Ministerial Resolution No. (52) for 1989

The Rules and Procedures to be adopted at the Labour permits sections with respect to the recruitment of non-national Labours for the employment in U.A.E

The Minister of Labour and Social Affairs,

Pursuant to the Provisional Constitution Law No. 1 of the year 1972 Regulating the Functions of Ministers and Powers of Ministers, and the Laws issued in Amendment thereof, law No. 8 of the year 1973 Regulating the Civil Services Law in the Federal Government and the laws amending it and of the Council of Ministers order No. 1 of the year 1977 concerning the organization of the Ministry of Labour and Social Affairs, and the orders amending it and the Federal law No 8/80 regarding the organization of the Labour relationships and the laws amending it and the Ministerial Order No (23/1)/8 as amended by the Ministerial Orders No. 60/2/82, No47/84, No.75/84, No.84/84 and No,166/1984 and according to the recommendation of the undersecretary for Social Affairs, It is hereby ordered;

Article 1

Without prejudice to the provisions of the International Agreement and Treaties to which the U.A.E a member, non-national labourers may not be recruited for employment in the U.A.E unless in the manner as provided for in this order.

Article 2
The provision of this order shall be applied in; the cases of non-national labourers who are recruited for employment in U.A.E with exception to the categories as provided for in article (3) of the Federal law No.(8)/1980 referred to herein above.

Article 3

Approval of the applications to supply non-national Labourers for employment in U.A.E may not be granted unless the following requests are met;

A. Labour supply application shall be made by U.A.E national employers who are licensed by the concerned authorities to conduct commercial, industrial service or any other activities which require labourer to carry-out the work or an organization licensed to operate in U.A.E which is either sponsored or jointly owned by a national as evidenced from the license therefore in any way not prejudicing the laws issued in this respect.

B. That there shall no national labourer as recorded with the recruitment office who can carry out the required work.

C. That labourer recruited shall not be less than 18 and not more 60 years old. The maximum age limitation, however, may be waived if the employee to the recruited shall have an extensive and rare experience in the field of his specialization provided for the job he has been recruited for employment in U.A.E, shall be of the economic importance such wavier shall be sanctioned by the Minister.

Article 4

The applicant shall submit to the Ministry the documents evidencing that it has been business which needs the recruitment of Labourers to carry-out the work particularly.
1. The contract to be executed which are entered with the firm applying or recruitment
duly approved by the contracting party with all signatures duly attested; the location
of work in the projects subject of such contracts shall be specifically indicated.

2. Reports which define in a time table the stages of the execution of the project, its
particulars the labour requirement at each stage, the type and duration of each stage.

3. Other requirement as and when made by the Business licensing department as an
evidence of the need of the applying firm to the number of the required Labourers; if
such an application for the recruitment for foreign Labourer is for the execution of a
Government project, evidencing the volume of the required labour, its type, the time
table of its requirement, locations, the completion time of each stage as per a time
table; the Ministry may require to verify the volume of the required labourers at site.

**Article 5**

Applications for the recruitment of non-national labourers shall be made on individual basis
unless emergency situations require that a block visa be issued; justification for such
emergency request should be conveyed to the Ministry who shall have the right to reject any
request for block visa which is not sufficiently justifiable.

**Article 6**

The employer or its legal representative shall sign the recruitment application form prepared
by the Ministry for this purpose, such form shall include the following undertakings:

a. An undertaking from the employer to the effect that he shall sponsor and be
   responsible for the recruited Labourer, the bearing of his recruitment expenses and his
   employment in accordance with the employment contract in a way not prejudicing the
   provision of the Federal Law No (8)/1980 referred to herein.

b. An undertaking from the employer to the effect that he shall ensure that the recruited
   Labourer is medically fit and free from diseases according to a medical certificate
issued for each labourer by the concerned medical department in U.A.E and in accordance with the instruction issued in this respect.

c. An undertaking from the employer to the effect that he will take the necessary procedure to prepare and sign the employment contract or any other procedures required by the valid regulations to be performed particularly the obtaining of the Labour card within sixty days from the date of the arrival of recruited labourer into the country.

d. An undertaking from the employer to the effect that he shall send back the recruited labourer to the country where he was recruited upon the completion of this job and upon the cancellation of his sponsorship and the handing back of the labour card provided same shall be valid.

Article 7

The Ministry shall refer approved recruitment applications to either the Naturalization and Immigration department or U.A.E’s Embassies abroad, as the case may be, for taking the necessary action as to the issuance of labour visa or permits upon the payment by the employer the prescribe fees according to the decision issued in this respect.

Article 8

In order to be granted a labour card, the employer shall submit to the Ministry along with the application for obtaining the card an evidence indicating that the labourer is medically fit to carry-out the job for which he has been recruited vide the certificate referred to in para “b” of article (6) of this order. Such a card shall be valid for three years, to be renewed for similar terms. The employer, however, may request the renewal of the card before expiry of the validity, thereof.

A card shall be renewed within 60 days from the date of expiry thereof without any extra fees if an employer desires to have a labourer continue working therefore.
A card may not be renewed after the lapse of the above period unless the employer has offered an excuse to be acceptable to the Ministry; in such a case the Ministry shall levy the prescribed fee as penalty for delaying in renewing the card pursuant to the Ministerial order No 18/1989 in this regards and the amendments thereto.

A labourer whose card has expired may not be employed, a card shall be issued in the form prepared for this purpose, the obtaining and maintaining of a valid Labour Card shall be precondition for obtaining or a renewing a Residence Permit with the Naturalization and Immigration Department.

**Article 9**

In case of violation of part “C” and “D” of article (6), the fees indicated in article (8) shall be applied in accordance with the periods and rates prescribed in each case.

**Article 10**

Employers who employ non-national labourers shall provide the Ministry with periodic lists during the months of March and September of each year which shall indeed have the name of the labourers who are employed according to the form prepared by the Ministry in this regards.

**Article 11**

Employer who employs non-national employees shall inform the Ministry about any labourer who leaves the job of his own during the validity of the employment contract illegally; the Ministry shall take up the necessary procedures at its desertion.

**Article 12**

Without prejudice to the penalties prescribed by any other law, any person who either exploit the permission of the Ministry of recruit labourers illegally, provide incorrect information or documents for the purpose of obtaining the permission shall be subjected to the penalties prescribed in part eleven of the Law No. (8)/1980 and its amendments.
Article 13

Each and every employer who recruits non-national labourer shall maintain a record as may be fixed by the Ministry in accordance with the form prepared thereby for this purpose in order to supervise the execution of the provisions of this order through the labour inspectors who are designated by the Ministry to carry out such a job.

Article 14

All requests, records, lists and forms to be submitted in execution of the provisions of this resolution shall be in Arabic.

Article 15

The undersecretary shall put the provisions of this order into effect and co-ordinate with the Naturalization and Immigration Department in accordance with the requirements of the work.

Article 16


Article 17

This order shall be put into force w.e.f this date and all Ministry staff shall put same into force each in his own area of responsibility.

Khalfan Mohammed Al-Roumi

Minister of Labour and Social Affairs,