



# No ban if one does not wish to renew employment contract



**LEGAL VIEW**  
ASHISH MEHTA

**I hold a MBA and am working as an archives clerk in a general trading company in Dubai since April 15, 2012. My visa expires on April 14, 2014 and my labour card on March 22, 2014. I haven't taken any leave in almost two years. I am now moving to another company. I need to know if there will be any ban imposed on me. How can I avoid the ban?**

It is understood that you have been working as an archives clerk at a company in Dubai and that you wish to work for another employer on expiry of your current visa and that you hold a Masters' degree in Business Administration (MBA). In view of your question, it is unlikely that you may have to face a ban imposed by the Ministry of Labour. As a ban by the Ministry of Labour may not be imposed, pursuant to the provisions of the Ministerial Resolution No (1186) for 2010 on "Rules and Conditions of Granting a New Work Permit to an Employee after Termination of the Work Relationship in Order to Move from One Establishment to Another" (the "Resolution").

Article 2 of the Resolution provides situations in which a labour ban may not be imposed. It states: "The following two conditions must be met in order to grant the

work permit mentioned in Article (1) of this resolution:

(1) Agreement between the employee and the employer to conclude the work relationship.

(2) The employee must have spent at least two years with the employer.

Pursuant to the above mentioned provision of the Resolution no ban should be imposed on you by the Ministry of Labour as you do not intend to renew your contract with your current employer after it lapses. Apart from the provision mentioned hereinabove, a ban shall also not be applicable, if you are being offered the standard salary as per your qualification. This is in accordance with the provision of Article 4 of the Resolution, which states: "As an exception to the provision of Item No. (2) of Article (2) of this Resolution, the Ministry may issue a work permit to the employee without requiring the two-year period in the following cases:

(a) In the event that the employee is starting his new position at the first, second or third professional levels after fulfilling the conditions for joining any of these levels according to the rules in force at the Ministry, and provided that his new wage is not less than Dh12,000 at the first professional

level, Dh7,000 at the second professional level and Dh5,000 at the third professional level".

## No ban on visas sponsored by spouse

**My wife recently joined a company based in Dubai. She is under my sponsorship. But due to work pressure and internal issues she doesn't want to continue working for her current employer. Her company says if she resigns within six months, she will have to pay the labour card processing fee. We have no idea how much that would be. Also, is there a way that she can avoid a ban?**

It is understood that your wife is working for a Dubai based company and her visa is sponsored by you, but she does not want to continue working for her current employer and is contemplating resigning from her current employment before the completion of six months.

Pursuant to your question, it is advised that your wife is not liable to pay the labour card processing fee as the employer is required to bear this cost. The employer of your wife cannot compel her to make any payments towards any expenses that her employer might have incurred to obtain her labour card/work permit.

It is understood that no ban is imposed by the Ministry of Labour on employee whose visa is sponsored by their spouse/family.

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