

Newsletter
[25th Edition, October 2022]

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Welcome to the Twenty Fifth edition of our Newsletter. In this edition, we shall look into the most important privileges enjoyed by a person wishing to invest in the Hashemite Kingdom of Jordan, namely the basis and criteria for a non-Jordanian investor to be granted Jordanian citizenship. However, there are other main routes, rather than investment, through which a non-Jordanian person can acquire Jordanian citizenship in accordance with the provisions of the Jordanian Nationality Law No. 6 of 1954, as amended and the relevant legislation. Those routes are the acquisition of Jordanian citizenship “by descent” and the acquisition of Jordanian citizenship by marriage i.e. “by dependence”¹. Another route to Jordanian citizenship is through an application submitted to the Council of Ministers, provided said applicant is not incapable by law to acquire Jordanian nationality (*Article 12 of the Jordanian Nationality Law*) and provided a number of other conditions are fulfilled. Moreover, His Majesty may grant Jordanian nationality with the availability of other elements that allow to grant Jordanian nationality.

However, those routes fall out of the scope of this edition (and were mentioned for informational purposes only). This edition shall focus on the requirements and criteria for the acquisition of Jordanian citizenship through investment, by addressing the most prominent of those criteria.

His Majesty King Abdullah II: *"Jordan has gone through difficult circumstances during the past years, and I am fully aware of what is happening in my country and in the region, as well as what is happening in our world."*

"My advice to officials is not to hesitate, for we have passed the phase of difficult decisions, and now we must focus on economic growth, encourage investment, improve services, and provide job opportunities for young people."

(Taken from a speech given by His Majesty at the Al Hussein Palace on the 23rd of December 2018)

¹ This only applies to a foreign woman marrying a Jordanian, and the law stipulates a period of three years from the date of marriage for a woman that holds an Arab nationality, and five years for a foreign woman of non-Arab nationality on the condition that the applicant through a written statement expresses her desire to acquire Jordanian citizenship, and upon obtaining approval from the Minister of Interior to grant Jordanian citizenship by dependence.



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In this edition of the newsletter, we will present to our readers the most prominent bases and criteria for a non-Jordanian investor to be granted Jordanian citizenship, as follows:

Introduction

In recent years, the Hashemite Kingdom of Jordan (the “Kingdom”) has adopted new policies with regard to investment. In the past, the policies related to investment in the Kingdom were mainly aimed at attracting and enticing foreign investments by creating the infrastructure in the Kingdom and by granting exemptions and privileges to investors in return for their investment in the Kingdom. In recent years, interest has increased in attracting foreign investments by expanding the scope of resettlement, and making the Kingdom the ideal environment for foreign companies and institutions wishing to invest in the Kingdom, by means of simplifying procedures and granting more privileges for the investor. The most important of those privileges is the granting of Jordanian citizenship to an investor.

The political developments in the region have had an impact on the Kingdom as well and on economic growth, have put pressure on natural resources and have impacted various

economic activities in the Kingdom. However, the associated migrations have also led to the transfer of capital and set up of institutions and companies in the Kingdom; especially due to the nature of political and security stability in the Kingdom. As a result of those economic and political changes that occurred in the region, it was necessary for decision makers to develop further and to modify the investment framework to keep pace with these developments and changes.

The Kingdom has taken an evolutionary approach aimed at localizing investments and working on amending legislation and regulations in the Kingdom, in order to enhance the investment environment in the Kingdom and its infrastructure, and to determine the general principles on which the general investment policy of the Kingdom is based. During the past five years, the executive and legislative authorities in the Kingdom have made various amendments to the laws, regulations, instructions and decisions that develop the investment system in the Kingdom and provide the necessary concessions and exemptions for an investor to carry out his/her business in the Kingdom.

Among the most important developments in investment activities that were made based on



the decisions issued on 9/13/2021 by the Council of Ministers, was the granting to the non-Jordanian investor of many privileges and incentives with the aim of creating a fertile environment that is fully ready to attract foreign investment. It can be said that according to the aforementioned Cabinet decisions, these decisions created many additional options under which citizenship is granted to a non-Jordanian investor after he/she has completed all the respective requirements, and has applied the stipulated conditions and produced the required documentation, which options allow the investor to enjoy many privileges and concessions that are enjoyed by the rest of the citizens of the Kingdom.

It should be noted that many recent economic sectors have been added that qualify the non-Jordanian investor to apply for citizenship based on the aforementioned Cabinet decisions. Whilst in the past, the granting of citizenship to investors was limited to specific sectors, recently, and in order to take into account developments and keep pace with the latest economic trends dictated by the current situation in the Kingdom, those economic sectors in which an investor has the right to apply for Jordanian citizenship have been broadened, as follows:

- A. The industrial sector and all its activities.
- B. The agricultural sector, both for plants and animals/fish, provided that modern technologies are used.
- C. The tourism sector classified according to the classification (ISIC4), with the exception of restaurants, cafes and coffee shops.
- D. The communications and information technology sector.
- E. The education sector, which includes specified schools, universities, colleges and academies.
- F. The healthcare sector/hospitals and specialized medical centers.
- G. The media sector, including the film industry.

The bases, criteria and recent amendments have included many options under which, an individual who invests in the Kingdom, he/she is entitled to apply for Jordanian citizenship. The following are the most prominent of those options:

- 1) Option One: Obtaining Citizenship By Investing In Active Projects
- 2) Option Two: Obtaining Citizenship By Investing In Governmental Bonds
- 3) Option Three: Obtaining Citizenship By Investing In Small & Medium Sized Companies
- 4) Option 4: Obtaining Citizenship By Investing In Non-Active Projects



The First Option: Obtaining Citizenship By Investing In Active Projects

This option concerns existing economic projects for the investment application that are active prior to the date of applying for Jordanian citizenship. This option was developed in order to serve the purpose of the Jordanian legislator in prioritizing the already existing investments in the Kingdom before the issuance of developmental decisions for the investment environment. Under this option, the investor applies for citizenship, whether the investor is a partner or fully owns an existing project or more than one project. That is subject to many conditions; the most important of which is that the investor should have been a partner or an owner in the concerned company or institution for three consecutive years prior to the submission of the application.

The procedures for applying for citizenship are seen as smooth, simplified, attainable, and they are aimed at making matters easier for the non-Jordanian investor. The procedure begins with the investor submitting a written application to the Ministry of Investment for the purpose of obtaining citizenship through an existing investment project in any of the specified qualifying economic sectors.

Following the submission of the application, the application is studied by the Technical Committee, supported by the company's financial position, the company's budget sheets, the necessary studies for the project, and the verification of the required documents and conditions. A field visit to the project is conducted by the Technical Committee and the necessary report is prepared.

After completing the preparation of the report on the study of the existing investment project in the Kingdom, the Technical Committee submits (to the Committee members) the investor's report, which shows the investor's share in the existing investment project, the number of Jordanian workers according to the statements of the Social Security Corporation, the current status of the company's work and the economic activity it practises.

The Reporter of the Technical Committee puts forward the necessary recommendations that support the granting of citizenship to the concerned investor and have it duly signed by the Committee Members.

The recommendation is submitted to the head of the Committee for the purposes of presenting it to the Council of Ministers, which has the authority to make a decision



either to grant Jordanian citizenship or to reject the application.

In light of the investor's completion of the above-mentioned procedures, and for the purposes of the investor's application to obtain Jordanian citizenship based on the provisions of this first option, a distinction must be made between two types of investments in relation to existing projects, as follows:

- Existing investments within the borders of the Amman province, whereby he/she must meet the following conditions collectively:

1. The average share of the investor in the total value of fixed assets, non-circulated and tangible assets - which can be calculated for the existing project(s) according to certified annual budgets during the past 3 years - is no less than (1,000,000) One Million United States dollars.
2. Provide at least (20) twenty job opportunities for Jordanians within (3) years according to the statements of the Social Security Corporation. Taking into account the consequences of the Corona Virus pandemic during the year 2020, half of the required number is approved during

said year and according to the statements of the Social Security Corporation.

It is also worth noting that it is possible to merge and combine labor in the event that there are two separate projects in the Amman province and any other province in the Kingdom for the purposes of calculating the numbers of labor on the basis of the Amman province requirement.

- Investments outside the Amman province, whereby he/she must meet the following conditions collectively:

1. The average share of the investor in the total value of fixed assets, non-circulated and tangible assets - which can be calculated for the existing project / projects according to certified annual budgets during the past 3 years - is no less than (500,000) Five Hundred Thousand United States dollars.
2. Provide at least (10) ten job opportunities for Jordanians during the past 3 years, according to the statements of the Social Security Corporation.

It should also be noted that it is possible to merge and combine labor in the event that there are two separate projects in the Amman province and any other province in the



Kingdom for the purposes of calculating the numbers of labor on the basis of the Amman province requirement.

The Second Option: Obtaining Citizenship By Investing In Governmental Bonds

Under this option, citizenship is granted to a non-Jordanian investor by depositing and purchasing treasury bonds in the Central Bank of Jordan. This case is designed to achieve many economic goals that benefit the Jordanian economy and lead to elevating the Jordanian economic growth, and at the same time lead to opening new opportunities for the individual who wishes to obtain the privileges and incentives of Jordanian citizenship through investing in government bonds. The investor submits a written application to the Ministry of Investment for the purpose of obtaining citizenship through:

- Transferring/depositing an amount of (1,000,000) One Million United States dollars, or its equivalent in Jordanian Dinars, for the Ministry of Investment with the Central Bank through one of the banks operating in the Kingdom. This is provided that the deposit is for a period of three consecutive years without interest (in which it is not permissible to break this deposit or use it as a guarantee for a loan) and provided that the applicant for citizenship provides the Ministry of

Investment with the relevant supporting documentation.

- The investor shall also transfer and deposit an amount of (1,000,000) One Million United States dollars, or its equivalent in Jordanian Dinars, for the Central Bank of Jordan through one of the banks operating in the Kingdom for the purposes of investing in treasury bonds in United States dollars for a period of six years and at an interest determined by the Central Bank of Jordan, whereby such bonds may not be disposed of during the said period. This is on the condition that the Ministry is provided with documents that support this fact.

Following completion of the stipulated conditions for investing in government bonds, the Ministry of Investment addresses the competent authorities to perform the necessary security checks on the investor's background. The Ministry of Investment issues a letter of recommendation to the competent bank for the purposes of depositing money for the purchase of treasury bonds. It also issues a letter to the Central Bank for the purchase of government bonds, and the Technical Committee (pursuant to Cabinet Resolution No. (5995) of 19/8/2019) is entrusted with the task of studying the application, verifying the required documentation and conditions, and submitting its recommendation to the Committee's Reporter (who is the Secretary General of the Ministry of



Industry, Trade and Supply). The Committee's Reporter then prepares the recommendation for granting citizenship and has it duly signed from the members of the Technical Committee. The recommendation is subsequently submitted to the Chairman of the Investors Committee formed under Cabinet Resolution No. (1915) of 12/11/2018 for the purposes of submitting it to the Prime Minister, who has the authority to make a decision either to grant Jordanian citizenship or to reject the application.

The Third Option: Obtaining Citizenship By Investing In Small & Medium Sized Investments

This option is considered one of the most important options to Jordanian citizenship, which aims to achieve His Majesty's statement that it is necessary to invest in youth potential. Furthermore, this option contributes to further economic development, since the investor has the right to apply for citizenship by purchasing shares and/or stakes in small and medium-sized companies ("SMEs") in any of the productive economic sectors (which were referred to above at the beginning of this edition). Therefore, these elements lead to investment in small and medium-sized companies in the Hashemite Kingdom of Jordan, with the SMEs being considered as one of the most important economic sectors, which in

turn leads to the opening of new opportunities for ambitious Jordanian youth, in which their potential should be invested in.

Under this option, the application for citizenship is submitted by the investor by means of a written request to the Ministry of Investment for the purpose of obtaining citizenship by purchasing shares and/or stakes in small and/or medium companies. Consequently, the Ministry of Investment addresses the competent authorities to obtain the necessary security clearance in this regard.

After applying to the Ministry of Investment, the investor purchases shares and/or stakes in Jordanian companies in the economic sectors as follows:

- Purchasing shares worth of (1,500,000) One Million and Five Hundred Thousand United States Dollars within effective investment portfolios at the current actual value (means market capitalization), not the nominal value (of the shares documented in the company's articles of incorporation) under the condition that such amount shall be subject to not to being disposed for a period of a minimum of three years. Moreover, submitting the documents that are issued by the Jordan



Securities Commission to strengthen the application. Or;

- The investor purchases stakes in small and/or medium companies in the aforementioned economic sectors for an amount of (1,500,000) One Million and Five Hundred United States Dollars for a period of not less than three years, and by submitting the commercial register that proves this, provided that no legal or financial action or modification to the investor's share in the commercial register takes place during the 3-year period.

When the investor completes the purchase of stakes at the required value, the technical committee formed under Cabinet Resolution No. (5995) of 19/08/2019 will study the application, verify the required documents and conditions, and submit its recommendation to the Committee Reporter. The Committee Reporter prepares the recommendation for granting citizenship and have it signed by the members according to the rules, the recommendation is then submitted to the Chairman of the Special Committee for Investors formed under Cabinet Resolution No. (1915) of 12/11/2018 for the purposes of submitting it to the Prime Minister, who has the power to make a decision either to grant Jordanian citizenship or to reject the application.

The Fourth Option: Obtaining Citizenship By Investing In Non-Active Projects

A person, who wishes to invest in Jordan through the establishment of economic projects in Jordan, has the right to apply for citizenship as an investor through projects that are under construction/development. Through the option to facilitate the granting of citizenship to non-Jordanian investors another objective is achieved. This objective is to provide ample job opportunities for Jordanian workers, since this option requires that the economic project that the investor will carry out should generate job opportunities for a wide section of Jordanian workers. In this option, multiple goals are achieved, the most important of which is providing job opportunities for Jordanian competencies and achieving economic growth in Jordan. This option includes two sub-options, as follows:

- A- Establishing and registering an investment project/projects in any of the productive economic sectors with a total paid-in capital of not less than (1,000,000) One Million United States Dollars within the borders of the Capital Governorate, provided that (20) actual job opportunities are created for Jordanians, according to the statements of the Social Security



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Corporation, within the borders of the Amman Province. (or)

- B- Establishing and registering an investment project/projects in any of the productive economic sectors with a total paid-in capital of not less than (750,000) Seven Hundred and Fifty Thousand United States Dollars outside the borders of the Capital Governorate, provided that (10) actual job opportunities are provided for Jordanians according to the statements of the Social Security Corporation, outside the borders of the Capital Governorate at the start the actual operation of the project.

It is worth noting that the investor is granted citizenship (for any of the two options mentioned above) through a set of steps for each option as follows:

- The first step: the investor is given a period of four months to complete hiring the required number of local employees. During this step, the investor is granted residency rights, until he/she proves the actual operation of the project(s) and completes hiring the number of Jordanian employees as required for each option that is mentioned above.
- The second step: after the investor submits proof that he/she has completed the first step, he/she is granted a temporary Jordanian

passport for a period of three years, under this passport he/she is treated as a Jordanian citizen with the exception of political rights.

- The third step: following the lapse of the period of the second step (i.e. the three-year period mentioned above), he/she is granted the Jordanian citizenship, provided that the following checks and controls are observed.

Following the fulfilment of the conditions by the investor and in relation to the investment project, the investor submits a written request to the Ministry of Investment for the purpose of obtaining citizenship by establishing investment projects in any of the defined economic sectors, then the Ministry of Investment addresses the competent authorities to obtain the necessary security clearance.

The request is studied by the Technical Committee (formed pursuant to Cabinet Resolution No. (5995) of 19/08/2019) supported by the financial position of the company and the necessary studies for the project. Furthermore, a field visit to the project is conducted by the Technical Committee and the necessary report is prepared, then the investor is required to provide the necessary covenants to ensure the operation of the project for a period of no less than 3 years pursuant to the Resolution.



The Committee Reporter prepares the recommendation for granting citizenship to investors formed under Cabinet Resolution No. (1915) dated 12/11/2018 and duly signed by the members. The recommendation is submitted to the Chairman of the Special Committee on Investors for the purposes of submitting it to the Prime Minister, who has the power to make a decision either to grant the Jordanian citizenship or to reject the application. To be noted that should the investor satisfy the afore-mentioned conditions and been granted Jordanian citizenship, if he/she then wishes to enter new partners for the projects to be established (as mentioned above), none of the new partners will benefit from the Jordanian citizenship which was granted to the main investor, rather, each of them must apply independently to obtain Jordanian citizenship by separately fulfilling the conditions in terms of labor quota and paid-up capital, or by waiting until the lapse of the sequence of periods for granting citizenship to the project creator.

As we have mentioned earlier, the Hashemite Kingdom of Jordan, in an effort to achieve the localization of investments in the Kingdom, has developed different options through which an investor that qualifies under said options and who wishes to enjoy same privileges as a Jordanian national, he/she can apply for Jordanian citizenship by fulfilling the stipulated conditions

and by submitting an application to the Ministry of Investment, which is responsible for coordinating and attending to all investment and investor business and affairs.

The aforementioned options were expanded further in terms of their scope of providing non-Jordanian investors with Jordanian citizenship. Several options are available to the non-Jordanian investor to invest through them. This also takes into account that the first priority is to safeguard the interests of the Jordanian society and Jordanians, particularly through specific requirements such as the requirement for the investor to hire a specified number of Jordanian employees.

It should be noted that Jordan provides other services to investors through the Ministry of Investment, which provides numerous investment services and concessions to investors and investment institutions. Among the most important of these services are tax and customs exemptions for investment institutions and companies.

Further, the Ministry of Investment, in order to achieve the economic goals that the Kingdom aspires to achieve, has created a single administrative system that specializes in



managing all the affairs of investors, institutions and investment companies in Jordan.

1. In this regard, and in an effort by Jordan to attract foreign investments, several economic zones have been established in Jordan, referred to as development zones and as free zones. The registered investor in those economic zones enjoys many privileges, exemptions, and concessions, which are dedicated to multiple areas of business and industries, and which cater for the investor's needs in terms of infrastructure and services.

These zones are supervised by development companies working to create infrastructure and facilitate the investors' work. Moreover, the development zones aim to distribute the gains of economic development and create job opportunities by providing a competitive advantage based on specialization and by providing an integrated system of services to investors, that supports the growth and development of companies. Further, the free zones contribute to enhancing Jordan's business reputation by facilitating the transit of goods and stimulating the economic and trade movement.

Therefore, Jordan has become one of the leading countries among the countries that attract investment in the region, by providing many

services and concessions to investment institutions and non-Jordanian investors, and this contribution has been reflected on economic growth and has led to investment in human resources and in providing job opportunities for Jordanian citizens.

Conclusion

The Hashemite Kingdom of Jordan is taking accelerated steps to develop the investment framework and to strengthen the economic infrastructure by providing many concessions and exemptions to non-Jordanian investors, in order to achieve economic and development goals, the most important of which is creating job opportunities for Jordanian youth and achieving economic growth. Therefore, Jordan is becoming a reference point in the world map of countries as an attractive investment destination.

The incentives provided by the Kingdom to non-Jordanian investors are numerous and ample, such as tax and customs exemptions, with the concessions for granting Jordanian citizenship to non-Jordanian investors being the most important incentives provided under this category, in order to attain the goal of these concessions, which is the establishment of investments in the Hashemite Kingdom of Jordan. In pursuit of this goal, the Kingdom has made in recent years many



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amendments and developments to its internal policies, legislation, laws and regulations for investment, the most important of which are the foundations for granting citizenship to non-Jordanian investors.

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If you feel that other persons would be interested to read this Newsletter, please feel free to share this Newsletter.

14 If you wish not to have our upcoming Newsletter or if you wish to amend the contact details, please inform us by sending an email to info@hammourilaw.com, titled “non-subscription” and/or “amending the contact details”.

Warm regards,

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ABOUT HAMMOURI & PARTNERS ATTORNEYS AT-LAW

Hammouri & Partners Attorneys at-Law, is a Jordanian multi-practice law firm, founded over two decades ago (established in 1994) by the late Professor Mohammad Hammouri. Professor Hammouri was a renowned Jordanian attorney and an arbitrator, a former Minister of Culture and National Heritage and a former Minister of Higher Education, who wrote a plethora of books, primarily on constitutional rights. Professor Mohammad Hammouri also founded the first School of Law in the Hashemite Kingdom of Jordan at The University of Jordan, in which he was its first dean. Today, the firm is managed by Dr. Tariq Hammouri, a distinguished academic and attorney and a former Minister of Industry, Trade and Supply. Dr. Tariq Hammouri is both an experienced attorney and an arbitrator, an expert in the Corporate sector, Commercial Transactions, Financial Markets, Banking Law and International Trade. He is an Associate Professor at the School of Law, University of Jordan and (formerly) the Dean of the School of Law. Dr. Hammouri is also an officially appointed member of the International Center for Settlement of Investment Disputes (ICSID) Panel of Arbitrators upon designation by the Government of the Hashemite Kingdom of Jordan, for the period of 2020 to 2026.

Hammouri & Partners team consists of 25 attorneys and a number of other professionals working in the firm's specialized departments, providing professional legal services at a local, regional and international level.

The firm's legal services cover numerous areas of practice, including the following: Corporate and Commercial Law (whether that is corporate set-up or drafting of all types of commercial agreements), Intellectual Property Law, Banking and Finance Law (the Firm advises local and international banks regarding all Banking Transactions and Regulatory Compliance). Additionally, the Firm's Litigation and Arbitration department have the capabilities and competence to represent parties in the most complex and novel legal matters, as it encompasses expertise in several areas of law, whether it is before courts or arbitral tribunals. Hammouri & Partners Attorneys at-Law was one of the first firms in Jordan to establish a specialized International department to cater for the needs and requirements of international clients on an array of tasks with an international element, such as those regarding bilateral and international trade negotiations, projects, contracts and others.



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In addition to what has previously been stated, Hammouri & Partners provides legal advice and consultation to various industries such as those of Construction & Infrastructure, Manufacturing, Engineering, Trade, Securities and Energy, as some of its clients are major energy, healthcare, information technology and telecoms companies.

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