

You may get full refund for cancelled overseas holiday



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LEGAL VIEW

Q: I paid Dh30,000 to book a Europe tour through a travel agency in Dubai in March this year. However, because of Covid-19-triggered border closures and air travel suspensions, I approached the agency with a request to cancel the booking. The travel agent told me I would lose 60 per cent of the amount I had paid if I chose to cancel it. Is this legal? The flight I was supposed to travel on was cancelled because of the pandemic.

A: We assume that you have signed an agreement with the travel agency through which you booked the Europe tour. Therefore, the Civil Transactions Law and the Consumer Protection Law may be applicable.

Based on the provisions of Civil Transactions Law, both you and the travel agency have to fulfil the obligations stated in the signed agreement. You have already done the basic obligation of paying the amount to the travel agency. However, the agency's basic obligation is to organise the tour, which has not been fulfilled yet.

If the signed agreement mentions that the travel agency may deduct 60 per cent of the paid amount if you cancel the tour because of personal reasons or those which are beyond your control, then you may not be in a position to claim the entire refund of the amount you paid. However, if the agreement does not

mention any conditions related to the cancellation of the tour, or if it mentions that the amount will be refunded if the tour is cancelled due to reasons beyond anyone's control, then the travel agency may have to refund the entire amount to you.

In your case, it is also important to note that the Covid-19 pandemic may be considered a 'force majeure', defined as "unforeseeable circumstances that prevent someone from fulfilling a contract". Thereby, the signed terms and conditions or the agreement between you and the agency may be revoked.

Know the law



If a force majeure arises that makes the performance of an obligation impossible, this corresponding obligation shall be extinguished and the contract rescinded.

Therefore, you may request the travel agency to refund the entire Dh30,000 you paid for the tour. If the travel agency does not agree to refund the amount, you may approach the consumer protection section of the Dubai Department of Economic Development and file a complaint against the agency.

Expired UAE visas of stranded residents must be cancelled

Q: My wife has a UAE residence visa. She went to India on February 16 but got stuck there because of the pandemic. Will her visa

expire if she is unable to come back by August 16? And if it expires, do I still have to get it cancelled?

A: The Federal Authority for Identity and Citizenship (ICA) mentioned on July 10 that residents, who are staying overseas and whose residence visas have expired as of March 1 or who have spent more than six months outside the country, are granted a grace period to return to the UAE, effective from the date of the resumption of flight operations between the two countries.

The specific schedule of the grace period will be determined by the ICA. On the other hand, the Government of India and the Government of UAE have agreed on an extension of the 'air bubble' arrangements up to the end of August, where special inbound and outbound flights between the two countries will be operated. Your wife may avail of this facility to return to the UAE on or before August 15 or thereafter, but within reasonable time.

Further, it should be noted that even though your wife's residence visa expires, it must be cancelled so that she can travel back to the UAE in the future on a new residency visa or a visit visa.

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