

CLIENT NOTE

SIMPLIFIED “ENTRY” OF FOREIGN PERSONS INTO THE ARMENIAN LABOR MARKET



INTRODUCTION

On March 25, 2021, during its regular meeting, the Government of the Republic of Armenia initiated large-scale legislative amendments and adopted drafts (hereinafter referred to as the "Draft") on Amendments and Additions to the RA Law (hereinafter referred to as the "Law") on "Foreign persons" and on Amendments and Additions to related laws.

Within the framework of the current integration processes, it is imperative for each state to form such labor legislation that will allow for unhindered access of foreigners to the domestic labor market. The package of legislative amendments proposed by the executive authority is a step towards achieving this goal.

Taking into account the diversity of the labor market in the Republic of Armenia and the wide range of beneficiaries of the project, as well as taking as a basis the significance of awareness of this, in this legal overview, we have tried to briefly present the true essence of the main amendments and additions proposed by the draft.

PROPOSED AMENDMENTS

- **"New characteristics/descriptions" of work permits and simplified procedure for granting temporary residence permits**

According to the current legal regulation, a work permit is a permit issued by the authorized state administration body of the Government of the Republic of Armenia, which gives a foreign person the right to work in the Republic of Armenia.

This draft proposes to characterize the "work permit" as an electronic confirmation introduced by the authorized state body in the field of migration on a single electronic platform, allowing a foreigner to obtain a temporary residence permit and work in the Republic of Armenia.

As you can see, in connection with the introduction of a single electronic platform, a work permit is now considered an electronic confirmation, which immediately allows you to work in the Republic of Armenia and obtain a temporary residence permit.

In other words, obtaining a work permit by a foreign person includes both the right to work in the Republic of Armenia and the status of temporary residence.

Moreover, since the work permit in the case of the adoption of this Draft will be provided only by electronic means, it is also proposed to completely cancel the state fee established by the RA law "On the State fee" for a work permit.

The procedure for finding vacancies in the case of a work permit has also been simplified. In particular, if an employer fills out an application, the established deadline for applying for a vacant position is set at least 15 working days instead of 5 days. This will allow the state administration body authorized by the Government of the Republic of Armenia in the field of labor and employment to study the requirements of the labor market of the Republic of Armenia and, if possible, offer the employer to replenish the workplace with citizens of the Republic of Armenia through a single electronic platform.

With the adoption of the above-mentioned simplified procedure, the relations related to the granting of a temporary residence permit in the Republic of Armenia to a foreign person on the basis of a work permit, a registration order, and the conclusion of an employment contract replace the current work permit to be issued to the employer.

- **Extending/ Extension of work permit exceptions**

The draft also expanded the list of exceptions in which a foreign person does not need to obtain a work permit, as well as made certain changes to the existing exceptions.

Thus, foreign persons who are exempt from the requirement to obtain a work permit by virtue of the relevant international agreements of the Republic of Armenia, for example, citizens of the EAEU, will receive only a certificate confirming the legality of their residence to stay and work in the territory of the Republic of Armenia for more than the period established by law.

However, if desired, EEU citizens can also obtain a temporary residence permit of their choice.

The list of exceptions exempts the following cases:

- a) Foreign students who study in educational institutions of the Republic of Armenia, within 1 year after graduation, as well as students who perform work in the framework of labor exchange during the holidays on the basis of relevant international agreements;
- b) foreigners of Armenian nationality who have an emergency situation in a foreign state of permanent residence that threatens the life or health of the citizens of these persons, in accordance with the procedure established by the Decree of the Government of the Republic of Armenia.

A person who is exempt from obtaining a work permit by article 23 of the Law must obtain an opinion from the relevant authorized state body of the Government of the Republic of Armenia on compliance with the list of exceptions for obtaining a work permit. However, a temporary residence permit can also be obtained by foreign persons who are an exception for obtaining a work permit.

- **Terms of judicial appeal against the decision to refuse a work permit**

Within the framework of the current legal regulations, the legislator sets a special five-day period for appealing a decision to refuse a work permit in court. In the project, this "special" approach is eliminated: decisions on refusal are subject to appeal within the general procedural time limits.

If the Draft is adopted by the National Assembly of Armenia, the amendments of the Law and other related acts will enter into force on January 1, 2022

Notice: The thoughts presented here do not constitute legal advice.

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