

Mother can sponsor child if her salary is Dh4,000



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LEGAL VIEW

Q: I am pregnant and my salary is not more than Dh10,000. The salary of my husband is less than Dh3,000. Can I sponsor the visa of my child when he is born? Can we apply for a visit visa of our newborn upon expiry of the 120-day grace period to apply for a residence visa of the child in the UAE?

A: Pursuant to your queries, in the UAE the minimum salary for an expatriate woman to sponsor her child is Dh4,000 or Dh3,000 if accommodation is provided by her employer. The changes in minimum salary requirements to sponsor families of expatriates in the UAE came into effect since 2019 pursuant to Cabinet Decision No.(30) for the year 2019 regarding criteria for sponsorship of families for the expatriates in the UAE. Based on your current salary, you may be in a position to sponsor your child in the UAE. Further, you need to obtain a no-objection letter from your husband, stating that he has no objection about you sponsoring the UAE visa of your newborn.

In the event the tenancy contract of your residence is in the name of your husband, it is recommended that you approach the owner of the apartment and request him to cancel the existing tenancy contract and re-issue the contract in your name for the remaining period of the tenancy or for a new tenancy period. Further, you can also request your owner to return the post-dated cheques issued by your husband to the owner of the property so you can replace them with your cheques. If your owner refuses to cancel the existing tenancy contract and issue a new one in your name, you may get a letter from your husband stating that he has no objection that you are using the tenancy contract which is in his name to apply for the residence visa of your newborn child.

The requirement to apply for a visit visa for your newborn child upon expiry of 120 days of grace period to apply for a residence visa of a child in UAE upon its birth may not arise as you fulfill the minimum salary criteria to sponsor your newborn in the UAE.

For further clarifications, you may approach the General Directorate of

Residency and Foreigners Affairs and seek their advice.

Bounced cheque could result in criminal case, travel ban

Q: I own a company registered in the emirate of Umm Al Quwain. One of my customers, who is based in Dubai, had issued me a cheque for an amount of Dh50,000 and it was dishonoured due to insufficient funds in his account. Should I lodge a criminal complaint in Dubai or in Umm Al Quwain? Will it be possible for me to recover Dh50,000 at the earliest or will the customer end up paying only a fine and get away with a few more months to pay me the said amount? I am not in a position to engage the services of a lawyer to file a complaint against the customer.

A: Pursuant to your queries, it is assumed that your customer issued the dishonoured cheque in the name of your company and it is further assumed that your company has an account with a bank based in Umm Al Quwain. It should be noted that dishonour of a cheque in the UAE is considered a criminal offence. This is in accordance with Article 401 of Federal Law No. (3) of 1987 on issuance of Penal Code of UAE (the 'Penal Law') which states:

"Detention or a fine shall be imposed on anyone who, in bad faith, gives a draft (cheque) without a sufficient and drawable balance or who, after giving a cheque, withdraws all or part of the balance, making the balance insufficient for settlement of the cheque, or if he orders a drawee not to cash a cheque or makes or signs the cheque in a manner that prevents it from being cashed."

In furtherance, Article 142 of Federal Law No. (35) of 1992 concerning the criminal procedures law of UAE (the 'Criminal Procedures Law') states: "Jurisdiction shall be determined by the place where the crime occurred." Therefore, based on the aforementioned provision of law, the place of occurrence of crime may be the place where the dishonoured cheque is deposited for collection by the beneficiary of the cheque or the place where the cheque was collected by its beneficiary.

Based on the aforementioned provision of the Criminal Procedures Law, you may file a criminal complaint against your customer on behalf of your company. A criminal complaint against the dishonoured cheque may be filed either in the place where it has been deposited for collection by its beneficiary or at the place where the beneficiary of the cheque received it from its issuer. Therefore, if the dishonoured cheque is deposited in the beneficiary's bank located in Umm Al

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A criminal complaint against the dishonoured cheque may be filed either in the place where it has been deposited for collection by the beneficiary or at the place where the beneficiary received the cheque from its issuer

Quwain, then you could file a criminal complaint at the police station concerned having jurisdiction in Umm Al Quwain. If you received the dishonoured cheque from your customer in the emirate of Dubai, then you could file a criminal complaint at the police station having jurisdiction in the emirate of Dubai.

Further, while filing a criminal complaint against your customer for dishonour of a cheque in the police station, you may seek for a travel ban to be imposed on him so that he cannot travel outside the UAE.

Article 401 of the Penal Law states that whosoever dishonours a cheque, if convicted, may be detained or imposed with a financial penalty. However, if you intend to file a criminal complaint in the emirate of Dubai, then pursuant to Law No. (1) of 2017 called the 'Criminal Order Law', the punishment for dishonour of a cheque may be a financial penalty which may vary between Dh2,000 and Dh10,000. Based on this, once you file a criminal complaint in the emirate of Dubai against your customer, he shall pay the financial penalty and upon payment of this fine the travel ban imposed on him may be lifted.

To recover the dishonoured cheque's amount from your customer, you may subsequently file a civil case on behalf of your company in the court which has jurisdiction for the amount mentioned on the dishonoured cheque and seek a travel ban on him. This is in accordance with Article 644 of Federal Law No. (18) of 1993 on the issuance of the Commercial Transactions Law, which states:

"Where a criminal action is brought against the drawer for any of the offences related to the cheques and provided for in the Penal Code, the bearer of the cheque who claimed the civil right may apply to the Criminal Court to enter judgment in his favour for payment of a sum equal to the value of the cheque or to the unpaid amount in addition to compensation where relevant."

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A woman needs to obtain a no-objection letter from her husband stating that he has no objection to her sponsoring the UAE visa of their newborn

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