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The International Comparative Legal Guide to:

Corporate Immigration 2019

6th Edition

A practical cross-border insight into corporate immigration law

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Armenia

Sedrak Asatryan



Janna Simonyan



CONCERN-DIALOG CJSC

1 Introduction

1.1 What are the main sources of immigration law in your jurisdiction?

The major sources of immigration law are the Law of the Republic of Armenia On Foreigners, the Labour Code of the Republic of Armenia, the Constitution of the Republic of Armenia, the international treaties of the Republic of Armenia, and other RA laws regulating immigration relations, as well as Decrees of Government regulating different technical issues, including work terms and the immigration regulations.

1.2 What authorities administer the corporate immigration system in your jurisdiction?

In Armenia the Ministry of Foreign Affairs administers the corporate immigration system, the Passport and Visa Department of the Police of the Republic of Armenia and the Authorized Body of Ministry of Labour and Social Affairs.

1.3 Is your jurisdiction part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

No, our jurisdiction is not part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR).

2 Business Visitors

2.1 Can business visitors enter your jurisdiction under a relevant visa waiver programme?

There are only four types of Armenian Visas: the Visitor Visa; the Official Visa; the Diplomatic Visa; and the Transit Visa.

2.2 What is the maximum period for which business visitors can enter your jurisdiction?

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

in Armenia or providing services in Armenia foreigners have to receive a work permit.

2.3 What activities are business visitors able to undertake?

According to Armenian legislation and regulations, business visitors are able to: register their business in Armenia and carry out business activities; work within the territory of Armenia under a labour contract; or provide services under a service providing contract.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

According to Armenian legislation, there are some special visitor categories that have exceptions with regard to obtaining a work permit, and they can work in Armenia or provide services without having a work permit.

2.5 Can business visitors receive short-term training?

Yes, they can.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in your jurisdiction operate a system of compliance inspections of employers who regularly employ foreign nationals?

According to Armenian legislation, the national authorities operate a system of compliance inspections, but the regulation of work permits is new and there is no widespread practice of compliance inspections.

3.2 What are the rules on the prevention of illegal working?

Employers of the Republic of Armenia shall have the right to conclude a labour contract with a foreign worker (service contract) in the event that a work permit has been issued by the authorised body to a foreign worker.

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

The hiring of foreigners by employers without a residence permit or work permit imposes a fine of 100,000 to 150,000 AMD (equivalent to 210 to 310 USD).

4 Corporate Immigration – General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

No, there is no such system.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

Yes, employers who have hired foreign nationals have ongoing duties which are defined by RA legislation.

4.3 Are employers who hire foreign nationals required to show a commitment to train or up-skill local workers?

No, they are not. For the purpose of assessing the needs of the labour market of the Republic of Armenia, the Government of the Republic of Armenia gives the employer a period during which he is obliged to replenish the existing vacancy from the citizens of the Republic of Armenia. In the absence of the nomination of a candidate nominated by the authorised body within the prescribed time limit, as well as the rejection by the employer of the nominated candidate, the employer may find a foreigner meeting these requirements and apply to the authorised body for a specific work permit for a particular foreign worker, with the necessary documents.

4.4 Are employers who hire foreign nationals required to pay government charges and fees which contribute towards the training or up-skilling of local workers?

Armenian legislation does not define any government charges and fees which contribute towards the training or up-skilling of local workers.

4.5 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

No, this is not a widespread practice.

4.6 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

Yes, according to Armenian legislation there are certain professions and positions which can be filled by foreigners without a work permit.

4.7 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

No, they are not.

4.8 Are there annual quotas for different types of employment-related work permits or visas?

No, there are not.

4.9 Are there restrictions on the number of foreign workers an employer may sponsor, in relation to a maximum percentage of foreign workers in the employer's workforce?

No, there are not.

4.10 Are employees who are sponsored to work in your jurisdiction required to demonstrate language proficiency?

No, it is not required.

4.11 Are employees who are sponsored to work in your jurisdiction required to undergo medical examinations before being admitted?

To receive the residence permit, which is necessary to get work in Armenia, foreigners are required to undergo medical examinations.

4.12 Are employees who are sponsored to work in your jurisdiction required to have medical insurance or are they entitled to any free public medical services?

No they are not; medical insurance is not required for Armenian employees and employers.

4.13 Does the work permit system allow employees who hold work permits to be seconded to a client site?

Yes, the work permit system allows employees who hold work permits to be seconded to a client site.

5 Highly Skilled Visas

5.1 Is there an immigration category which covers highly skilled individuals?

Yes, there is.

This category covers the following:

- Specialists or other persons arriving on the basis of the international treaties of the Republic of Armenia.
- Lecturers of foreign education institutions invited to deliver lectures at educational institutions of the Republic of Armenia.
- Accredited representatives of foreign media organisations.

Foreigners that fall into these categories do not need a work permit.

6 Investment or Establishment Work Permits

6.1 Is there an immigration category which permits employees to be authorised to work based on investment into, or setting up a subsidiary or corporate presence in, your jurisdiction?

Yes, there is. Foreigners can work in the following positions without needing a work permit:

- Founders, directors, or authorised representatives of commercial organisations with foreign capital.
- Employees of commercial organisations of a foreign State, for the purpose of working in representative offices of those organisations located in the Republic of Armenia.

7 Temporary Work Permits

7.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

Yes, there is. Temporary workers can be hired without the need of a work permit in the following circumstances:

- Foreign specialists arriving for a term not exceeding six months, to train employees for: installing, repairing, and exploiting machines, equipment, and to deliver machine tools to the branch or representative office of a foreign commercial organisation, or purchased from foreign commercial organisations.
- Students performing work in the framework of work exchange programmes during the holidays, based on relevant international treaties.

7.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform short-term temporary work?

Please see question 7.1.

8 Group or Intra-Company Transfer Work Permits

8.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

No, there is not.

8.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

This is not applicable in Armenia.

8.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

This is not applicable in Armenia.

8.4 What is the process for obtaining a work permit for an intra-company group employee?

This is not applicable in Armenia.

8.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

This is not applicable in Armenia.

8.6 How long does the process of obtaining the work permit and initial visa take?

This is not applicable in Armenia.

8.7 Is there a maximum period of validity for initial intra company transfer visas, can they be extended and is there a maximum period of stay in this category?

This is not applicable in Armenia.

8.8 Can employees coming under the intra-company route transfer to a permanent stay visa route and apply for permanent residence?

This is not applicable in Armenia.

8.9 What are the main government fees associated with this type of visa?

This is not applicable in Armenia.

9 New Hire Work Permits

9.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

The main category can be the Investment or Establishment with representatives of commercial organisations with foreign capital.

9.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

Yes, for the purpose of assessing the needs of the labour market of the Republic of Armenia, the Government of the Republic of Armenia decides on the employer a period during which he is obliged to replenish the existing vacancy from the citizens of the Republic of Armenia. In the absence of the nomination of a candidate nominated by the authorised body within the prescribed time limit, as well as the

rejection by the employer of the nominated candidate, the employer may find a foreigner meeting these requirements and apply to the authorised body for a specific work permit for a particular foreign worker, with the necessary documents.

9.3 Are there any exemptions to carrying out a resident labour market test?

No, there are no exemptions to carrying out a resident labour market test.

9.4 What is the process for employers obtaining a work permit for a new hire?

To fill the vacancy the employer must either in person or by mail apply to the Republic of Armenia Ministry of Labour and Social Affairs with the vacancy description. The Ministry must, within five working days after receipt of the information provided by the employer, in the manner prescribed by the legislation of the Republic of Armenia:

- 1) Enter the information into the employment database.
- 2) Compile data and, as a result, give data on job-seekers (with their consent) to the employer, that corresponds to that vacancy.

In case of absence of an Armenian citizen candidate nomination in accordance with the employer's requirements, as well as refusal of the job-seekers by the employer, the employer personally or by post shall, within five business days after the expiration, submit to the Ministry the documents for a foreign worker to obtain a work permit for a specific term.

9.5 What is the process for the employee to obtain a visa as a new hire?

There is no procedure for getting a visa for a new hire.

9.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

The process of obtaining the work permit can last about 30-40 working days from the date of application. The process of obtaining a resident permit lasts 30 working days from the date of application.

9.7 How long are initial visas for new hires granted for and can they be extended?

There are three types of residence permits:

- temporary residence status – an authorisation by the authorised public administration body of the Government of the Republic of Armenia, which entitles a foreigner to reside in the territory of the Republic of Armenia for one year;
- permanent residence status – an authorisation by the authorised public administration body of the Government of the Republic of Armenia, which entitles a foreigner to permanently reside in the territory of the Republic of Armenia for five years; and
- special residence status – an authorisation by the President of the Republic of Armenia, which entitles a foreigner to reside in the territory of the Republic of Armenia for 10 years.

All residence permits can be extended.

9.8 Is labour market testing required when the employee extends their residence?

No, it is not required.

9.9 Can employees coming as new hires apply for permanent residence?

Yes, they can if they have grounds for permanent residence which is defined by legislation.

9.10 What are the main government fees associated with this type of visa?

For the temporary residence status the state fee is 105,000 AMD (about 220 USD).

For the permanent residence status the state fee is 140,000 AMD (about 290 USD).

For the special residence status the state fee is 150,000 AMD (about 310 USD).

10 Conditions of Stay for Work Permit Holders

10.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

After obtaining the work permit and residence permit, foreigners stay in Armenia under the same conditions as the citizens of Armenia.

10.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

Yes, after obtaining the residence permit, foreigners are required to register in the Passport and Visas department of the Police of the Republic of Armenia.

11 Dependants

11.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

According to legislation, a dependant can be: a wife; a husband; children under 18 years old; the parents of the worker and any other persons who are dependent on this person.

11.2 Do civil/unmarried or same-sex partners qualify as family members?

No, civil/unmarried or same-sex partners do not qualify as family members.

11.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

No, they do not.

11.4 Do children have access to the labour market?

No, they do not.

12 Permanent Residence**12.1 What are the conditions for obtaining permanent residence?**

Permanent residence status shall be granted to a foreigner, if he or she:

- (a) proves the existence of close relatives (parent, spouse, brother, sister, child, grandmother, grandfather, grandchild) in the Republic of Armenia;
- (b) has accommodation and means of subsistence in the Republic of Armenia; or
- (c) has resided in the Republic of Armenia as prescribed by law for at least three years prior to filing an application for obtaining permanent residence status.

Permanent residence status may be granted also to a foreigner of Armenian origin or to a foreigner carrying out entrepreneurial activities in the Republic of Armenia.

The conditions referred to in point (b) of this question shall be considered sufficient, where the foreigner has means sufficient to cover his or her subsistence expenses and the subsistence expenses of his or her family members under his or her care, or has a family member or members who are able and have undertaken to provide means for his or her living.

12.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

As it was mentioned before there is no temporary work visa in Armenia.

13 Bars to Admission**13.1 What are the main bars to admission for work?**

A work permit can be denied if:

- Based on analysis of the state of the labour market, the Republic of Armenia does not allow the work to be carried out.
- The laws of the Republic of Armenia require the applicant to be a citizen of the Republic of Armenia for the performance of the work.
- The requested information or documents are falsified.
- The employer for whom the foreigner must work has previously violated the requirements for hiring foreigners.
- There are reasons to deny the work permit for the state security of the Republic of Armenia.

13.2 Are criminal convictions a bar to obtaining work permission or a visa?

They can be, if this criminal conviction means the person has no right to work in a certain position.



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Sedrak Asatryan has got wide experience in providing high-quality representation related to the interests of his clients in different courts, as well as in administrative bodies. Sedrak Asatryan has presented the interests of his trustees, for instance, in Public Services Regulatory Commission of the Republic of Armenia, State Commission for Protection of Economic Competition of the Republic of Armenia, and in the State Revenue Committee of the Republic of Armenia.

From 2000 to 2009 he was employed in the position of Deputy Director at Yerevan Centre of Technology Management Department at Yerevan Municipality.

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He is also the author of a number of articles, innovative projects, as well as being the co-author of the "New Labour Code of the Republic of Armenia, Employment Contracts" (Book 1) and "New Labour Code of the Republic of Armenia, Internal and Individual Legal Acts of the Employer" (Book 2).



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She practises also in the sphere of legal outsource of the client companies.

Janna Simonyan regularly organises individual and group courses on the Labour Code.



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CONCERN-DIALOG CJSC was established in 1998 as a company for the provision of litigation and representation services mostly for individual clients. Starting in 2002–2003, the company developed services for corporate clients. Although it is a formal corporation, it is perhaps the first company in Armenia that has implemented partnership principles (non-formal) of decision-making. In addition, the company is completely employee-owned.

At present, the company provides services of both litigation/representation and legal advice. At the same time, we believe that specialisation is crucial for providing high-level services, and therefore we limit our major practice areas.

As we work with different corporate clients, along with one time-order-based services we provide monthly subscription services up to complete outsourcing of legal support of the business.

Parallel to general business (trade) legal advice, our specialists specialise in the provision of services to Telecommunication and Energetics sector companies, and we are planning to develop Mining in the near future.

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