

Providing work permit for foreign employees



Summary

The Armenian Law on Foreigners establishes the requirement for Armenian employer to obtain a work permit for foreign employees. The requirement will enter into force on 1 January 2019. The terms and conditions of providing work permit to foreign employees are regulated by the Government Decree N493-N dated 12 May 2016.

Work of foreign employees in Armenia

Employers of Armenia are allowed to conclude an employment or service contract (hereinafter "Contract") with a foreign employee only based on the work permit provided to the foreign employee by the authorised body (except for the cases specified in the next paragraph).

The following persons, in particular, may work in Armenia without a work permit

- Those holding permanent and special residency status in Armenia;

- Those holding temporary residency status on specific grounds and terms;
- Specialists or other persons arriving on the basis of the international treaties of Armenia;
- Lecturers of foreign education institutions invited to deliver lectures at educational institutions of Armenia;
- Accredited representatives of foreign media organisations;
- Foreign citizens and stateless persons holding refugee status for a period not exceeding the term of residence;
- Students working within the framework of work exchange programmes during holidays based on relevant international treaties etc.

Procedure of obtaining a work permit

The employer of a foreign employee receives a work permit from the Ministry of Labor and Social Affairs of Armenia (hereinafter “the Ministry”) only in cases when the Ministry does not offer the employer an Armenian citizen candidate that meets the requirements of the employer or the latter refuses the suggested candidate.

In order to obtain a work permit, the employer should submit the following documents:

- Application;
- Passport of the foreign employee;
- Documents of the foreign employee on professional education, qualifications approved by consular certification or apostille;
- One coloured photo of 3x4 size;
- Receipt of payment of the state duty of AMD 25,000.

Terms of obtaining the work permit

The Ministry should make the decision of providing or rejecting work permit within **five** working days upon receiving the documents.

- In case the submitted documents are not complete and/or are provided with drawbacks, the Ministry informs the employer with a formal letter during **one** working day.
- The Ministry sends the work permit or the written notice about rejecting it to the employer within **three** working days after the decision was made.
- The employer may appeal the work permit rejection in a judicial order within **five** working days after the date of rejection.
- The employer should notify the employee during **three** working days after becoming aware of the work permit approval. Then, the foreign employee must submit the necessary documents to the Armenian Police to get a temporary residence permit.

Grounds for rejecting to provide work permit

Providing work permit would be rejected, if

- The analysis by the Ministry indicates that the work is not suitable for the state of the labor market of Armenia;
- Armenian citizenship is required under the laws of Armenia for performing the particular work;
- The required information or documents are falsified;
- The employer, who hires the foreign employee has previously breached the foreign employee recruitment regulations;
- There are reasons that threaten the state security of Armenia.

A work permit would be revoked, if

- The employer has obtained the work permit in a fraudulent manner.
- The employer has not concluded an employment contract within one month after obtaining the work permit.

A work permit should be terminated if

the term of the Contract has expired, or the Contract is terminated.

The Employer should reimburse the foreign employee's some expenses if:

The employer does not conclude a Contract with the foreign employee and does not provide him with a job within one month after obtaining a work permit.

Penalty for the violation of the law

Employment of the foreign employees without proper residence or work permit entails administrative fine of AMD 100,000 - 150,000.

The work permit regulations control and supervision bodies are:

- The Ministry of Labor and Social Affairs of Armenia;
- The State Revenue Committee adjunct to the Government of Armenia.

Let's talk

For a deeper discussion of how this might affect your business, please contact:

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