

Newsletter  
|45<sup>th</sup> Edition, June 2024|

Welcome to the forty-fifth edition of our newsletters. In this edition, we will present to our readers the following:

- i) In **Section A**, in this edition, we will address the topic of obtaining a Jordanian residency permit under Jordanian law, examining two of the available ways, namely residency linked to a labor permit and residency linked to the purchase of residential property. This topic was selected due to its popularity amongst non-Jordanians individuals seeking to obtain residency in Jordan.
- ii) In **Section B**, which is dedicated to matters pertinent to the jurisdiction of Iraq, in this edition we will address the topic of the update to the Income Tax as part of regular updates provided to readers by the firm's Iraq office.
- iii) In **Section C**, which is dedicated to matters pertinent to our Start-ups and SMEs Department, in this edition we will address the topic of international trademark registration. This topic can provide useful information for trademark owners that transact business outside their home country and that wish to protect their mark on an international level.

*"There is a list of specialized professions issued by the Ministry of Labor that the profession of foreign employees will be selected from. The specialized profession chosen will correlate to the foreign employee's job description and position with the employer."*



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## SECTION A: A GLIMPSE INTO JORDANIAN LEGISLATION

In this edition, we will address the topic of obtaining a Jordanian residency permit under Jordanian law, examining two of the available ways, namely residency linked to a labor permit and residency linked to the purchase of residential property.

### Introduction

Due to the ever-constant commercial development and progress being made in the Hashemite Kingdom of Jordan (hereinafter referred to as the “**Kingdom**”), the concept of obtaining residency in Jordan is becoming more noteworthy; especially in the labor sector (due to the influx of foreign workers). As such, we have dedicated this edition to discussing the concept of obtaining residency in Jordan specifically through the method of obtaining a labor permit.

The legislative framework that governs residency permits in Jordan is comprised of the Jordanian Residency & Foreigner Affairs Law No. (24) of 1973 and its amendments (hereinafter referred to as the “**Law**”), the Jordanian Labor Law No. (8) of 1996 and its amendments (hereinafter referred to as the “**Labor Law**”) and any relevant regulations that have been issued or will be issued in the future in accordance with both the Law and/or the Labor Law.

## First: The Cases by Which an Individual can Obtain Residency in the Kingdom

In general, there are various cases in which a non-Jordanian is granted a residence permit in the Hashemite Kingdom of Jordan. These cases are stipulated in Article (12) of the Labor Law and Article (22) and Article (26) of the Law, which are as follows:

- 1) The method of obtaining residency through a labor permit in accordance with Article 12 of the Labor Law. This method is the subject matter of this edition.
- 2) **A female non-Jordanian married to a Jordanian male:** *The Minister of Interior, upon the recommendation of the Director of Public Security, may grant a non-Jordanian married to a Jordanian a residence permit in the Kingdom for a period of five years.*
- 3) **A non-Jordanian who has legally resided in the Kingdom for a period of ten years:** *The foreign person is granted permission to reside in the Kingdom for a period of ten years.*
- 4) The individual must have a contract to work with a registered company or commercial store or with a well-known business owner in the Kingdom, provided that they do not compete with Jordanians in their work and that this is proven by a certificate from the Ministry of Social Affairs



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and the ministry of Labor or from the competent authorities.

- 5) **During the individual's residency, the individual must have a guaranteed source of livelihood through legitimate means from inside or outside the country, and this must be proven by an official, certified certificate:** *The person (non-Jordanian) must have a legal profession or craft that enables the individual to rely on himself/herself to live easily and legally in the Kingdom so that he/she does not become a burden on the Kingdom and society after obtaining a residence permit.*
- 6) The individual must be coming to invest his/her money in commercial or industrial projects approved by the National Ministry of Economy.
- 7) The non-Jordanian must have scientific or professional competence that is not available in the Kingdom, provided that this is proven by official written certificates from accredited bodies and is approved by the competent Jordanian authorities.
- 8) The individual must be an employee or member of staff in diplomatic and consular missions in the Kingdom.
- 9) The individual is a person with disabilities or a minor and his/her only breadwinner resides in the Kingdom.

10) The individual must be admitted in Jordanian institutes (study residency).

11) **Granting residency to a non-Jordanian in Jordan as a result of owning real estate for a period of 5 years:** *Granting a non-Jordanian permission to reside in Jordan in this regard requires the fulfillment of certain conditions, which are as follows:*

- 1- *That the non-Jordanian owns a property worth (200) thousand Jordanian dinars.*
- 2- *The property must be designated for housing purposes (residential property).*

In this issue of the newsletter, we will examine only the case of obtaining residency in Jordan by way of a labor permit and, in future issues, we will examine the other cases for obtaining residency in Jordan.

## Second: Definition of Residency and the Labor Permit

Before delving into the intricacies of obtaining residency in Jordan through the method of obtaining a labor permit, we must first examine the terms residency and labor permit as concepts in order to understand what they both entail.

As a legal concept, the term 'residency/residency permit' is understood to mean "an official document that permits an individual to reside in a country for a specified period of time in accordance with the applicable laws of that



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*country*". This document is an official document that is only granted to non-Jordanian to a country in which they do not have citizenship. It is not granted to individuals who possess a citizenship in a country as possessing citizenship permits them to reside in the country indefinitely by virtue of their citizenship and without need for a residency permit for that country. It differs from the legal concept of citizenship due to the following two points:

- 1) Residency is a temporary allowance to reside in a country, which requires renewal after the expiration of the designated residency period; and
- 2) Residency is a legal state that must be applied for and then be accepted by the competent authorities of the country whereas citizenship is an automatic right by law by virtue of birth which does not require an application to the competent authorities of the country.

The conditions relating to this concept are addressed in the Law and the Labor Law.

As a legal concept, the term 'labor permit' is understood to mean "*an official document that provides an individual with the right to work in a country for a specified period of time*". The conditions relating to this concept are addressed in the Law.

Both of the above two terms have a correlative legal relationship, which will be discussed further in the next section below.

### **Third: The Concept of Obtaining a Residency in Jordan when Linked to Obtaining a Labor Permit**

As stated in the above section, residency and the labor permit have a correlative legal relationship. This means that obtaining residency (one of the cases) in Jordan is dependent on obtaining a labor permit for working in Jordan. As such, obtaining the labor permit is a prerequisite requirement that is required to be obtained prior to applying for residency in Jordan; i.e.: obtaining residency in Jordan is conditional on having obtained a labor permit.

Thus, the first step to obtain residency in Jordan is to apply for a labor permit. Once the labor permit has been obtained, the second and final step would be to apply for residency in Jordan. A brief summary of the procedures that should be taken for the issuance of a labor permit in Jordan are as follows:

- 1) There should be a pre-existing Jordanian company (duly registered in Jordan) that the employee (the individual that is seeking to obtain residency in Jordan through the labor permit) has a labor relationship with.



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2) Once there is a labor relationship with an employer, an application for a labor permit should then be submitted. There are two types of documents that are required (and should be prepared prior to the application) which are:

A) Documents pertaining exclusively to the employer (with the exception of the labor contract): These documents being official company documents, such as the To Whom It May Concern certificate of the company, the employee's employment contract with the company (a document that pertains to both the employer and employee), recent (up to date) statement from the Social Security Corporation indicating the company's Social Security Corporation number and the vocational license (that is dependent on the office lease for the company).

B) Documents pertaining exclusively to the employee: These documents include copies of the employee's valid passport and copies of that same passport that contain the barcode that is affixed to a passport upon the employee's entrance into Jordan), the employee's experience certificate/s and pictures of the employee.

3) After the submission of the application for obtaining a labor permit, the employee must visit the competent medical center in order to have a

medical examination conducted and obtain a medical clearance.

4) Upon the fulfillment of all of the above requisites, a copy of the labor permit application is submitted to the Ministry of Labor and another one is submitted to the competent Labor Department at the Ministry of Labor.

5) Following all of the above having been completed, the remaining course of action is to await the decision of the Ministry of Labor on the application.

Following the issuance of a labor permit by the Ministry of Labor, an application will then be submitted for obtaining residency in Jordan. This is an obligatory last step due to the concept explained above that obtaining a residency in Jordan is explicitly linked to having obtained a labor permit on Jordan first.

#### **Fourth: Special Requirements for Obtaining a Labor Permit**

Further to the terms of obtaining a labor permit stipulated in section 'Third' above, there are special requirements for obtaining a labor permit that are issued in relation to labor permits and serve to restrict the range of a labor permit in the Kingdom. These special conditions are:

1) 'Closed' sectors: Following a list that is issued, from time to time, by the Ministry of Labor, there are certain specific sectors in the Kingdom that are



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restricted to foreign labor. This means that no foreign employee can operate within those designated sectors. These closed off sectors are also subdivided into two different categories, as follows:

A) Sectors that are restricted to foreign employees entirely. The most prominent of those closed sectors are (by way of example and are not limited to) desk work (typing, secretarial work, data entry and administrative services), valet parking, professions relating to home maintenance and electrical appliances maintenance, professions relating to all types of sales (whether retail, bulk or distribution), professions relating to designing and completing interior and exterior decorations and professions relating to hairdressing.

B) Sectors that are restricted to foreign labor, but which can be opened to them should the approval of the competent authorities be obtained. The most prominent of those closed sectors are (by way of example and are not limited to) mosque employees (the approval of the Minister of Awqaf & Islamic Affairs is required), church employees (the approval of the Heads of Churches Committee or the spiritual head of the church is required) and teachers at schools, preschools and daycares (the approval of the Minister of Education & Development as well as that of the

Committee for Public Service and Administration are required).

2) Specialized professions: There is a list of specialized professions issued by the Ministry of Labor that the profession of foreign employees will be selected from. The specialized profession chosen will correlate to the foreign employee's job description and position with the employer. The entire list contains 123 specialized professions in a variety of different fields. Below is a list of the most common specialized professions in terms of general positions (i.e.: professions that are not specific to a certain labor sector such as the food and medicine sector) selected from the full list of specialized professions:

1. *Logistic services expert*
2. *Financial analysis expert*
3. *Development expert*
4. *Public foreign relations expert*
5. *Expert*
6. *Strategic planning expert*
7. *Head of site*
8. *Head of business and logistics*
9. *Head of business development*
10. *Operations manager*
11. *Executive manager*
12. *Technical manager*
13. *Public relations manager*



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14. *Regional manager*
  15. *Vice regional manager*
  16. *Foreign relations manager*
  17. *Investment manager*
  18. *Vice general manager*
  19. *Assistant to the executive director*
  20. *Administrative affairs manager*
  21. *Project manager*
  22. *Manager*
  23. *Administrative manager*
  24. *Financial manager*
  25. *Public relations manager*
  26. *Head of human resources*
  27. *Financial advisor*
  28. *Chief executive officer*
  29. *Coordinator*
- 3) **Mandatory quota of Jordanian employees:** It should be noted that (pursuant to Jordanian law) each type of company in Jordan has its own requirements as to the number of Jordanian workers that should be employed alongside the foreign workers. Further information on this matter can be provided by Hammouri & Partners upon request.

#### **Fifth: Annual Renewal of the Labor Permit (and Renewal of the Residency)**

The specified time period that a labor permit grants a foreign employee to work in the Kingdom for is only a

year or part of a year (unless the Minister of Labor issues a decision to have it be two years for specific sectors and activities designated by the Minister of Labor) in accordance with Article 12 of the Labor Law. Should the foreign employee wish to continue working in the Kingdom for an additional period, the foreign employee must have his/her labor permit renewed annually for each year that the foreign employee is to work in the Kingdom.

Should a labor permit be renewed, the new period that the foreign employee is permitted to work in the Kingdom for is calculated from the period of the expiration of the last labor permit obtained by the foreign employee in accordance with Article 12 of the Labor Law .

#### **Sixth: Violations of the Labor Permit**

After having obtained a labor permit, both the employer and the foreign employee should maintain compliance with the terms and conditions of the labor permit and must avoid committing any violation of the labor permit. Pursuant to article 12 of the Labor Law, these violations include the following:

- 1) Employing a foreign employee without having obtained a labor permit or employing a foreign employee whose labor permit has been expired for a period of no more than ninety days.
- 2) Employing a foreign employee with an employer who is not the employer that the labor permit was issued under (unless permission is obtained from



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the competent authorities at the Ministry of Labor).

- 3) Not notifying the Ministry of Labor that the foreign employee quit working for the employer who the labor permit was issued under and went to work for another employer.
- 4) Employing a foreign employee in a profession other than that which the labor permit was issued for.

Pursuant to article 12 of the Labor Law, in the event of a violation of the labor permit pursuant to the aforementioned instances, then both the employer and the foreign employee are subject to the following:

- 1) **The employer:** The employer must pay a monetary fine of no less than twice the amount of the labor permit fees for the sector that the foreign employee was operating in. This monetary fee is increased to be four times the amount of the labor permit fees for the sector that the foreign employee was operating in should it be a repeat violation.
- 2) **The foreign employee:** The foreign employee is deported from the country at the employer's expense and the foreign employee cannot return to work in the Kingdom until after a period of at least five years (from the date that the decision to deport the foreign employee was issued) has lapsed.

## Conclusion

In conclusion, the concept of obtaining residency in the Kingdom through obtaining a labor permit is a significant concept for foreign employees who are working or will work in the Kingdom. This legal procedure is fundamental for maintaining compliance with Jordanian law in relation to the legal status of foreign employees working in Jordan. The act of maintaining compliance itself is necessary in order to avoid financial, legal and practical implications associated with non-compliance. It is vital to avoid those implications and to maintain compliance with Jordanian law as those implications will complicate the situation of both the employer and the foreign employee (as well as that of any family member or dependent of the foreign employee, who is residing with the foreign employee in Jordan) due to the negative consequences of having monetary payments imposed (for the employer) and deportation imposed (for the foreign employee and the foreign employee's family member dependents). The consequence of deportation on the side of the foreign employee is especially adverse if it is compounded with having obtained a house or having children attending schools as deportation would mean that they would all be forced to uproot their lives without having the opportunity to resolve their affairs in the Kingdom.



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As such, we have deemed it significant to inform the reader about the concept of obtaining a residency in the Kingdom by way of obtaining a labor permit and about all of the procedures and consequences that the concept entails.

## SECTION B: Hammouri & Partners' Iraq Office

In this edition, we will address the topic of income tax.

Income Tax is a direct tax imposed on persons (whether a natural person or a legal person, such as a company) who practise professions and carry out professional activities and whose income exceeds a certain amount of money per year; whereby the state deducts a portion of the individuals' profits (or the company's profits, as they case might be) if they exceed a certain limit.

A decision was issued by the General Authority for Taxes and all its branches on 28/05/2024 to extend the legal period for submitting reports on income. This was based on what is stated in article (27) of the amended Income Tax Law No. 113 of 1982, which stipulates in its third paragraph that *"the Finance Authority may extend the period mentioned in paragraphs (1 and 2) of this article to an appropriate period if it is convinced that there is a legitimate reason"*.

Accordingly, the General Authority for Taxes has decided, based on what was mentioned above, to extend the legal period for submitting reports to natural and legal

persons for a period of one month to implement this, with this period ending on 30/6/2024.

This decision benefits companies by allowing them to submit final accounts reports within the prescribed period after its determined deadline of 30/05/2024.

Companies that are late in submitting reports for the aforementioned period will be subject to a late penalty fine pursuant to the law.

## SECTION C: START UPS & SMES

### International Trademark Registration

The increasing trend for international business transactions, and the wide use of trademarks by companies and entrepreneurs, made it essential to have in place a system that protects trademark owners from any kind of copying and imitation of their trademarks. Consequently, in order to protect your trademark abroad and grant yourself the full protection, the mark must be protected internationally through a system for registering trademarks at an international level; said system is referred to as the Madrid Protocol.

The Madrid protocol [also referred to as the "Protocol"] is one of several means for obtaining an international trademark protection. This month's edition of Hammouri & Partners newsletter [No. 45] will be discussing the major provisions of the Protocol. We will also be explaining how the Protocol works from the standpoint of



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applicants who seek international trademark registration, as well as which are the most important relevant authorities that regulate the trademark's registration internationally. Last, we will briefly look into the consistency between the related Jordanian regulations and the provisions set by the relevant authorities internationally.

Generally speaking, the Protocol is a treaty administered by the World Intellectual Property Organization [also known as the “WIPO”]. The Protocol and the Madrid Agreement Concerning the International Registration of Marks of 1891 (as amended) are the governing instruments of the Madrid system for the international registration of trademarks (their members are collectively referred to as the “Madrid Union”). However, it is worth mentioning that not all countries that have adopted the Protocol have necessarily adopted the Agreement and vice versa. As of this date, approximately 130 countries [also referred to as the “Member States”] are members of the Protocol and abide by its provisions.

Pursuant to the Protocol, an International Application is filed with the International bureau of WIPO [also known as the “Bureau”] under the name ‘International Registration’. Moreover, an International Application will only be valid and correctly accepted if it was based on a pending application or registration for the same trademark in the applicant’s country of origin [also referred to as

the “Home country”]. Those are namely the Home country’s application [also known as the “Basic application”] and the Home country’s registration [also known as the “Basic registration”] under the Madrid Protocol.

Based on the foregoing, every Member State has the absolute discretion to process or reject trademark registration applications submitted by applicants seeking to register their trademarks as per their domestic laws, provisions and regulations. Firstly, Applicants shall abide by the terms and conditions of their own home country when submitting the Basic application. Concerning the completion of the International application, applicants must abide by the terms and conditions set by the Protocol, including but not limited to: (i) to add the filing date and serial number of the Basic application, or the registration date and registration number of the Basic registration; (ii) the name of the applicant, must be identical to the name of the applicant or registrant in the Basic application or registration; (iii) a full description of the trademark that is the same as the description that appears in the Basic application or registration; (iv) a list of the designated Member states and the application fees; and most importantly (v) a statement to certify that the applicant is a national of the said origin country, and is domiciled in it, or has an actual and valid industrial or commercial establishment in the said country. Consequently, if all is in order and present, the Trademark Office at the home country of the



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applicant will certify the application and forward it to the Bureau. In terms of the process of examining applications and verifying trademarks to grant them acceptance or rejection, Bureau checks whether the applications meet the minimum requirements of the Protocol or not. If the requirements are not met, then the Bureau will notify both the office of origin and the applicant/s within a period of 18 months from the date of submission. In addition to the notification that shall be sent, the notification will also be published in the WIPO Gazette of International Marks. On the other hand, if the application appears to have met the requirements, then the process of registration will be processed by the Bureau in addition to the publication.

On a separate note, it is noteworthy that trademark proprietors who seek international registration under the Protocol, usually benefit from significant advantages. Cost savings is one of those advantages due to the fact that the application allows applicants to pay single registration fees. Additionally, companies can seek protection throughout the Member State of the Protocol by filing a single International application, and without the need to register in each one of the designated Member States.

Similarly, the WTO is also seen as one of the most significant international organizations that connects the majority of countries to regulate trade, in general and trademark registration, in particular. In specific, the WTO Agreement on Trade-Related Aspects of

Intellectual Property Rights [also referred to as “TRIPS”] which is signed by a large number of countries around the world, is considered as one of the most comprehensive multilateral agreements on intellectual property [also known as “IP”] among the international community, and most importantly seen as WTO’s dominant presence and contribution into the field of intellectual property and international registration of trademarks.

TRIPS play a major role in trademark registrations and Intellectual property matters, the disputes that may arise in relation to it. Also, it guarantees that WTO members have the freedom to pursue their domestic policy objectives and facilitate their mission.

In terms of Jordan, and based on the abovementioned facts, we find that the international community has had an impact on the Jordanian laws and regulations with regards to intellectual property rights and trademarks registration. In particular, we find that Jordan’s laws and regulations are in full harmony and consistency with what is stated and agreed upon in international agreements and protocols to which the international community is subject to, that in turn resulted in Jordan ratifying most of the international agreements that regulate the matter of intellectual property rights and the protection and registration of Trademarks.



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In conclusion, on one hand, the Madrid Protocol creates opportunities for trademark owners. It may be the best choice in most cases in terms of the many benefits that it provides, as it allows applicants from member states who seek the protection of their trademarks internationally to file their international applications for full protection of their trademarks in the member states of the Protocol. On the other hand, WTO also plays a similar role for its members; it has established a legal framework and has set the provisions of international registration of trademarks

and intellectual property in order to organize the IP-related matters. Therefore, in terms of trademark registration, international registration of trademarks is always the go-to option for most proprietors of trademarks in order to protect their intellectual property and avoid any kind of mark infringement.



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If you would like to discuss further any aspects of this Newsletter, please feel free to get in touch with one of our lawyers, using the contact details in the Contributors section below.

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](mailto:info@hammourilaw.com), titled “non-subscription” and/or “amending the contact details”.

Warm regards,

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## CONTRIBUTORS TO THE EDITION IN ENGLISH

(Section A – A Glimpse into Jordanian Legislation “Obtaining a Jordanian Residency Permit under Jordanian law, Examining Two of the Available Ways, Namely Residency Linked to a Labor Permit and Residency Linked to the Purchase of Residential Property”)



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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 more than 30 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. It should be noted that Hammouri & Partners are in the midst of establishing a new office for the firm in the city of Baghdad in the Republic of Iraq and a branch in the city of Erbil in Kurdistan Region to provide legal services through it in a direct manner. The Iraq office is operational since September 2023.

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.

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.

Hammouri & Partners Attorneys at-Law provides its broad services throughout Jordan as well as worldwide, through established collaborations with reputable law firms in the MENA region, Europe, the United Kingdom and the USA. Hammouri & Partners has earned regional and international acclaim by the most reputable legal directories. Chambers and Partners Global, International Financial Law Review (IFLR 1000) and the Legal 500, all highlight Hammouri & Partners as a leading law firm in the Jordanian legal services industry.



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