

LAW OF THE REPUBLIC OF ARMENIA

Adopted on 25 December 2006

ON FOREIGNERS

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject-matter of the Law

1. This Law governs the relations pertaining to entering the Republic of Armenia, staying and residing in the territory of the Republic of Armenia, transit through the territory of the Republic of Armenia, exiting from the Republic of Armenia, as well as other relations pertaining to foreigners.

2. The operation of this Law extends to foreigners arriving or staying in the Republic of Armenia for the purpose of working at diplomatic representations or consular offices of foreign States in the Republic of Armenia, as well as at international organisations or their representations, to the extent that the peculiarities of relations pertaining to the latter are not stipulated by the international treaties of the Republic of Armenia.

3. This Law does not extend to relations pertaining to the grounds for granting, refusing to grant or losing asylum and a relevant status by a foreigner seeking refugee status or political asylum in the Republic of Armenia.

Article 2. Foreigners

Under this Law, the concept “foreigners” includes persons who are not citizens of the Republic of Armenia and hold the citizenship of another State (foreign citizens) or do not hold the citizenship of any State (stateless persons).

Article 3. Concepts used in the Law

The following concepts are used in this Law:

passport or travel document (hereinafter referred to as “passport”) – an internationally recognised travel document verifying identity, which is issued by a foreign State or an international organisation and entitles to cross the state border;

permit or entry visa (hereinafter referred to as “entry visa”) – an authorisation by the authorised public administration body of the Government of the Republic of Armenia, which entitles a foreigner to enter the Republic of Armenia, transit through the territory of the Republic of Armenia, stay in the Republic of Armenia and exit from the Republic of Armenia, for the purposes, under the conditions, and within the terms indicated therein;

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 a certain term;

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;

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 within the validity periods of the document attesting that status;

work permit – an authorisation by the authorised public administration body of the Government of the Republic of Armenia, which entitles a foreigner to work in the Republic of Armenia;

state of origin – a State whose citizen a person is, or a State where a stateless person or a person, whose citizenship is not possible to verify, resides;

invitation or letter of motion (hereinafter referred to as “invitation”) – a document which substantiates a foreigner’s entry into, and stay in, the territory of the Republic of Armenia, for the purposes and within the terms indicated therein;

expulsion – forcible removal of a foreigner from the Republic of Armenia in case of absence of legal grounds for his or her stay or residence in the Republic of Armenia;

collective expulsion – expulsion of a group consisting of at least two foreigners, without a decision adopted based on objective and reasonable consideration which takes into account the personal data and special situation of each member of the group;

carrier – an organisation carrying out international carriage of passengers by land and air transport;

attendant – leader of a group of foreigners under the age of 18 arriving in the Republic of Armenia for the purpose of participating in cultural, sporting, youth events, or for the purpose of group tourism;

host organisation – a public administration or local self-government body of the Republic of Armenia, a legal person registered in the Republic of Armenia, which arranges cultural, sporting, youth events or travelling tours with the participation of foreigners under the age of 18.

Article 4. Legislation on the legal status of foreigners in the Republic of Armenia

1. The relations pertaining to the status of foreigners in the Republic of Armenia are governed by the Constitution of the Republic of Armenia, by the international treaties of the Republic of Armenia, by this Law, and other legal acts.

2. Where the international treaties of the Republic of Armenia prescribe norms other than those provided for by this Law, the norms of the international treaties shall apply.

Article 5. Principles of the legal status of foreigners in the Republic of Armenia

1. In the Republic of Armenia, foreigners shall have the rights, freedoms, and responsibilities equal to the citizens of the Republic of Armenia, unless otherwise provided for by the Constitution, laws, and the international treaties of the Republic of Armenia.

2. In the Republic of Armenia, foreigners shall be obliged to respect the Constitution and laws, other legal acts of the Republic of Armenia, national customs and traditions.

3. In the territory of the Republic of Armenia, foreigners shall bear liability equal to the citizens of the Republic of Armenia, except for cases provided for by the international treaties of the Republic of Armenia.

CHAPTER 2

FOREIGNERS' ENTRY INTO THE REPUBLIC OF ARMENIA, EXIT FROM THE REPUBLIC OF ARMENIA, AND TRANSIT THROUGH THE TERRITORY OF THE REPUBLIC OF ARMENIA

Article 6. Entering the Republic of Armenia

1. Foreigners shall enter the Republic of Armenia through state border crossing points, on the basis of availability of a valid passport, on the basis of an entry visa or a document attesting the residence status and in case of authorisation by the public administration body authorised by the Government of the Republic of Armenia carrying out border control, unless another procedure is provided for by this Law or the international treaties of the Republic of Armenia.

2. Foreigners under the age of 18 may enter the Republic of Armenia with their parents, one of the parents, another legal representative or an attendant, or alone, if they come to the Republic of Armenia to visit their parents, one of the parents, another legal representative, or a host organisation.

3. Entry into the territory of the Republic of Armenia of foreigners who have arrived at a crossing point of the state border of the Republic of Armenia without a passport, a document substituting it or with an invalid passport, or who have been refused an entry visa at a crossing point of the state border of the Republic of Armenia, or who have not obtained an entry authorisation from the body carrying out border control, shall not be allowed, and, as soon as possible, they shall be returned to their State of origin or to the State, from where they have arrived, by the means of transport of the same carrier, except for cases when they have arrived in Armenia for the purpose of seeking refugee status or a right to political asylum.

4. In case of lack of personal funds of foreigners referred to in part 3 of this Article, the expenses of their return shall, as prescribed by the international treaties, be incurred by carriers that have carried out the carriage of the foreigners to the Republic of Armenia, or by the Republic of Armenia as prescribed by the Government of the Republic of Armenia.

Article 7. Stay in the Republic of Armenia of foreigners entitled to arrive in the Republic of Armenia without an entry visa

1. Those States' citizens for whom a regime for arriving in the Republic of Armenia without an entry visa is established, may stay in the territory of the Republic of Armenia for a maximum term of 90 days in a year, unless another term is prescribed by the international treaties of the Republic of Armenia.

2. A special notation shall be made — in the passport of foreigners referred to in part 1 of this Article — on the date of their arrival in the Republic of Armenia, as prescribed by the Government of the Republic of Armenia.

Article 8. Refusal to issue (to extend the term of) an entry visa of the Republic of Armenia to a foreigner, revoking an entry visa, or banning the entry

1. The issuance (extension of the term) of an entry visa to a foreigner shall be refused, the issued entry visa shall be revoked, or the entry into the Republic of Armenia shall be banned, if:

(a) he or she has been expelled from the territory of the Republic of Armenia or has been deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or deprivation of residence status;

(b) he or she has been subjected to administrative liability for violating this Law and has not fulfilled the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability;

(c) there exist reliable data that he or she carries out activities, participates in, organises or is a member of such an organisation, the objective of which is to:

- harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity;

- carry out terrorist activities;

- illegally (without an appropriate authorisation) transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or

- carry out human trafficking and/or illegal border crossings;

(d) he or she suffers from an infectious disease which threatens the health of population, except for cases when he or she enters the Republic of Armenia for the purpose of treating such a disease. The list of those infectious diseases shall be established by the Government of the Republic of Armenia;

(e) while seeking an entry authorisation, he or she has submitted false information on himself or herself, or has failed to submit necessary documents, or there exist data that his or her entry into, or stay in, the Republic of Armenia pursues an objective other than the declared one; or

(f) there are other serious and substantial threats posed by him or her to the state security or public order of the Republic of Armenia.

2. The issuance (extension of the term) of an entry visa to a foreigner may be refused, the issued entry visa may be revoked, or the entry into the Republic of Armenia may be banned, if he or she has been convicted of committing in the Republic of Armenia a grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner.

The provisions of this part do not extend to persons having close relatives (spouse, child, father, mother, sibling [sister, brother], grandmother, grandfather) in the Republic of Armenia.

3. The entry visa issued to a foreigner shall be revoked, if he or she has taken up employment in the Republic of Armenia without a work permit.

4. As a matter of exception, if there are grounds referred to in points (a) and (b) of part 1 of this Article, the entry of foreigners may be allowed in strongly justified cases.

5. A notation — on refusal to issue (extend the term of) an entry visa, on revoking the entry visa, or banning the entry under this Article — in the form established by the Government of the Republic of Armenia shall be made in the foreigner's passport.

6. The data on persons referred to in parts 1 to 3 of this Article shall be entered in the data bank of foreigners regarded as undesirable in the Republic of Armenia.

The data bank shall be maintained by the public administration body authorised in the field of national security of the Republic of Armenia, which shall enter necessary information into the data bank. For the purpose of entering information into the data bank, information shall be submitted to the public administration body authorised in the field of national security by the Staff to the President of the Republic of Armenia, public administration body

authorised in the field of national security of the Republic of Armenia, public administration body authorised in the field of police, public administration body authorised in the field of foreign affairs.

The right to make use of the data bank shall be vested in the Staff to the President of the Republic of Armenia, public administration body authorised in the field of national security of the Republic of Armenia, public administration body authorised in the field of police, public administration body authorised in the field of foreign affairs, authorised body carrying out border control, as well as courts of the Republic of Armenia, criminal prosecution bodies of the Republic of Armenia in cases provided for by law.

The procedure for entering information into the data bank and making use of it shall be established by the Government of the Republic of Armenia.

(Article 8 edited by HO-4-N of 2 February 2010)

Article 9. Entry visa of the Republic of Armenia

1. Entry visas of the Republic of Armenia shall be issued for a term of up to 120-day stay in the Republic of Armenia, with the possibility of extension for a maximum term of up to 60 days, unless otherwise provided for by this Law or the international treaties of the Republic of Armenia.

2. Entry visas of the Republic of Armenia shall be issued for single entry, unless otherwise provided for by this Law or the international treaties of the Republic of Armenia.

3. Entry visas of the Republic of Armenia shall be issued on individual and, where necessary, on group basis.

4. The Government of the Republic of Armenia shall establish the list of those States whose citizens may, for obtaining an entry visa, apply only to the bodies of diplomatic service and consular offices of the Republic of Armenia in foreign States and only on the basis of an invitation provided for in Article 11 of this Law.

5. The Government of the Republic of Armenia may, based on reciprocity principle or, where necessary, also unilaterally, establish a regime of visits without an entry visa for citizens of certain States, or may exempt persons of a specific category from the requirement of obtaining an entry visa.

6.State duty shall be levied on foreigners for obtaining an entry visa of the Republic of Armenia, as and in the amount prescribed by the Law of the Republic of Armenia “On state duty”.

7. Under the law, citizens of certain States or persons of a specific category may be exempt from the state duty established for entry visa, or the rates of state duties may be reduced or increased.

8.The procedure for considering an application for obtaining an entry visa of the Republic of Armenia, the list of documents to be submitted with the application, and the procedure for issuing group entry visas shall be established by the Government of the Republic of Armenia.

Article 10. Types of entry visas of the Republic of Armenia

1. The types of entry visas of the Republic of Armenia are:

(a) **visitor entry visa** – for a visit for the purpose of visiting or seeing relatives (friends), family reunification (in cases provided for in points (c) or (d) of part 1 of Article 15 of this Law), tourism (recreation), treatment, studying at educational institutions of the Republic of Armenia, participating in cultural, sporting, scientific and other events, conferences organised in the Republic of Armenia, implementing technical assistance, humanitarian, charitable, financial support short term projects, taking part in business negotiations, carrying out work activities, launching economic activities (founding a commercial organisation, founding a branch or representative office of a commercial organisation of a foreign State, making investment in the Republic of Armenia, carrying out import and export of goods and services), as well as for the members of personnel of means of transport carrying out international air or land carriage of passengers, for single entry, or multiple entries with a validity period of up to one year;

(b) **official entry visa** – for persons holding official (service) passport:

- for employees — not holding diplomatic status — of embassies and consular offices accredited in the Republic of Armenia, international organisations with residence in the Republic of Armenia or their representations, as well as members of their families, for multiple entries for a term of up to three years;

- for officials of foreign States or international organisations arriving in the Republic of Armenia for service purposes, at the invitation of state bodies of the Republic of Armenia or

embassies, consular offices, international organisations or their representations accredited in the Republic of Armenia, for a single entry, or multiple entries with a validity period of one year;

- for members of official delegations with ordinary passports, for a single entry, or multiple entries with a validity period of one year;

(c) **diplomatic entry visa** – for persons holding diplomatic passport or diplomatic status:

- for employees — not holding diplomatic status — of embassies and consular offices accredited in the Republic of Armenia, international organisations with residence in the Republic of Armenia or their representations, as well as members of their families, for multiple entries for a term of up to three years;

- for members of delegations arriving in the Republic of Armenia for official, state, working visit, or service purposes, for members of their families, as well as for state officials, for a single entry, or multiple entries with a validity period of up to one year;

- for those arriving in the Republic of Armenia not for service purposes, for a single entry with a validity period of up to 120 days;

(d) **transit entry visa** – for those travelling by air or land transport across the territory of the Republic of Armenia, for a single entry, or multiple entries with a validity period of one year, for a period of stay for up to three days, with the possibility of extension for a maximum term of up to four days.

2. Entry visas shall be encoded as per the type of visit, as prescribed by the Government of the Republic of Armenia.

3. In foreign States, entry visas of the Republic of Armenia shall be issued by diplomatic representations or consular offices of the Republic of Armenia in foreign States, whereas at crossing points of the state border of the Republic of Armenia, or, where necessary, also in the territory of the Republic of Armenia – by the public administration body authorised in the field of police of the Republic of Armenia, as well as the public administration body authorised in the field of foreign affairs.

4. The public administration body authorised in the field of foreign affairs shall issue and extend the entry visas referred to in points (b) and (c) of part 1 of this Article, as well as shall issue electronic entry visas, the procedure for the issuance of which shall be established by the Government of the Republic of Armenia.

The public administration body authorised in the field of police of the Republic of Armenia shall issue and extend the types of entry visas referred to in points (a) and (d) of part 1 of this Article.

5. The validity period of an entry visa for a single entry issued by diplomatic representations or consular offices of the Republic of Armenia in foreign States shall exceed by two months the period of stay in the Republic of Armenia, whereas the term of a visa for a single entry issued at a border crossing point of the Republic of Armenia or, where necessary, also in the territory of the Republic of Armenia, shall correspond to the period of stay in the Republic of Armenia. The validity period of an entry visa issued at diplomatic representations or consular offices may be aligned with the date of entry into the Republic of Armenia as declared in writing by the foreigner.

6. A foreigner may apply to a diplomatic representation or consular office of the Republic of Armenia with a request of obtaining an entry visa of the Republic of Armenia maximum four months before the planned visit.

7. Bodies issuing visa shall enter the particulars of persons having obtained an entry visa into an appropriate data bank, which shall be maintained by the public administration body authorised in the field of police. The procedure for maintaining the data bank of persons having obtained an entry visa, for entering and providing data shall be established by the Government of the Republic of Armenia.

Article 11. Invitation

1. Foreigners may be given an invitation to visit the Republic of Armenia:

(a) by a citizen of the Republic of Armenia residing in the Republic of Armenia;

(b) by a foreigner holding a residence status in the Republic of Armenia;

(c) by legal persons registered in the Republic of Armenia;

(d) by state bodies, local self-government bodies of the Republic of Armenia, embassies, consular offices, and international organisations or their representations accredited in the Republic of Armenia;

2. An invitation shall contain the particulars of the invitee and the inviter, the purpose of the invitation, the periods of stay of the invitee in the Republic of Armenia.

The model form of the invitation shall be approved by the Government of the Republic of Armenia.

3. An invitation shall be valid after the approval by the public administration body authorised by the Government of the Republic of Armenia, for which a state duty shall be levied as and in the amount prescribed by the Law of the Republic of Armenia “On state duty”.

4. When submitting an invitation to the approval of the public administration body authorised by the Government of the Republic of Armenia, the citizens referred to in point (a) of part 1 of this Article shall submit a passport, the persons referred to in point (b) — a passport and residence card (special passport of the Republic of Armenia), and legal persons referred to in point (c) of part 1 of this Article — a copy of the registration certificate issued by the State Registry of the Republic of Armenia.

The persons referred to in this part shall also submit information on covering their living expenses by the inviter, including possible medical assistance expenses and expenses of departure from the Republic of Armenia, or an undertaking on covering all those expenses on his or her own, in both cases submitting a state duty payment receipt.

5. The competent authority may refuse the approval of an invitation where the grounds referred to in Article 8(1) of this Law exist, or the inviter has previously breached his or her undertakings referred to in part 4 of this Article.

6. Invitations to visit the Republic of Armenia and letters of motion to extend an entry visa shall be approved within a maximum term of 15 days:

(a) by the public administration body authorised in the field of police, in cases referred to in points (a) and (b) of part 1 of this Article;

(b) by the public administration body authorised in the field of foreign affairs, in cases referred to in points (c) and (d) of part 1 of this Article;

(c) by the public administration body authorised in the field of employment and occupation of foreigners (hereinafter referred to as “the authorised body”), in case of an invitation for the purpose of working in the Republic of Armenia.

The procedure for approval and registration of invitations shall be established by the Government of the Republic of Armenia.

Article 12. Exit from the Republic of Armenia

1. Foreigners may exit from the Republic of Armenia in case of availability of a valid passport and a valid document attesting lawful stay or residence in the territory of the Republic of Armenia till the moment of the exit, unless another procedure is provided for by law or international treaties.

2. The exit of a foreigner from the Republic of Armenia shall be prohibited where as prescribed by law:

(a) a decision has been entered against him or her on involving as an accused, until the closure of the case proceedings or termination of the criminal prosecution against that person;

(b) a punishment has been imposed on him or her, the serving of which is possible only in the Republic of Armenia, until the end of the term of serving the punishment or release from serving the punishment as prescribed by law.

Article 13. Transit through the territory of the Republic of Armenia

1. Transit through the territory of the Republic of Armenia is the travel of foreigners from any State to a third State through the territory of the Republic of Armenia via air or land means of transport.

2. In case of transit, foreigners shall submit passenger tickets to the third country and/or the entry visa for the third country and may stay in the territory of the Republic of Armenia for no more than 72 hours, except for emergency cases.

3. If a foreigner is in a transit zone and will not enter the territory of the Republic of Armenia, he or she may stay in the transit zone for no more than 48 hours, except for emergency cases.

CHAPTER 3

RESIDENT STATUSES OF FOREIGNERS IN THE REPUBLIC OF ARMENIA

Article 14. Residence statuses of foreigners

1. In the Republic of Armenia, the following residence statuses are established for foreigners:

(a) temporary;

(b) permanent;

(c) special.

2. Documents attesting temporary, permanent, and special residence statuses of the Republic of Armenia are, respectively, the temporary residence card, the permanent residence card, and the special passport, the forms of which shall be approved by the Government of the Republic of Armenia.

3. In the Republic of Armenia, state duty shall be levied for granting residence status to foreigners, in the amount prescribed by the Law of the Republic of Armenia "On state duty".

Article 15. Grounds and terms for granting temporary residence status

1. Temporary residence status shall be granted to every foreigner, if he or she substantiates that there are circumstances justifying his or her residence in the territory of the Republic of Armenia for one year and a longer term.

Such circumstance may be:

(a) study; or

(b) existence of a work permit in accordance with Chapter 4 of this Law; or

(c) marriage with a citizen of the Republic of Armenia or with a foreigner lawfully residing in the Republic of Armenia; or

(d) being a close relative (parent, brother, sister, spouse, child, grandmother, grandfather, grandchild) of a citizen of the Republic of Armenia or of a foreigner holding permanent residence status in the Republic of Armenia; or

(e) being engaged in entrepreneurial activities;

(f) being of Armenian origin.

2. Temporary residence status shall be granted for a term of up to one year with a possibility of extension for one year each time.

An application for extension of temporary residence status must be submitted at least 30 days prior to the expiry of the term of the status.

The Government of the Republic of Armenia may establish a shorter term for submission of an application for extension of temporary residence status for study purposes.

3. A foreigner having obtained temporary residence status on the ground referred to in point (c) of part 1 of this Article may, in case of dissolving or invalidating the marriage with a citizen of the Republic of Armenia or with a foreigner holding a residence status in the Republic of Armenia, file an application for extension of the temporary residence status, if he or she has been married and has resided in the territory of the Republic of Armenia for at least one year.

(Article 15 supplemented by HO-4-N of 2 February 2010)

Article 16. Grounds and terms for granting permanent residence status

1. 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 and

(b) has an accommodation and means of subsistence in the Republic of Armenia;

(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 part 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.

2. Permanent residence status shall be granted for a term of five years with a possibility of extension for the same term each time.

An application for extension of a permanent residence card must be filed at least 30 days prior to the expiry of the validity period of the permanent residence card.

(Article 16 edited by HO-4-N of 2 February 2010)

Article 17. Filing, consideration of an application for obtaining temporary and permanent residence status, and registration of foreigners holding temporary and permanent residence statuses

1. An application for obtaining temporary or permanent residence status shall be filed with the public administration body authorised in the field of police of the Republic of Armenia.

2. The consideration of an application for obtaining temporary or permanent residence status, the list of documents to be submitted with the application shall be established by the Government of the Republic of Armenia.

3. The decision on granting or refusing to grant temporary and permanent residence status shall be adopted by the public administration body authorised in the field of police of the Republic of Armenia, within a term of 30 days following the day of filing the application.

4. Foreigners holding temporary or permanent residence status shall be registered by the public administration body authorised in the field of police of the Republic of Armenia as prescribed by the Government of the Republic of Armenia.

5. In case of absence from the Republic of Armenia for more than six months, a foreigner holding permanent residence status shall notify thereon in writing the public administration body authorised in the field of police of the Republic of Armenia.

Article 18. Grounds and terms for granting special residence status

1. Special residence status shall be granted to foreigners of Armenian origin.

Special residence status may also be granted to other foreigners who carry out economic or cultural activities in the Republic of Armenia.

2. Special residence status shall be granted for a term of ten years. It may be granted more than once.

(d)

3. In the territory of the Republic of Armenia, an application for obtaining special residence status shall be filed with the public administration body authorised in the field of police of the Republic of Armenia, whereas in a foreign State — with the diplomatic representation or the consular office of the Republic of Armenia.

4. The procedure, terms for consideration of an application for obtaining special residence status and the list of documents to be submitted with the application shall be approved by the President of the Republic of Armenia.

5. The President of the Republic of Armenia shall take a decision on granting or refusing to grant special residence status. This decision shall be final and shall not be subject to appeal.

6. The registration of foreigners holding special residence status shall be carried out by the public administration body authorised in the field of police of the Republic of Armenia as prescribed by the Government of the Republic of Armenia.

Article 19. Grounds for refusing to grant residence status

The granting of a residence status may be refused to a foreigner, where:

(a) he or she has been expelled from the territory of the Republic of Armenia or was previously deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or on depriving of residence status;

(b) he or she has been convicted in the Republic of Armenia of committing a grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner;

(c) there exist reliable data that he or she is engaged in such an activity, participates, organises or is a member of such an organisation, the objective of which is to:

- harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity;
- carry out terrorist activities;

- illegally (without an appropriate authorisation) transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or

- carry out human trafficking and/or illegal border crossings;

(d) he or she suffers from one of the diseases specified in Article 8(1)(d) of this Law;

(e) there are serious and substantial threats posed by him or her to the state security or public order of the Republic of Armenia;

(f) while seeking a residence status, he or she has submitted false information on himself or herself, or has failed to submit necessary documents, or there exist data that his or her stay in the Republic of Armenia pursues an objective other than the declared one;

(g) he or she has been subjected to administrative liability for violating this Law and has not performed the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability.

(Article 19 edited by HO-4-N of 2 February 2010)

Article 20. Appealing against a refusal of an application for obtaining residence status

1. Except for special residence status, a foreigner may appeal — through judicial procedure — against a refusal of an application filed for obtaining or extending a residence status.

2. If the validity period of the entry visa or of the residence status of a foreigner expires prior to the examination of the case by the court or entry into force of the decision rendered by the court, the public administration body authorised in the field of police of the Republic of Armenia shall issue a temporary stay permit to him or her until such time as the court decision takes legal effect.

3. If the court upholds the decision on the refusal to obtain or extend a residence status, a foreigner shall be obliged to voluntarily leave the territory of the Republic of Armenia within a term of ten days following the taking of legal effect of the court decision.

4. Where the granting of a residence status is refused, a foreigner may again apply for obtaining a residence status after one year; this shall be indicated in the decision on refusal.

A shorter term may be established by the Government of the Republic of Armenia for obtaining temporary residence status for study purposes.

(Article 20 supplemented by HO-4-N of 2 February 2010)

Article 21. Grounds for repealing a decision on granting a residence status, for refusing to extend a residence status, consequences of depriving of residence status, and appealing against deprivation of residence status

1. A residence status granted to a foreigner shall be declared invalid, and the foreigner shall be deprived of the residence status, where:

(a) it has been found out that he or she has submitted false information on himself or herself when obtaining residence status, or there exist data that his or her stay in the Republic of Armenia pursues an objective other than the declared one;

(b) the marriage with a citizen of the Republic of Armenia or a foreigner holding a residence status in the Republic of Armenia, which served as a basis for granting residence status to the foreigner, has been dissolved or invalidated, except for the case referred to in Article 15(3) of this Law;

(c) in case of holding permanent residence status, he or she has been absent from the Republic of Armenia for more than six months or has permanently departed from the Republic of Armenia without informing the public administration body authorised in the field of police of the Republic of Armenia on his or her intention to depart;

(d) his or her stay in the Republic of Armenia threatens the state security or public order of the Republic of Armenia.

An application of a foreigner on extension of a residence status may be refused on the grounds provided for in points (a), (c), and (d) of this part.

2. The decision on invalidating a residence status, as well as refusing an application for extension of the residence status shall include also the terms of the foreigner's voluntary leaving the territory of the Republic of Armenia, his or her place of residence before leaving the territory of the Republic of Armenia, as well as the ban to leave that place of residence without permission.

3. A foreigner deprived of residence status, as well as a foreigner whose application on extension of residence status has been refused shall be obliged to leave the Republic of

Armenia within the term specified in the decision on depriving of the residence status or on refusing the application on extension of the residence status, if he or she has not appealed against the decision through judicial procedure within a term of five days following the receipt of the decision on depriving of the residence status or on refusing the application to extend the residence status.

4. Data on a foreigner who is deprived of residence status, as well as on a foreigner with regard to whom a decision on refusing the application on extension of the residence status has been taken, shall be entered into the data bank referred to in Article 8(6) of this Law.

CHAPTER 4

EMPLOYMENT OF FOREIGNERS IN THE REPUBLIC OF ARMENIA

Article 22. Employment of foreigners in the Republic of Armenia

1. Foreigners shall have the right to freely manage their working skills, choose the type of profession and activities, be engaged in economic activities not prohibited by the legislation of the Republic of Armenian, by complying with the restrictions prescribed by the legislation of the Republic of Armenian. The principle of equal rights of the parties to employment relationships established by the Labour Code of the Republic of Armenia shall be guaranteed irrespective of their sex, race, national origin, language, citizenship, and other circumstances not related to the employee's practical skills.

2. Employers of the Republic of Armenia shall be entitled to conclude an employment contract (service contract) with a foreign worker and use his or her work based on the work permit issued to the foreign worker by the authorised body. When issuing a work permit for a foreign worker, the public administration body of the Republic of Armenia authorised in the field of employment and occupation of foreigners shall take into account the needs and developments of the labour market of the Republic of Armenia.

3. With a view to assessing the needs of the labour market of the Republic of Armenia, a time-limit shall be established for the employer upon the decision of the Government of the Republic of Armenia, during which he shall be obliged to fill the available vacancies from among the citizens of the Republic of Armenia. Where the republican employment services do not nominate any candidate meeting his requirements within the established time-limit,

the employer may find a foreigner who meets those requirements and apply to the authorised body for issuing a work permit for a specific foreigner for a specific term, by submitting the necessary documents prescribed upon the decision of the Government of the Republic of Armenia.

4. A foreigner shall be entitled to carry out work activities in the Republic of Armenia in case of delivering by the employer the work permit issued to him or her.

Article 23. Exceptions with regard to obtaining a work permit

The following persons may work in the Republic of Armenia without a work permit:

(a) those holding permanent and special residence status of the Republic of Armenia, as well as those holding temporary residence status of the Republic of Armenia on the grounds provided for in Article 15(1)(d) of this Law;

(b) those holding temporary residence status of the Republic of Armenia on the grounds provided for in Article 15(1)(c) of this Law, for a period not exceeding the term of residence;

(c) family members of employees of diplomatic representations and consular offices, international organisations and their representations accredited in the Republic of Armenia, based on reciprocity principle;

(d) workers of border regions as well as culture and sport specialists arriving for a short term;

(e) founders, directors, or authorised representatives of commercial organisations with foreign capital;

(f) 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;

(g) foreign specialists arriving for a term not exceeding six months, to train employees for installing, repairing, and exploiting machines, equipments, and machine tools delivered to its branch or representative office by a foreign commercial organisation, or purchased from foreign commercial organisations;

(h) specialists or other persons arriving on the basis of the international treaties of the Republic of Armenia;

(i) (i) lecturers of foreign education institutions invited to deliver lectures at educational institutions of the Republic of Armenia; accredited representatives of foreign media organisations;

(j) foreign citizens and stateless persons holding refugee status, having obtained political asylum in the Republic of Armenia, for a period not exceeding the term of residence;<

(k) students performing work in the framework of work exchange programmes during holidays based on relevant international treaties.

Article 24. Issuing and refusing a work permit

1. The issuance and refusal of work permits shall be carried out by the authorised body as and within the time-limits prescribed by the Government of the Republic of Armenia.

2. A work permit shall be issued to a foreigner for a specific term requested by the employer in accordance with Article 22(3) of this Law, in compliance with the requirements of the same Article. A foreign citizen may be issued a new work permit as prescribed by this Law.

3. A work permit shall indicate the work the foreigner shall perform and the employer with whom he or she shall be recruited. A foreigner having obtained a work permit shall be granted temporary residence status or its term shall be extended for the term specified in the work permit.

4. State duty shall be levied on the employer for obtaining a work permit and for extending the terms of the required permits, as and in the amount prescribed by the Law of the Republic of Armenia “On state duty”.

(Article 24 edited by HO-3-N of 2 February 2010)

Article 25. Grounds for refusing to issue a work permit

The issuance of a work permit shall be refused, where:

(a) the state of the labour market of the Republic of Armenia, based on its analysis, does not allow for that work;

(b) citizenship of the Republic of Armenia is required under the laws of the Republic of Armenia for performing the given work;

(c) the required information or documents are falsified;

(d) the employer with whom the foreigner concerned shall be recruited has previously breached the requirements of admitting foreigners to employment;

(e) there are reasons threatening the state security of the Republic of Armenia;

(f) the employer does not hold a licence for engaging in activities subject to licensing.

(Article 25 edited by HO-3-N of 2 February 2010)

Article 26. Appealing against a refusal of work permit

1. A foreigner shall be notified in writing of the refusal of work permit.

2. A foreigner may appeal against the refusal of work permit through judicial procedure within five days upon the refusal.

Article 27. Conclusion of an employment contract (service contract)

1. An employment contract (service contract) shall be concluded in accordance with the requirements of the labour legislation of the Republic of Armenia only for the validity period of the work permit. An employment contract (service contract) shall also cover issues related to transportation of a foreign employee and members of his or her family to the Republic of Armenia, their social security and insurance, issues related to meeting them, providing with accommodation, their registration in the place of residence, and return.

2. Where an employer is wound up, a foreign worker shall be entitled to conclude a new employment contract (service contract) with another employer for the remaining effective period of the work permit, provided that at least three months are left till the expiry of the mentioned period, and the new employer has obtained the consent of the body authorised in the field of employment and occupation of foreigners.

3. Within a term of three days following the conclusion of an employment contract (service contract) with a foreigner, the employer shall submit its copy for registration to the public administration body of the Republic of Armenia authorised in the field of employment and occupation of foreigners.

(Article 27 supplemented by HO-3-N of 2 February 2010)

Article 28. Revocation and termination of a work permit

1. A work permit shall be revoked, where:

(a) a foreigner has obtained the work permit in a fraudulent manner;

(b) a foreigner has not concluded an employment contract (service contract) within one month after obtaining the work permit, or he or she has taken up another employment without a permit.

A work permit shall be terminated if the term of the employment contract (service contract) has expired, or the contract has been rescinded.

2. A work permit shall be revoked by the body authorised in the field of employment and occupation of foreigners.

3. The authorised body shall, within a term of five days, notify in writing the public administration body authorised in the field of police of the Republic of Armenia, the employer, and the foreigner of the decision on revoking the work permit.

(Article 28 supplemented by HO-3-N of 2 February 2010)

Article 29. Combating illegal migration

1. If an employer does not provide a foreign worker — who has legally entered the Republic of Armenia — with the work for which he or she has obtained a work permit, the employer shall cover expenses of his or her and of his or her those family members' return who are allowed to accompany or join him or her, as well as expenses related to their reaching the State of origin, i.e., transportation and living expenses, as well as expenses of carriage of personal property.

2. For the purpose of supplying accurate information to foreign workers, the public administration body of the Republic of Armenia authorised in the field of employment and occupation of foreigners shall provide free assistance and service, consultation aimed at combating misleading information. The public administration body of the Republic of Armenia authorised in the field of employment and occupation of foreigners shall be obliged to provide free consultation to a foreigner on the provisions of the employment contract

concluded between the employer and him or her prior to his or her entering the Republic of Armenia, as well as to verify their actual compliance after entering the Republic of Armenia.

CHAPTER 5

VOLUNTARY LEAVING, AND EXPULSION OF A FOREIGNER FROM THE TERRITORY OF THE REPUBLIC OF ARMENIA

Article 30. Voluntary leaving of foreigners from the Republic of Armenia

A foreigner shall be obliged to voluntarily leave the territory of the Republic of Armenia, if:

- (a) the validity period of his or her entry visa or of residence status has expired;
- (b) the entry visa has been revoked on the grounds referred to in Article 8(1), (2), and (3) of this Law;
- (c) his or her application for obtaining a residence status or extending the term has been refused;
- (d) he or she has been deprived of residence status on the grounds referred to in Article 21 of this Law.

Article 31. Instituting an action on expulsion of a foreigner

If a foreigner has failed to voluntarily leave the territory of the Republic of Armenia in cases provided for in Article 30 of this Law, the public administration body authorised in the field of police of the Republic of Armenia shall institute and file with a court an action on expulsion.

Article 32. Circumstances banning expulsion of foreign citizens

1. It shall be prohibited to expel foreigners to a State where human rights are being violated, particularly, if he or she is threatened with persecution on the grounds of racial,

religious affiliation, social origin, citizenship, or political convictions, or if the foreigners concerned might be subjected to torture or cruel, inhuman or degrading treatment or punishment, or to death penalty.

Evidence on the threat of persecution or on the real danger of torture or cruel, inhuman or degrading treatment or of death penalty shall be furnished to the court by the foreigner concerned.

2. It shall be prohibited to expel a foreigner residing in the Republic of Armenia, if he or she:

- is a minor, and his or her parents legally reside in the Republic of Armenia; or
- has a minor under his or her care; or
- is above 80 years of age.

3. Collective expulsion of foreigners shall be prohibited.

Article 33. Rights and responsibilities of foreigners during examination of a case on expulsion

A foreigner subject to expulsion from the Republic of Armenia shall enjoy all the rights to judicial remedies provided for by the laws of the Republic of Armenia.

Article 34. Decision on expulsion of a foreigner

1. As a result of examination of a case on expulsion, the court shall take a decision on expelling or refusing to expel the foreigner.

2. A court decision on expulsion shall include the day, route of expulsion of the foreigner, state border crossing point, coverage of expulsion expenses, his or her place of residence prior to leaving the territory of the Republic of Armenia, obligation to regularly appear before the relevant subdivision of the public administration body authorised in the field of police, as well as the ban on leaving the place of residence without permission, keeping under arrest or releasing prior to expulsion when arrested in cases provided for in Chapter 6 of this Law.

3. A court decision on refusal of expulsion shall include the responsibility of the public administration body authorised in the field of police to grant temporary residence status.

Article 35. Appealing against a decision on expulsion

1. A decision on expulsion may be appealed against by a foreigner as prescribed by law.
2. In case of appealing against a decision on expulsion, the foreigner's expulsion from the Republic of Armenia shall be suspended.

Article 36. Execution of a decision on expulsion

1. A notation on the decision on expulsion shall be made in the foreigner's passport.
2. The public administration body authorised in the field of police of the Republic of Armenia shall execute the decision on expulsion of a foreigner.
3. The public administration body authorised in the field of police of the Republic of Armenia shall carry out a separate registration of expelled foreigners, the data on whom shall be entered into the data bank referred to in Article 8(6) of this Law.
4. The diplomatic representation or consular office of the State of origin of an expelled foreigner or the diplomatic representation of another State representing the interests of the State concerned shall be informed of the expulsion within a term of three days.
5. Expulsion expenses shall be borne by the State Budget of the Republic of Armenia, in case they are not covered by the foreigner.

CHAPTER 6

DETENTION OR ARREST OF FOREIGNERS IN CASE OF VIOLATION OF THIS LAW

Article 37. Detention of foreigners — without an entry authorisation — at the crossing points of the state border of the Republic of Armenia

1. Where, as provided for in Article 6(3) of this Law, it is impossible to return a foreigner to the State of origin or to the State where he or she came from, foreigners who have arrived at a crossing point of the state border of the Republic of Armenia without a passport, with an invalid passport, or who have been refused an entry visa at a crossing point of the state border of the Republic Armenia, or who have not obtained an entry authorisation from

the body carrying out border control, may be detained in a transit area or in another place — in a special facility provided for that purpose. <

2. If the foreigners referred to in part 1 of this Article are family members, they shall be detained together.

3. If the person referred to in part 1 of this Article is a person under 18 travelling without being accompanied by a parent or by a legal representative, he or she may not be detained in a special facility and must be immediately taken to a parent (parents) or a legal representative.

4. The authorised body carrying out border control shall, within 24 hours after placing a foreigner in the special facility, apply to court for obtaining a decision on the permission to detain the foreigner for up to 90 days.

For rendering a decision by the court, a foreigner shall be transferred to the court, escorted by a representative of the authorised body carrying out border control.

5. If the return of a foreigner to the State of origin is impossible within 90 days, the public administration body authorised in the field of police of the Republic of Armenia shall issue a temporary permit to the foreigner until the departure of the foreigner from the Republic of Armenia, but for a term not exceeding one year.

6. The procedure for the operation of special facilities at border crossing points and transit areas and for detention of foreigners shall be established by the Government of the Republic of Armenia.

Article 38. Arrest of foreigners for the purpose of expulsion

1. A foreigner may be arrested and detained in special facilities as prescribed by Law, if there are sufficient grounds to suspect that he or she will abscond till the case on expulsion is examined in the court or till the execution of the decision on expulsion which has taken legal effect.

Within 48 hours after arresting and placing a foreigner in a special facility, the public administration body authorised in the field of police of the Republic of Armenia shall apply to court for obtaining a decision on the permission to detain the foreigner for up to 90 days.

2. The public administration body authorised in the field of police of the Republic of Armenia shall, no later than within 24 hours, inform of the arrest to the diplomatic

representation or consular office of the State of origin of the arrested foreigner or to the diplomatic representation of another State representing the interests of the State concerned, and/or to the foreigner's close relatives in the Republic of Armenia.

3. An arrested foreigner may be detained in a special facility till the decision of the court rendered as a result of the examination of the case on expulsion takes legal effect, but for no longer than 90 days . The provisions of Article 36 of this Law shall apply to a foreigner after the court decision takes legal effect.

4. The procedure for the operation of special facilities and for the detention of arrested foreigners in the territory of the Republic of Armenia shall be established by the Government of the Republic of Armenia.

Article 39. Rights of arrested or detained foreigners

In cases provided for in Articles 37 and 38 of this Law, a detained or arrested foreigner shall enjoy the following rights:

- to know the reasons for his or her arrest and detention in a language he or she understands or with the help of a translator;
- to appeal against any court decision rendered in relation to himself or herself;
- to visits by an advocate or other legal representative (including non-governmental organisations), an official of the diplomatic representation or consular office of the State of origin;
- to apply to court requesting his or her release;
- to receive necessary medical assistance.

CHAPTER 7

FOREIGNER'S EXTRADITION AND TRANSFER FOR FURTHER SERVING A PUNISHMENT IN THE FORM OF IMPRISONMENT

Article 40. Foreigners' extradition and transfer for further serving a punishment in the form of imprisonment

1. Extradition of foreigners shall be effected as prescribed by the Criminal Procedure Code of the Republic of Armenia and the international treaties of the Republic of Armenia.

2. Those foreigners, who have been sentenced to imprisonment in the Republic of Armenia, may be transferred to their State of origin as prescribed by the international treaties of the Republic of Armenia for further serving the punishment.

Article 41. Circumstances excluding extradition of foreigners

Extradition of foreigners shall be prohibited, if death penalty is provided for the act for the commission of which foreigners are brought to justice, or there are serious grounds to suspect that they will be subjected to torture, cruel, inhuman or degrading punishment or treatment.

CHAPTER 8

PROTECTION OF PERSONAL DATA ON FOREIGNERS PROVIDED FOR BY THIS LAW

Article 42. Protection of personal data on foreigners

When processing personal data of foreigners as well as of other persons in the data bank of foreigners regarded as undesirable provided for in Article 8(6) of this Law, in the data bank of foreigners having obtained an entry visa provided for in Article 9(4), during registration of invitations of Article 11(6), during registration of foreigners holding temporary and permanent residence status provided for in Article 17(4), during registration of foreigners holding special residence status provided for in Article 18(6), as well as during registration of expelled foreigners provided for in Article 36(3), those personal data shall enjoy protection provided for by the Law of the Republic of Armenia "On personal data".

CHAPTER 9

LIABILITY IN CASE OF VIOLATING THIS LAW

Article 43. Liability in case of violating this Law

In case of violating this Law, foreigners, inviters, as well as employers shall bear liability as prescribed by law.

CHAPTER 10

FINAL AND TRANSITIONAL PROVISIONS

Article 44. Entry into force of this Law

1. This Law shall enter into force on the tenth day following the official promulgation.
2. Upon the entry into force of this Law, the Law of the Republic of Armenia “On the legal status of foreign citizens in the Republic of Armenia” (HO-110 of 17 June 1994) shall be repealed.

Article 45. Transitional provisions

1. A residence status — granted based on the Law of the Republic of Armenia “On the legal status of foreign citizens in the Republic of Armenia” prior to the entry into force of this Law — shall be effective till the expiry of its validity period. After the expiry of the period, foreigners may obtain a residence status provided for by this Law, if there are relevant grounds prescribed by this Law.
2. Within 90 days after the entry into force of this Law, the citizens of those States with whom the Republic of Armenia has a regime without entry visa, shall be obliged to leave the Republic of Armenia or apply for obtaining an appropriate residence status as prescribed by this Law, unless otherwise provided for by the international treaties of the Republic of Armenia.

3. Foreigners — not holding a work permit provided for by this Law — working in the Republic of Armenia before the entry into force of this Law, shall be obliged to apply for obtaining a work permit within 30 days after the entry into force of this Law.

Employers who, before the entry into force of this Law, have signed an employment contract (service contract) with foreigners without a work permit provided for by this Law, shall bring these contracts into compliance with the requirements prescribed by this Law within a term of 15 days after the entry into force of this Law, and shall submit their copies for registration to the body authorised in the field of employment and occupation of foreigners.

(Article 45 supplemented by HO-3-N of 2 February 2010)

**President
of the Republic of Armenia**

R. Kocharyan

16 January 2007

Yerevan

HO-47-N