

Ministerial Resolution No. (707) for 2006

Regarding the rules and procedures of conducting business in the state for non-citizens

Dated 06/09/2006

Minister of Labour:

- *After reviewing Federal Law No. (1) for 1972 A.D. regarding the ministries competencies and ministers' capacities and the amending laws thereto,
- *Federal Resolution No. (10) for 2006 A.D. forming the Cabinet of United Arab Emirates.
- *Federal Law No. (8) for 1980 in regards to organizing the work relationships, the related resolutions, regulations and the amending laws thereto,
- *Federal Law No. (6) for 1973 regarding the entry and residence of foreigners, the executive regulation thereon, and the amending laws thereto.
- *and for the public interest.

It was decided:

First article

Non-citizens are not authorized to work inside the State unless they obtain a work permit from the Ministry, according to all applicable regulations and procedures with the exception of the exempt categories under article (3) of the federal law No. 8 for 1980 referred herein.

Second article

All non-citizens that are authorized to work in the State shall comply with the work permit restrictions, the employment card and the provisions of this resolution.

Third article

The residents of the state, for a reason other than work, are not allowed to have a work relationship at an establishment that is subject to the federal law No. (8) for 1980, unless they obtain a work permit from the Ministry in advance. They shall bear the responsibility of compromising their status at the competent authority as per the federal law No. (6) for 1973 regarding the foreigners residence and entry and its related executive regulation.

Fourth article

The non-citizen worker authorized to work shall inform the Ministry as soon as the work relationship with the employer expires for any reason, even if the work card is valid regarding its date, that in a term does not exceed three months from the date of work relation termination.

Fifth article

Without prejudice to the rules of the fourth article mentioned above, the non-citizen worker must report to the Department of Labour Relations or the Inspection Department within three months maximum, and he shall comply with the relevant directives in case of:

- Shutting down the facility where he is authorized to work, its bankruptcy or suspension of business for any reason.

- Expiration of work relationship upon a mutual agreement between parties,
after concluding the probation period.
- Termination of work relationship upon resignation.
- Not joining the work at the authorized work establishment.
- Termination of the work relation during the probation period.
- Job abandonment due to employer negligence of his duties, or because being
subject to an abuse inflicted on the latter by the employer or his
representative.
- Obtaining his rights for which the competent labour directorate referred him
to court, either by a court verdict or amicably.

Sixth article

Those whose employment cards have expired shall inform the Ministry in a period does not exceed three months of the expiration date unless the worker was still working at his own workplace in the same establishment, which was authorized to work therein, hence the responsibility falls at this time on the establishment.

Seventh article

Each worker, whose case has been refereed by the ministry to the court shall follow up with the Labour Department in order to notify the latter with the procedures, in a period that shall not exceed six months from the referral date.

Eighth Article

The non-citizen shall be considered non-compliant with the federal law No. (8) for 1980 and the laws and procedures that issued under the same, in the following cases:

- 1- Working without a permit from the ministry or working at an establishment where he is not authorized to work therein.
- 2- If he is a resident for the purpose of work, was unemployed for any reason, and did not inform the Ministry of the incident of his work termination, or that he was unemployed for a period that exceeds three months.
- 3- If he did not inform the ministry in a period exceeds six months from the date of the compliant transference to the appropriate court regarding his own rights or obligations.
- 4- If his residency was not for work, and was engaged in employment with an establishment that subject to the provisions of federal law No. (8) for 1980 without a permit from the ministry.
- 5- If he was apprehended anywhere inside the State in a situation that violated the conditions of his work permit as per the provisions of the law, resolutions, and executive regulations.
- 6- If he did not inform the ministry of what is required of him during the specific period, according to the provisions of this resolution.

Ninth article

If the worker requested cancellation of the work permit and leaving the State, hence the appropriate authority shall summon the sponsoring employer to respond on the application in a period does not exceed seven days from the application.

Tenth article

If the sponsor did not come within seven days of the notice or came without providing a reasonable cause to object the cancellation application, the appropriate authority shall annul the permit and the sponsorship without considering his absence or refusal according to the applicable rules and regulations.

Eleventh Article

The worker shall not be charged any fees or fines for the cancellation of the sponsorship, work permit or other fees or fines, if he desires to leave the country and initiated a communication with the Ministry for the same during the required time-lines as per the provisions of this resolution.

Twelfth Article

The Ministry may, in cases that are not included in the twelfth and thirteenth articles, and instead of cancelling the work permit and deporting the worker to his home country, allow the worker based on his approval and the request of a new employer to obtain a new internal or external work permit according to the rules and regulations, provided that the worker has notified the Ministry with the incident of ending his work, within a period that does not exceed three months from the realization of the notification cause.

Thirteenth article

The ministry is not permitted to issue a new work permit unless after one year from the date of departure for those following cases:

- 1- Termination of the work relationship for a reason that belongs to the labour as per the provisions of article (120) of the federal law No. (8) for 1980.
- 2- Termination or cancellation of the labour residence in the state based on a deportation order issued by the respective authority or according to a court verdict.
- 3- Termination of work relationship because of joining illegal strike or inciting the same.
- 4- Cancellation of the worker's permit or sponsorship due to a communicable disease or in accordance with the procedures of the Department of Labour Inspection.
- 5- The worker's violation of the rules of the eighth article of this resolution.

Fourteenth article

The Ministry may issue a work permit to the labour after one year follows the expiration of sponsorship, if the employment was terminated due to his absence from work based on articles (128) and (129) of the law, or because of the termination of the work relation during the probation period as per the rules and regulations considered, and provided that the Ministry was notified of the incident of work termination in a period does not exceed three months.

Fifteenth article

The Undersecretary of the ministry shall issue the necessary directives and procedures to enforce this resolution.

Sixteenth article

This resolution is effective from its issuance date and shall be published in the official gazette.

Dr./ Ali Abdullah Al-Kaabi

Minister of Labour