maintained that the Armenian government delayed and denied Mr. Hovhannisyanyan's citizenship application to marginalise him in the presidential race of Armenia.<sup>17</sup> As a person of Armenian descent, Mr. Hovhannisyanyan was eligible for facilitated naturalisation that waived the three-year residency requirement. The Office of Citizenship by the President of Armenia stated that the citizenship of Mr. Hovhannisyanyan was approved already in 1996 – on condition that Mr. Hovhannisyanyan would renounce his American citizenship.<sup>18</sup> In April 2001 Mr. Hovhannisyanyan renounced his US citizenship, re-applied for Armenian citizenship, and remained a stateless person until August of 2001 when finally by the decree of the President of Armenia Mr. Hovhannisyanyan was granted citizenship of Armenia.<sup>19</sup>

In 2003 and 2008 Mr. Hovhannisyanyan publicly expressed his desire to run for Presidency of Armenia during the upcoming elections. However, the refusal to grant citizenship to Mr. Hovhannisyanyan in the 1990s disqualified him as a candidate for presidential elections in 2003 and 2008. By Article 50 of the Constitution of Armenia (as amended on 27

<sup>14</sup> Dashtents, A. (2001), 'Բաժնի Հովհաննիսյանին շնորհվել է ՀՀ քաղաքացիություն [Raffi Hovhannisyanyan was Granted Citizenship of Armenia]' in *Azatutyun Radiostation* (Radio Free Europe/Radio Liberty, Armenia office), 31 August 2001. <http://www.armenialiberty.org/content/article/1568815.html>, 5 May 2010.

<sup>15</sup> Qalantaryan, K. (2003), 'Դատարանը մերժում է Բաժնի Հովհաննիսյանի հայցը [The Court Denies the Claim of Raffi Hovhannisyanyan]', 9 January 2003 in *Azatutyun Radiostation* (Radio Free Europe/Radio Liberty, Armenia office). <http://www.azatutyun.am/articleprintview/1570625.html>, 5 May 2010.

<sup>16</sup> Dashtents, A. (2001).

<sup>17</sup> The 1995 Constitution of Armenia stated that '[e]very person having attained the age of thirty five, having been a citizen of the Republic of Armenia for the preceding ten years, having permanently resided in the Republic for the preceding ten years, and having the right to vote [was] eligible for the Presidency' (Article 50).

<sup>18</sup> The Head of the Office of Amnesty, Citizenship, Awards and Titles by the President of Armenia—Ms. Jemma Hakobyan cited in Dashtents (2001).

<sup>19</sup> Dashtents (2001).

November 2005) a person is eligible for the Presidency of Armenia if the person had been a citizen of Armenia, as well as a permanent resident in Armenia for the preceding ten years.<sup>20</sup>

In 2001, after being granted Armenian citizenship, Mr. Hovhannisyan filed a complaint with a first instance court and demanded that the court rectify the date of issue of Armenian citizenship to 1991 when he had initially filed his citizenship application having already been a resident in Armenia since 1989.<sup>21</sup> Had the court's decision favoured Mr. Hovhannisyan, he would have become eligible for registering with the Central Election Committee as a candidate for the 2003 presidential elections of Armenia. However, the court denied R. Hovhannisyan's claim based on the testimony of the representative of the President Kocharyan of Armenia, who insisted that no citizenship applications were received during 1991-1995, and that the first complete application dated to 1997.<sup>22</sup> This testimony contradicted the information received from the former Minister of Justice<sup>23</sup> who stated that R. Hovhannisyan had applied for Armenian citizenship earlier than 1997. In sum, the court denied the claim by Mr. Hovhannisyan, and thus rendered him ineligible for the office of the Presidency.<sup>24</sup> The Appellate Court did not overturn the ruling of the first instance court (OSCE 2003).

During the 2008 presidential election campaign Mr. Hovhannisyan petitioned President Kocharyan and asked again for the rectification of the date of his Armenian citizenship. The request was denied on the basis that at the time the Constitution of Armenia did not support dual citizenship, and that Mr. Hovhannisyan renounced his US citizenship only in 2001. Hence, Mr. Hovhannisyan had to withdraw his candidacy from the 2008 presidential campaign.

#### **2.4. Constitutional Amendments and Changes to the Citizenship Regime Since 2005**

When succeeding President Ter-Petrosyan (1991-1998), President Kocharyan (1998-2008) made a public promise to support dual citizenship for diaspora Armenians. Through the national referendum of 27 November 2005, the Constitution of Armenia was amended and a clause on dual citizenship was introduced into the Constitution.

Now the Armenian legislator had to decide whether dual citizenship would be available to (1) only citizens of the Armenian state, (2) and/or persons of Armenian descent worldwide (and hence dual citizenship would help formalise the membership of the Armenian diaspora in the Armenian state), or (3) whether dual citizenship would also be open to foreign citizens more generally (Solomonyan 2006).<sup>25</sup>

In 1994, the parliament of Armenia had adopted the Law on the Legal Status of Foreign Citizens.<sup>26</sup> This Law granted Special Residency Status (SRS) to persons of Armenian descent (Article 21). The SRS allowed the holder to reside in Armenia for ten years and enjoy the same rights as Armenian citizens, except the right to vote or be elected. Nevertheless, the

<sup>20</sup> Constitution of Armenia (as amended on 27 November 2005).

<http://www.parliament.am/parliament.php?id=constitution&lang=eng>, 16 April 2010.

<sup>21</sup> Qalantaryan (2003).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ms. Narine Solomonyan is a representative of the Ministry of Justice of Armenia.

<sup>26</sup> Law of Republic of Armenia On the Legal Status of Foreign Citizens in Armenia. Entered into force 17 June 1994, replaced by the Law on Aliens of 25 December 2006.

<http://web.archive.org/web/20011214134631/www.parliament.am/Am/>, 20 September 2010.

proponents of dual citizenship insisted that by formally introducing the option of dual citizenship, diaspora Armenians would feel more attached to the Armenian state.

In April 2006 the Armenian Revolutionary Federation (ARF, also known as the Dashnaktsutyun political party) unveiled to the public a legislative proposal on dual citizenship. The ARF, popular among the Armenian diaspora in the United States, Iran, and Lebanon, emphasised that dual citizenship would organise Armenians around state interests, help integrate and strengthen the Armenian community worldwide, improve the relations with the Armenian diaspora, protect Armenia's history and culture, as well as protect the rights of Armenians abroad (ARF 2006). This position was also shared by the Armenian government and the larger public.

However, there were also fears that many current citizens of Armenia would acquire second citizenship, and due to slow economic progress, political repression and high unemployment, would eventually renounce their Armenian citizenship and abandon Armenia (Solomonyan 2006). This would lead to the depopulation of Armenia and, hence, jeopardise the national security in a geopolitically unstable region.

When the ARF unveiled its proposal on dual citizenship in 2006, the proposal specified that dual citizenship would be available to persons of Armenians descent only (ARF 2006). Most importantly, the proposal also stated that those citizens of Armenia who had renounced their Armenian citizenship in order to acquire another citizenship would not be eligible to re-apply for Armenian citizenship later and to acquire dual citizenship this way (Article XIII).

Three main issues became subjects of debates when various drafts on dual citizenship were circulated to the public: military service, tax duties, and voting and political rights of dual citizens. In the ARF proposal, tax payments were regulated by governmental treaties. The military service was to take place in the country where the dual citizen had been a permanent resident before reaching the age for army service. As already mentioned, the ARF political party was banned in Armenia during the 1990s because it was suspected of preparing a coup. Thus, the ARF wanted to ensure the public and the Armenian authorities that it did not intend to influence the Armenian politics from outside by using the dual citizenship of the Armenian diaspora (Ohanyan 2004). And hence, in the ARF proposal dual citizens would be eligible to participate in national elections only if they had established permanent and uninterrupted residency in Armenia. However, by linking voting rights to territorial residency, the ARF proposal excluded from the electorate a large body of Armenian citizens who had been living abroad as permanent residents (National Assembly of Armenia 2006). At the time, the legislation allowed Armenian citizens abroad to cast their ballot at Armenian consulates and embassies (Article 15(4) of the Electoral Code of Armenia).<sup>27</sup> In the ARF proposal this right was revoked.

Various bodies and representatives of the government and the judiciary publicised their ideas on dual citizenship. The Constitutional Court suggested retaining the right for dual citizenship only for the members of the Armenian diaspora<sup>28</sup> (see also Solomonyan 2006: 5-6). The Deputy Minister of Justice Mr. Malkhasyan proposed that the dual citizen himself choose the country of his citizenship where he intended to carry out his military service (Ohanyan 2004: 293). Mr. Malkhasyan also suggested that dual citizenship be granted through naturalisation, and the residency requirement be increased from three years to five

<sup>27</sup> Electoral Code of Armenia. Adopted 5 February 1999 (as amended by 22 December 2006). <http://www.parliament.am/legislation.php?sel=show&ID=2020&lang=arm>, 8 August 2010.

<sup>28</sup> Interview with the Chairman of the Constitutional Court of Armenia Mr. Gagik Harutyunyan in Yerkir Daily Newspaper, 5-20 September 2005. <http://www.yerkir.am/interview/>, 6 September 2010.



years, in order to prevent a ‘degrading’ of the institution of Armenian citizenship (Ohanyan 2004: 293). The proposal of the Ministry of Justice granted dual citizens the same rights and responsibilities enjoyed by Armenian citizens, including the right to run for an elective public office. However, the proposal banned dual citizens from occupying appointed positions in Armenia’s executive and judicial offices. Thus, while dual citizens could run for the Presidency, they were banned from holding high-level offices in the executive and judicial branches, such as being prime minister, a minister, a member of the Armenian Constitutional Court, etc (Ohanyan 2004).

The ARF suggested adopting a separate law on dual citizenship,<sup>29</sup> whereas other members of the parliament proposed regulating the issue within the already existing Law on Citizenship.<sup>30</sup>

Finally, on 7 February 2007 the package of draft legislation on dual citizenship was put on the agenda of the National Assembly of Armenia. This motion was initiated by the Government of Armenia. The legislative package proposed an amendment to the existing Citizenship Law (adopted in 1995), and to several other laws affected by the amendment. The amendment was incorporated into the Law in the same month after the second hearing on 26 February 2007. The vast majority of members of the parliament – 66 votes in favour of the amendment vs. five votes opposed to it and one vote undecided – supported the amendment on dual citizenship.<sup>31</sup>

### 3. Current Citizenship Regime

#### 3.1. Main Characteristics of the Current Citizenship Regime

##### *Dual Citizenship*

The current citizenship regime is based on a major amendment to the 1995 Citizenship Law. This amendment introduced dual citizenship into the Law on 26 February 2007 (entered into force 3 March 2007). The 2007 amendment introduced a new article to the already existing Article 13 and denoted it with a superscript– Article 13<sup>1</sup>. A superscript was also used to denote legislative change in several other laws, as discussed in the following sections, that were affected by the dual citizenship amendment.

The current Law states that ‘[f]or the Republic of Armenia a dual citizen of the Republic of Armenia shall be recognized only as a citizen of the [Republic of Armenia]’ (Article 13<sup>1</sup>). Dual citizens enjoy the same rights and have the same responsibilities as citizens of Armenia.

During public debates on dual citizenship concerns were voiced that, given Armenia’s national security interests, dual citizenship should be reserved only for the members of the

<sup>29</sup> ARF 2006.

<sup>30</sup> National Assembly of Armenia (2006), «*Երկրադաբացիության հիմնախնդիրները, միջազգային հրավուները եւ փորձը*» թեմայով խորհրդարանական լսումներ [Parliamentary Hearings on the Theme ‘Key Problems on Dual Citizenship, International Law and Experience’], 23 June 2006

<sup>31</sup> National Assembly of Armenia (2007a), *Ninth Session of the Third Convocation of the National Assembly of Armenia*, Transcript N. 99, 26 February 2007.

Armenian diaspora. Nevertheless, the amendment of 2007 extended the right to dual citizenship to all persons. According to Article 13<sup>1</sup>, dual citizens of Armenia are considered those persons that besides Armenian citizenship also possess citizenship of another state.

Armenian citizens who acquire second citizenship are required to inform the Passport and Visa Agency of the Armenian Police within one month of the date the second citizenship was granted.<sup>32</sup> Failure to do so is punishable by law with a fine in the amount of 50 times the minimum wage (Article 195<sup>2</sup>, Code of Administrative Offences).<sup>33</sup>

The citizenship of Armenia may be denied if the person's activities conflict with the security of the Armenian state and its citizens. Importantly, the 2007 amendment added a vague statement according to which Armenian citizenship could be denied without stating the reasons for denial (Article 13, as amended on 26 February 2007). In light of Armenia's slow progress towards democracy, and given that citizenship has often been used by Armenia's authorities to exclude various members of Armenian diaspora from gaining political power and leadership positions in Armenia, it is likely that this provision will be abused by the authorities to eliminate potential competitors and opposition members. Moreover, for a small and ethnically homogenous nation whose tolerance towards other ethnic and religious minorities needs much improvement, a denial of citizenship without a requirement of justification can potentially lead to discrimination of certain categories of people based on religion or ethnicity.

### *Citizenship by Birth (ius soli) and by Descent (ius sanguinis)*

Since 1995 the citizenship regime of Armenia has heavily relied on the principle of *ius sanguinis*. Article 11 (on citizenship of a child born from parents of Armenian citizenship) and Article 12 (on citizenship of a child born to stateless persons) remained unaffected by the 2007 amendment.

According to Article 11, the child born to parents of Armenian citizenship is declared an Armenian citizen. This also implies that the child born to Armenian (dual) citizens is still considered to be a citizen of Armenia. Article 11 also states that if only one of the parents is an Armenian citizen, then the child acquires Armenian citizenship if the other parent is unknown or stateless. In circumstances when one of the parents of a child is a foreign citizen, and the other parent is an Armenian citizen, the child receives Armenian citizenship upon the written agreement of both parents. When such agreement cannot be reached, the child still acquires Armenian citizenship if born in the territory of Armenia.

There are a few legal implications that are derived from Article 11 and Article 13<sup>1</sup> (on dual citizenship). During parliamentary debates, the Minister of Justice Mr. Davit Harutyunyan clarified to the members of the National Assembly that those Armenian citizens *and their children* who had acquired another citizenship since 1 January 1995 and had not renounced their Armenian citizenship according to the procedure established by the Law, or had renounced it unilaterally (and thus, were not released from Armenian citizenship), were

<sup>32</sup> Government of the Republic of Armenia (2007a). ՀՀ Կառավարության որոշումը ՀՀ քաղաքացու կողմից այլ պետության քաղաքացիություն ստանալու մասին ՀՀ կառավարության լիազոր մարմնին հայտնելու կարգը սահմանելու մասին [Decree of the Government of Armenia on Establishing Procedure on Armenian Citizens Informing the Authorised Body of the Armenian on Acquiring a Foreign Citizenship], N 1110-Ն. Adopted 20 September 2007, entered into force 1 October 2007.

<sup>33</sup> Code of Administrative Offences, adopted 6 December 1985, as amended on 26 February 2007.

still recognised as citizens of Armenia<sup>34</sup> (Article 13<sup>1</sup> as amended on 26 February 2007). Under the dual citizenship amendment (Article 1, Article 13<sup>1</sup>), these persons (and their children that left with them) are considered dual citizens but are still required to perform their obligations to the Armenian state, including military service regardless of whether they have served in the army of another state (see also Embassy of the Republic of Armenia in the United States n.d.a).<sup>35</sup> The duty of military service is waived only for foreign citizens who, before acquiring Armenian citizenship as dual citizens, had carried out twelve months military service or eighteen months alternative service in the armed forces of another state, except for those countries specified by the Armenian government (Embassy of the Republic of Armenia in the United States n.d.a).

### *Naturalisation*

The 2007 amendment to the 1995 Citizenship Law mainly affected the naturalisation of foreign citizens. New categories of people were eligible for facilitated naturalisation.

The naturalisation procedure remained unchanged: capable (զործունակ)<sup>36</sup> persons who have permanently resided in Armenia for three years prior to the application, who are also able to communicate in the Armenian language and are familiar with the Constitution of Armenia are eligible for naturalisation (Article 13). Permanent residency status (PRS) is granted for five years to those aliens who have a close relative living in Armenia (such as a brother, a parent, a grandparent, a child, a spouse), as well as are guaranteed with a place of residency and sufficient financial means in Armenia (Article 16, Law on Aliens).<sup>37</sup> However, the Law stipulates that a person can apply for PRS only if he or she has resided in Armenia for at least three years prior to filing an application for PRS (Article 16). Foreign citizens of Armenian descent or those aliens that conduct entrepreneurial activities in Armenia can also be granted this status (Article 16).

All applicants are required to submit a document on their health condition, as well as a police record issued by the police of the country of citizenship, or, if the applicant is a stateless person, provided from the country that issued the travel visa.<sup>38</sup> The application fee is 1,000 Armenian Drams (AMD),<sup>39</sup> approximately three US dollars (Article 8 and Article 13,

<sup>34</sup> National Assembly of Armenia (2007b), *Ninth Session of the Third Convocation of the National Assembly of Armenia*, Transcript N. 94, 7 February 2007.

<sup>35</sup> Ibid.

<sup>36</sup> As stated by the former Minister of Justice Mr. D. Harutyunyan, the term ‘capable’ (զործունակ) refers not to the employment capacity or the job status of the person, but describes the person from the perspective of the civil law. Mr. Harutyunyan stated that ‘if the person was incapable of acquiring rights and duties by his or her own action, then the person’s will to acquire Armenian citizenship was no longer an objective proposition, and hence, the person’s application for citizenship could be denied’ (National Assembly of Armenia 2007b).

<sup>37</sup> Law of the Republic of Armenia on Aliens (adopted 25 December 2006, as amended 22 February 2010).

<sup>38</sup> Government of the Republic of Armenia (2007b). *ՀՀ Կառավարության որոշումը ՀՀ քաղաքացիություն ստանալու, ինչպես նաև ՀՀ քաղաքացիությունը դադարեցնելու համար անհրաժեշտ փաստաթղթերի ցանկը և դրանք ներկայացնելու կարգը սահմանելու մասին [Decree of the Government of Armenia on Establishing the List of Required Documents and the Application Procedure for Acquisition and Loss of Armenian Citizenship]*, N 1390-Ն. Adopted 23 November 2007, entered into force 3 December 2007.

<sup>39</sup> According to the exchange rate of the Central Bank of Armenia for 12 October 2010, \$1= AMD 361.28 Armenian Drams (AMD).

Law on State Fee).<sup>40</sup> Applications are submitted to the Passport and Visa Agency of the Armenian Police.

Language proficiency is determined by a test that consists of 30 multiple choice questions.<sup>41</sup> The test is in Armenian language and addresses various characteristics of Armenia's political system. The applicant passes the test if more than half of the questions are answered correctly. If the test is failed, the applicant can retake it as many times as needed until the sufficient number of questions is answered correctly.

The current Citizenship Law of Armenia does not require any additional condition for naturalisation. If the citizenship application is approved, then Armenian citizenship is granted one year later (Embassy of the Republic of Armenia in the United States n.d.a). Once citizenship is granted, the person reads a loyalty oath in the Armenian language and signs it (Article 13). The person also receives a copy of the Armenian Constitution and a guide to Armenia's legislation, prepared by the authorized body of the Armenian government (Article 13).

Group naturalisation is allowed by the decree of the President for such cases as repatriation or other instances defined by law (Article 15).

The person may be denied Armenian citizenship if he or she presents a threat to the Armenian state and poses health risks to the society, or jeopardises the rights, freedoms, and the honour of Armenian citizens (Article 13). If the citizenship application is denied, the person can reapply from one year after the date the first application was denied (Embassy of the Republic of Armenia in the United States n.d.a)

Persons who have married a citizen of Armenia, or have a child or a parent of Armenian citizenship, are eligible for facilitated naturalisation. Before 2007, only the three years residency requirement was fully waived if the person met any of those criteria. Since the 2007 amendment, both the three years residency and the language proficiency requirements have been waived for all these eligible persons. Moreover, two new categories of people have also qualified for this waiver: persons whose ancestors are Armenians by ethnic origin and former Armenian citizens who since 1 January 1995 had renounced Armenian citizenship by their own application (Article 13).<sup>42</sup>

Without belonging to any of the groups stated above, a person who had provided distinguished service to Armenia was eligible for facilitated naturalisation without meeting any of the three requirements – i.e. three years of permanent residency in Armenia prior to the application, language proficiency and knowledge of the Constitution (Article 13).

Those persons who qualify for facilitated naturalisation and do not have to meet the residency and the language proficiency requirements can file their applications in the Armenian embassies abroad (Embassy of the Republic of Armenia in the United States n.d.a).

Although Armenia's Citizenship Law was adopted in 1995, the Government of Armenia established the procedure for granting Armenian citizenship only two years later. Thus,

<sup>40</sup> Law of Armenia on State Fee, adopted 27 December 1997, last amended on 16 September 2010.

<sup>41</sup> Government of the Republic of Armenia (2007c). ՀՀ Կառավարության որոշումը ՀՀ քաղաքացիություն ստացող անձանց համար ՀՀ Սահմանադրության եվ հայոց լեզվի իմացության ստուգման կարգը սահմանելու մասին [Decree of the Government of Armenia on Establishing Procedure on Testing the Knowledge of the Armenian Language and the Constitution of Republic of Armenia for Persons Acquiring Armenian Citizenship], N 1040-Ն. Adopted 30 August 2007, entered into force 13 October 2007.

<sup>42</sup> The three years residency and the knowledge of Armenian language requirements were also waived for persons with at least one parent who was a citizen of Armenia in the past or was born in Armenia if the person had applied for Armenian citizenship within three years of reaching 18 years of age (Article 13[2]).

naturalisations started only in 1997 (Novosti Armenia 2008). Since the collapse of the Soviet Union, harsh economic conditions, political instability and corruption had forced many people to emigrate from Armenia. Thus, the number of persons seeking Armenian citizenship was very low. As Table 3 and Figure 1 indicate, during 1997-2007 only 1,735 persons acquired Armenian citizenship. Statistics presented in Table 3 exclude naturalisations of refugees and stateless persons (presented in Table 2).

**Table 3.** Statistics on Naturalisation and Loss of Citizenship of Armenia, in Persons

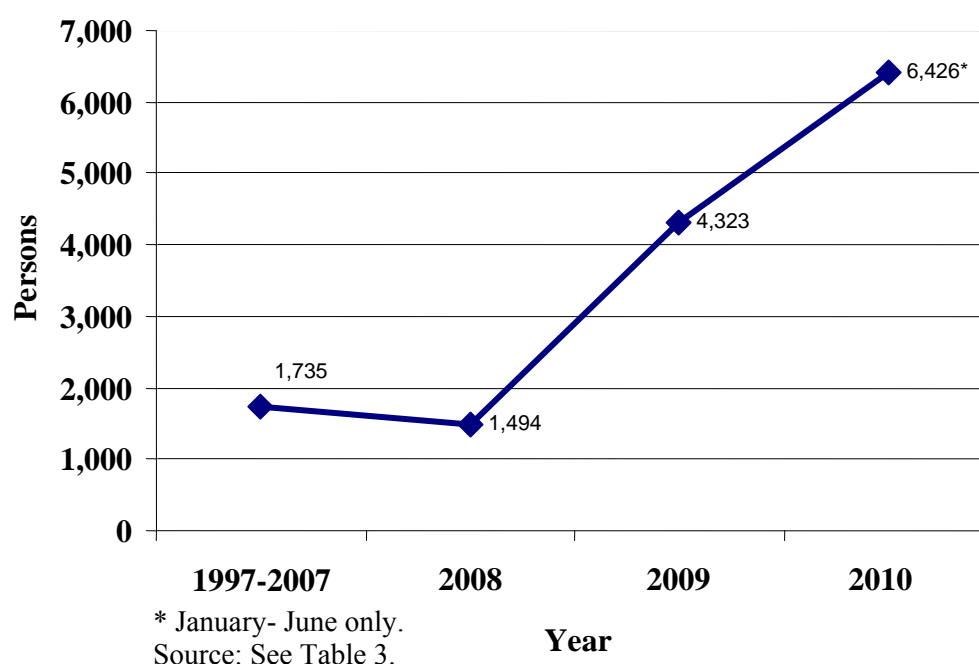
Year	Naturalised as Dual Citizens	Total Naturalised	Application for Citizenship Denied	Loss of Citizenship
1997-2007	not applicable	1,735	not available	not available
2008	1,249	1,494	10	312
2009	3,514**	4,323	9	427
2010		6,426*	0*	not available

\* January-June only. \*\* January-October only.

**Sources:** Novosti Armenia (2008), A1+am (2010a, 2010b), Noyan Tapan News & Analytic Agency (2009); Statistics on denied applications: Ministry of Diaspora (2009).

Since the adoption of dual citizenship in 2007, the number of those acquiring Armenian citizenship through naturalisation has sharply increased. Most of the persons concerned are dual citizens of Armenian descent. In contrast to 1,735 persons naturalised during 1997-2007, in the short period of 2008-2010 more than 12,300 persons have been naturalised. In 2008, 80 per cent of applications accepted for naturalisation were dual citizenship applications.

**Figure 1: Persons Naturalised, 1997-2010.**



There is a large Armenian diaspora in the West (mostly in the USA, Canada, France) and also in the former Soviet region (mainly Russia). Statistics indicate that during 1991-2007 (before Armenia

adopted legislation on dual citizenship) in the USA alone 28,357 persons who were born in Armenia and had since emigrated to the USA had acquired American citizenship (INS 2000, Department of Homeland Security of the United States 2009). Unfortunately, the Armenian government has not released statistics that would reveal whether persons acquiring dual citizenship in Armenia are persons from the older Armenian diaspora in the West or former post-Soviet Armenian citizens who have emigrated and renounced Armenian citizenship since 1991. Nevertheless, given the trends depicted in figure 1, the naturalisation rate is likely to increase in the near future due to dual citizenship applications.

### ***Loss of Armenian Citizenship***

Article 23 of the current Law defines four conditions that lead to the loss of Armenian citizenship: renunciation of Armenian citizenship, withdrawal of citizenship by the state, cases provided for by international treaties to which Armenia is a party, as well as loss based on the provisions of the Citizenship Law.

Persons of eighteen years and older can renounce their Armenian citizenship by an application. The application fee is 25,000 Armenian Drams, approximately 69 US dollars<sup>43</sup> (Article 8 and Article 13, Law on State Fee).<sup>44</sup> To avoid statelessness, the application should also contain a document from the appropriate foreign authority certifying that the person's foreign citizenship application has been approved (Embassy of the Republic of Armenia in the United States n.d.b.).

The person's application for renunciation may be denied if there is a criminal investigation or a court decision pending (Article 24(1-2)). The renunciation can also be denied if it contradicts the national security interests of Armenia (Article 24(3)) or if the person has unsettled obligations that relate to the interests of Armenia's citizens, or state, commercial and non-governmental organisations (Article 24(4)).

Providing false documents and information in order to acquire Armenian citizenship can lead to the withdrawal of this citizenship (Article 25(3 and 2)). In the 2007 amendment a new clause was added to Article 1. This clause states that obtaining another country's citizenship does not automatically lead to the loss of Armenian citizenship (Article 1, as amended on 26 February 2007). However, Armenian citizenship can be withdrawn from persons who have acquired it through naturalisation (Article 13) and have lived abroad for more than seven years without registering at an Armenian embassy or consulate (Article 25(1)).

## ***3.2. Specific Rules and Rights***

### ***Rights and Duties of Dual Citizens***

Dual citizens are eligible to vote in Armenia's elections only if they are registered<sup>45</sup> in Armenia (Article 2, Electoral Code).<sup>46</sup> Prior to 2007 Armenian citizens who lived abroad

<sup>43</sup> The rate is calculated as \$1= 361.28 Armenian Drams, the Central Bank of Armenia, 12 October 2010.

<sup>44</sup> Law of Armenia on State Fee, adopted 27 December 1997, last amended on 16 September 2010.

<sup>45</sup> During Soviet rule a person had to have a residence permit from the police to live at a given address (known as the Soviet 'propiska' system). This was the permanent place of the person's residence and was registered in the

could cast their ballots at precincts set up at the Armenian consulates and embassies. However, since the introduction of dual citizenship in 2007 this right has been revoked, and elections are held only in the territory of Armenia (Article 2, Electoral Code).<sup>47</sup>

According to various legislative acts and amendments, dual citizens are not eligible to run for Presidency of Armenia (Article 65, Electoral Code),<sup>48</sup> or become a Member of Parliament (Article 97, Electoral Code).<sup>49</sup> Dual citizens are also not eligible to become a member of the Constitutional Court of Armenia (Article 3(3), Law on the Constitutional Court).<sup>50</sup> The former Minister of Justice Mr. D. Harutyunyan clarified that the right to be elected is different from the right to vote.<sup>51</sup> Hence, if a dual citizen intends to be a candidate for presidential or parliamentary elections, then he or she should renounce the other citizenship. Failure to do so is a crime punishable by the Criminal Code of Armenia (Article 31<sup>1</sup>).<sup>52</sup>

During public debates on dual citizenship, there were suggestions to deprive the Prime Minister of the right to possess dual citizenship. However, this suggestion was not transposed into law. According to Armenia's Constitution, 'on the basis of the distribution of the seats in the National Assembly and consultations held with the parliamentary factions, [the President of Armenia] appoint[s] as Prime Minister the person enjoying confidence of the majority of the Deputies[,] and if this is impossible[,] the President ... appoint[s] as the Prime Minister the person enjoying confidence of the maximum number of the Deputies' (Article 55(4), Constitution of Armenia as amended in 2005).

Thus, the National Assembly decided that since the President and the Members of Parliament have power to choose the Prime Minister, denying these public offices to dual citizenship would ensure that no appointments could jeopardise Armenia's national security. This will also allow dual citizens to occupy appointed positions in the government, such as the position of the Prime Minister, based on the qualifications of the person and the needs of Armenia.

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passport (Arel 2002). After the Soviet Union collapsed, this system was declared unconstitutional (Arel 2002), but was retained on a declaratory basis in many post-Soviet republics (Korobkov & Zaianchkovskaya 2004). In Armenia the permanent address of the person is recorded by the local office of the Passport and Visa Directorate of the Armenian Police. These offices then submit that information to the Population Registry of Armenia (Article 6, Law on the Population State Registry, adopted on 24 September 2002, amended 25 February 2010). The registered address is stamped in the passport of the person. If the person has acquired Armenian citizenship, but lives abroad permanently or most of the time, then at the passport documentation stage the Population Registry records the person's foreign address at the time of registration (Article 3, Law on Population State Registry of Armenia, as amended on 25 February 2010).

<sup>46</sup> Electoral Code of Armenia. Adopted 5 February 1999 (as amended 26 February 2007).

<http://www.parliament.am/legislation.php?sel=show&ID=2907&lang=arm>, 8 August 2010.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Law of the Republic of Armenia on the Constitutional Court of Armenia. Adopted 1 June 2006, entered into force 14 June 2006. [http://www.concourt.am/english/law\\_cc/index.htm](http://www.concourt.am/english/law_cc/index.htm), 8 August 2010.

<sup>51</sup> National Assembly of Armenia (2007b).

<sup>52</sup> Criminal Code of Armenia. Adopted 18 April 2003, amended 16 February 2007.

<http://www.parliament.am/legislation.php?sel=show&ID=2905&lang=arm>, 29 August 2010.

### ***Special Residency Status (SRS)***

In 1994, the parliament adopted the Law on the Legal Status of Foreign Citizens. This Law was replaced with the Law on Aliens, enacted on 25 December 2006 (the law entered into force on 16 January 2007). The law specifies the basis upon which foreign citizens are granted temporary, permanent or special residency status in Armenia.

Special Residency Status (SRS) is reserved for persons of Armenian descent or for distinguished persons that conduct cultural or economic activities in Armenia (Article 18(1)). Thus, those members of the Armenian diaspora who do not intend to acquire Armenian citizenship, but still want to live in Armenia can apply for SRS. The SRS is granted for ten years and is renewable (Article 18(2)).

Persons with SRS can enter Armenia without a visa (MFA n.d.), work in Armenia without work permit (Article 23(1), Law on Aliens), and are entitled to the same rights as Armenian citizens. However, holders of the Special Residence Status cannot vote or be elected, as well as get involved in political organisations (MFA n.d.). These persons are also exempt from military service (MFA n.d.).

## **4. Current Political Debates and Reforms**

### **4.1. Policy on Repatriation**

In 2005 the Yerkir Union of NGOs for Repatriation and Settlement published a draft law on repatriation. The Union also sent an open letter to the National Assembly of Armenia and petitioned for adopting the proposed law, as well as developing a national policy on repatriation.<sup>53</sup> According to media sources, the parliament did not approve the proposed draft and suggested further revisions before a hearing could be scheduled.<sup>54</sup>

The draft framework of the national policy on repatriation and the revised draft law on repatriation were published in April 2006 (Yerkir Union of NGOs 2006). Dual citizenship was mentioned as one of the mechanisms to attract repatriates. However, the proposed policy pre-conditioned dual citizenship on first acquiring a status of a repatriate (Article 12[3]). Repatriates were entitled to receive citizenship of Armenia within one year from the date of repatriation if they had not committed a crime since arrival in Armenia (Article 12.2.1) and had proficiency of the Armenian language (Article 12.2.2).

The same month when Yerkir Union of NGOs proposed its draft legislation on repatriation the ARF unveiled draft legislation on dual citizenship. In February 2007 the National Assembly of Armenia amended the Citizenship Law of 1995 and introduced dual citizenship. The matter of repatriation has since then not been in the spotlight of public debate, and no legislative proposals on repatriation have been introduced in the National Assembly (National Assembly of Armenia 2010).

<sup>53</sup> Armtown News (2006). *Մշակվել է Հայրենադարձության մասին օրենքի նախագիծ* [Outline of the Law on Repatriation Drafted], 22 May 2006. <http://www.armtown.com/news/am/prm/20060522/5732/>, 27 July 2010.

<sup>54</sup> Ibid



## 5. Conclusion

In 1991 the Soviet Union collapsed, and Armenia acquired its independence. Heavy post-Soviet emigration, political instability due to the Nagorno-Karabakh conflict, the inflow of Armenian refugees from Azerbaijan and the historical legacy of having a large diaspora in the West and the former Soviet region have largely shaped the institutionalisation of Armenia's citizenship regime in the post-Soviet era.

Armenia adopted its Citizenship Law in 1995. Despite the presence of a large Armenian diaspora both in the West and also in the Near Abroad, Armenian legislators decided not to accept dual citizenship in the 1995 Citizenship Law. The decision was driven by fears that dual citizens could influence election processes and increase political instability in the country. Moreover, given the ongoing Nagorno-Karabakh conflict, legislators feared that dual citizenship could allow young Armenian citizens to avoid the mandatory military service.

In 2005 the Constitution of Armenia was amended to allow for dual citizenship. Subsequently, in 2007 the Citizenship Law was amended and supplemented with new provisions on dual citizenship. The amendment did not change other aspects of Armenia's citizenship regime, which is still firmly based on the *ius sanguinis* principle. Only children born in Armenia of unknown citizenship or to stateless persons are granted Armenian citizenship at birth (Article 12).

The ordinary naturalisation process remained unchanged and is preconditioned on three years of permanent residency in Armenia, proficiency in the Armenian language and knowledge of Armenia's Constitution (Article 13). Persons who have married an Armenian citizen, have a child or a parent of Armenian citizenship, as well as persons of Armenian ancestry and former Armenian citizens who since 1 January 1995 have renounced Armenian citizenship by their own application can be naturalised without meeting the residency requirement and without showing proficiency of the Armenian language (Article 13).

While the Nagorno Karabakh conflict, high unemployment, or emigration based on economic and political conditions in Armenia have provided real challenges for Armenia's development, Armenia's citizenship regime has rarely been challenged. Since the collapse of the Soviet Union Armenia has still remained an ethnically homogenous nation-state. As a country with high emigration rather than immigration flows, Armenia has not received many applications for citizenship. Thus, neither procedure of granting citizenship, nor the public's tolerance towards other immigrants and ethnic groups have really been put to test. Persons acquiring Armenian citizenship have predominantly been ethnic Armenians. In fact, during 1997-2007 very few persons—only 1,735 individuals and mostly refugees of Armenian descent from the Nagorno Karabakh region, have acquired Armenian citizenship. Since the introduction of dual citizenship, the number of persons who have applied for and have been granted Armenian citizenship has increased drastically. One can expect that this trend will continue in the coming years. However, the persons applying for Armenian citizenship in future are still likely to be primarily ethnic Armenians.

One has to yet see how the regional dynamics will affect Armenia's economic and political development, and whether these changes can make impact on the future citizenship regime of Armenia.

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