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Card ELANBiz: Regime and Migratory Considerations in Peru ¹

(Prepared by the ELANbiz in Peru Expert, based on secondary information. Updated to June 30, 2016)

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The purpose of this card is to provide information about the current requirements to do business or work legally in Peru.

Introduction²

Citizens of the Member States of the European Union in the Schengen territory do not require a visa to enter to Peru as tourists. It is normally granted automatically at the moment of entry to the country (e.g. at the airport). As a tourist you can legally stay in Peru for 90 days a year each time you enter the country.(see detail depending on the country of origin).³

However, the immigration officer grants the official residence time at the moment of entry (It is recommended to verify the number of days visible in the immigrations seal). It is suggested to review the [Card ELANbiz: "Business Travel Information"](#)

¹ "The information contained in this Card is only general. For more detailed, events and trade promotion as well as possible business contacts, please contact the Commercial Offices of the Member States, European trade organizations and bilateral Chambers or Commerce in Peru".

² Main sources: [Ministerio del Interior](#); [Superintendencia Nacional de Migraciones](#). KPMG Inversiones en Perú 2015.

³ List of [Countries that required visa to enter to Peru](#).

Upon arrival, foreign visitors may be required by Peruvian immigration authorities to submit information on their return trip, their stay in Peru and the amount of money available to cover their expenses while they are in the country. In addition, they must register an address in Peru (e.g., pre-booking hotel).

To do business in Peru a business visa is required. That is, every foreign citizen who wishes to do business in the country must enter the country with business visa. The business visa must be processed before the Peruvian consulate located in the country of origin.

It is recommended to consult the website of the Peruvian Consulate in the country of origin in order to verify that the requirements for visas have not changed as well as other relevant conditions for the trip.

Business Visa

A business visa is required only if foreigners who travel to the country plan to develop business activities and as a general rule, the visa must be processed before entering the country⁴.

Foreigners who need to develop business activities, including signing contracts or preparing financial transactions, will be required to obtain a business visa

A business visa allows multiple entries to the country over a period of twelve months after it was approved. Thus, carriers of this visa can remain in the country up to 183 days per year, although consulates outside Peru could deliver visas for shorter periods of stay.

The deadlines and requirements to process a visa may vary and depend on the consulate of the country where the visa is requested.

Migration Procedures that are required by a foreign person who has interest to remain in the country to develop activities different from tourism are rendered at the [National Superintendence of Migration](#). [Card ELANBiz: Business Travel Information Peru](#) .

⁴ *Except Brazil, Chile, Colombia and México.*

Special Authorization to sign contracts

As a general rule, foreigners who have entered the country as tourists are not allowed to sign contracts or consolidate a company. However, the National Superintendence of Immigration has a simple procedure which grants foreign non-residents the faculty to sign contracts in the country, and therefore to constitute or consolidate companies.

[This procedure is carried out before the Migration Management Services](#) (Gerencia de Servicios Migratorios) and authorization is granted automatically. The requirements are:

1. Form F-004 (free).
2. Receipt of payment at the Banco de la Nación for processing fee (S/. 16.00 (5 Euros aprox.)). Banco de la Nación has offices inside the facilities of the National Superintendence of Migrations in order to facilitate the proceedings.
3. Presentation of a valid passport.
4. Andean Card of Migration (TAM), issued upon arrival to the country.

The process is carried out at the headquarters of the Superintendence (address: Prolongación Av España 734 Breña- Lima (3rd.Floor)), from Monday through Friday 8:00 am to 1:00 pm. Phone: +51 1 2001000.

Work Permit

Every foreign citizen who has been assigned to start a professional or work activity in Peru must apply for a work license. This procedure is handled by presenting the work contract before the corresponding authority, in this case, the [Ministry of Labour and Employment Promotion of Peru](#). See Card ELANbiz: "Peruvian Labour Regime". The average duration of the procedure is 30 days.

The process starts the Ministry of Labour and Employment Promotion of Peru, after finish it, the foreign citizen is enabled to pursue the procedure before the Interior Ministry, in order to proceed with the residence and the respective Foreign ID (Carnet de Extranjeria).

The foreign employee will not be able to provide services until he/she does not have the work visa and the Foreign ID (Carnet de Extranjeria) granted by the Immigration Authority.

Work Contract

In Peru the work permit contract includes subordinated and paid personal services; it is presumed the existence of a work contract for an indefinite period of time. To hire national workers the only condition required is fulfil the legal majority age of 18 years

It is only possible to work in Peru as a dependent employee, under a work contract approved by the Ministry of Labour and Employment Promotion of Peru. Workers under labour relation of dependence cannot issue receipts for professional fees (Recibos por Honorarios). Details on the in Card ELANbiz: Peruvian Labour Regime.

The Law of Contracting Foreign Workers of Peru (Ley de Contratación de Trabajadores Extranjeros del Perú), establishes that the employers, foreign or national, are authorized to contract personnel of other countries, providing that:

- The number of foreign workers does not exceed 20% of total employees and the salaries or remuneration of foreign workers should not exceed 30% of total payroll, unless the case of a Manager or a specialized professional. ⁵

The worker must bring the documentation that will submit to the Ministry of Labour of Peru. Basically he will need:

- Work certificate accredits professional experience of at least 3 years
- Diploma or professional title to demonstrate technical knowledge.

Caution should be taken to meet the minimum requirements since the Ministry of Labour and Employment Promotion of Peru is rigorous with the verification. For example, verify if the name exactly matches the passport, indicate if it a male or female (though the name makes it obvious), birthplace (not just nationality), among other information.

In addition, if the foreigner is married to a Peruvian, with brothers or parents from Peru, Ecuador, Colombia or Bolivia, it will be not need to approve the work contract by the Ministry of Labour.

⁵ *Exceptions: if it is a question of specialists, managers or personal executive of a new company, employees of public companies or of private companies who have signed an agreement with Peruvian public organisms, between others. This exception will have to be authorized for Ministry of Labour and Employment Promotion of Peru.*

The work contract should establish an express clause that establishes that the foreign employee cannot start working if the immigration status is not obtained. Note that this contract is subject to a maximum of 3-year term.

For more information, we suggest review the in Card ELANbiz: Peruvian Labour Regime.

Residence

With the approval or registration of the contract before the Ministry of Labour and Employment Promotion of Peru, it is possible to apply for work residency before the Ministry of Interior (National Immigration –Superintendence).

From the moment of receipt of the Foreign ID (Carnet de Extranjeria) the foreign worker is accredited and/or authorized as a Peruvian Resident, which allows developing activities with residence immigration status. That is, after obtaining the migratory condition, the foreign worker will be able to initiate labours in any company.

To issue the Foreign ID (Carnet de Extranjeria), Immigration should grant residence for at least 1 year, and only after the granting of the residence, the contracting company can enter a foreign worker on the payroll.

Designated Workers

Foreigners who enter the country with non-residence status in order to perform activities that require highly technical or specialized knowledge will be able to be considered designated workers.

Designated workers are sent abroad by his/her foreign employer for a limited time and are allowed to sign contracts or perform financial transactions, provided that they do not receive a remuneration of a Peruvian employer (i.e., should not be registered in the Peruvian payroll).

Family Members

Family members of a foreign citizen who hold Peruvian resident visa may also obtain a visa as relatives of a resident. They are regarded as family members the spouse, children under 18, unmarried daughters, parents and other dependents.

If the foreigner intends to obtain the residence of the family members must attach to its application:

- Birth certificates and original marriage of family members who require immigration status of resident.
- The Peruvian Consulate in the country of issue or apostille must certify these documents.
- If they are issued in another language they shall be officially translated into Spanish in Peru.

Dependent foreign citizen cannot exercise gainful activity unless they have applied and enabling changes its immigration status.

Migratory control of Foreigners' Exit

Take into account that when leaving the country and in case its activities in Peru have generated income/revenue (Peruvian source), the foreigner must submit to the immigration control at the airport a "**Certificate of Income, Revenues and Withholding**" issued by the payer of the income, or the legal representatives of these.

Recommendations: ⁶

- Performing unauthorized activities according to immigration status, can bring penalties including cancellation of residence.
- It is recommended to check that your passport it is valid for at least six months before the date of arrival to Peru and covers the entire stay.

⁶ Main Source: Superintendencia Nacional de Migraciones. Preguntas Frecuentes. <https://www.migraciones.gob.pe/index.php/preguntas-frecuentes/temas-relacionados-a-inmigracion/>



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- The foreigner that lost its passport must appear in person before the Department of Immigration Control located at the headquarters (Av España 730, Breña Tel.: 200-1000), to process an entry stamp to the new travel document. It has a cost of 0.24% of the ITU (s / .8.75).
- If you are in the country as a tourist, you should not sign an employment contract then ask the residence. The right thing is to first present your file with all required documents. After completing this procedure, you may request the "Special Permit to sign contracts."
- When entering the country an Immigration Inspector will grant a certain number of days of stay (see the number on the seal of migration). In case of exceeding the time allowed, you will have to pay a fine of one dollar (US \$ 1.00) for each additional day. The payment is made at the time of leaving the country.
- The law prohibits foreigners who are staying irregularly in the country (visa expired) to perform any procedure.
- If you are requesting a change of immigration status and you already have your Foreigner ID (Carné de extranjería), you can leave the country without problem; if you must leave the country and you do not have your Foreigner ID, you must request a special travel permit otherwise the process is cut and must apply for immigration status change again.
- If you entered with resident visa and do not have your Foreigner ID (Carné de extranjería), you must also request a special travel permit otherwise you will lose your visa and will have to reapply.
- The residence must be renewed annually prior to expiration date. The procedure of extension must be started before the date of expiration of the Foreigner ID by presenting the documents according to their immigration status.
- Keep updated personal information in the Registration Form (address, marital status, passport renewal, etc.), in the term of 30 days of effected the facts.
- Foreigner residents lose their immigration status if their absence from the country exceeds one hundred eighty three (183) consecutive or cumulative calendar days during any period of (12) months. Except an unexpected incident, labour or health issues that require medical treatment, in which case



the absence can be extended up to twelve (12) months after submission of the application "Absence Authorization for more than 183 days."

- Foreign residents lose immigration status if they leave the country with an expired residence.
- Foreign residents who leave the country permanently must perform the procedure "Cancellation of Residence and Definitive Exit", for it shall deliver its Foreigner ID (Carné de extranjería) not earlier than 10 days before departure. In this way, the departure day will be according to law and future returns will be without troubles.

Links of interest

- **Superintendencia de administración Tributaria Peruana - SUNAT:**
<http://www.aduanet.gob.pe/aduanas/informag/importac.htm>
- **MINCETUR: Ministerio de Comercio Exterior y Turismo:**
<http://www.mincetur.gob.pe/newweb/>
- **MIGRACIONES: Superintendencia Nacional de Migraciones:**
<http://www.migraciones.gob.pe/>
- **Ministerio de Relaciones Exteriores:**
www.rree.gob.pe/
- **Información y detalle sobre las condiciones y modelos de formatos migratorios:**
https://www.migraciones.gob.pe/pdf/servicios_inmigracion_visas_temporales.pdf
- **Registros de extranjeros, principales trámites:**
<https://www.migraciones.gob.pe/index.php/registro-de-extranjeros/>
- **Ministerio de Trabajo y Promoción del Empleo:**
www.mintra.gob.pe



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