

# Forcing employees to bear visa expenses is against UAE law



## LEGAL VIEW ASHISH MEHTA

**Q:** I was working for a free zone company based in Dubai and tendered my resignation within three months of joining employment due to adverse working conditions. My employer has deducted Dh4,000 from my final settlement amount stating the said deductions are towards my employment visa fees. The deductions were made despite my providing them the *Khaleej Times* Legal View columns where it was mentioned employees are not required to pay their employment visa costs to the employer. My end-of-service settlement document mentioned the said employment visa cost and I have accepted the final settlement document. I want to know if I can challenge such claims against my employer.

Further, my previous employer is calling me and accusing that I am indulging in spreading negative feedback about the company. He is also threatening to put a ban on my visa.

**A:** Since you were employed in a free zone in Dubai, the said free zone may have separate employment rules and regulations. However, majority of the free zones in the UAE apply Federal Law No. 8 of 1980 regulating employment relations in the UAE (the 'Employment Law of the UAE'). We assume that the free zone where you were employed applies the said employment law. An employer may not collect or deduct employment visa cost from the employee in the UAE. This is in accordance with Article 6(a) of the Ministerial Order (52) of 1989 regarding the rules and procedures to be adopted at the Employment Permits sections with respect to the recruitment of non-national employee for employment in the UAE, which states: "The employer or its legal representative shall sign the recruitment application form prepared by the Ministry for this purpose. Such form shall include an undertaking from the employer to the effect that he shall sponsor and be responsible for the recruited employee, 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 of 1980 referred to herein."

Further, your employer cannot impose visa ban (immigration ban) on you as you are not convicted by the UAE court for any criminal charges and the relationship between you and your employer is solely employer-employee

relationship. However, your employer can request the Ministry of Human Resources & Emiratization to impose an employment ban on you for a minimum period of one year for not having completed six months of employment with your employer. In the event, your employer makes false allegations against you and threatens you over telephone, you may file a police complaint against your employer. This is in accordance with Article 353 of the Federal Law No. 3 of 1987 related to Penal Code, which states: "Whoever threatens by words, deeds or signs, in writing or verbally, or indirectly through another person, in cases other than those mentioned in the two preceding Articles, shall be punished by detention for a period not exceeding one year or by a fine not exceeding Dh10,000."



### Know the law

Threatening an individual over telephone or any electronic media is a criminal offence under the UAE law.

Besides, threatening an individual in the UAE over telephone or any electronic media is a criminal offence under the cyber crimes of the UAE. This is in accordance with Article 16 of the Federal Law No. 5 of 2012 on Combating Cyber Crimes, which states: "(An offender) Shall be punished by imprisonment for a period of two years at most and a fine not less than Dh250,000 and not in excess of Dh500,00 or either of these two penalties whoever uses a computer network or information technology means to extort or threaten another person to force him to engage in or prevent him from engaging in a certain act. The punishment shall be imprisonment up to 10 years if the subject of threat is to commit a felony or engage in matters against honour or morals."

### Marriage registration in UAE

**Q:** I am an Indian living in Dubai. If I get married here in the UAE, what is the procedure to register the marriage in my home country?

**A:** Pursuant to your query, you may approach the Indian Embassy/Indian Consulate in the UAE to solemnise and register your marriage if you are a non-

Muslim. A Marriage Officer in the Indian Embassy/Indian Consulate in the UAE is authorised to solemnise or register marriages under the Indian Foreign Marriage Act of 1969.

In order to register a non-Muslim marriage, the prospective bride and groom need to appear in person/before the Marriage Officer along with three Indian citizen witnesses having UAE residence visas. They need to submit the prescribed wedding notice — 'Notice of Intended Marriage' form (which consist of notice, declaration and a sworn affidavit) — duly filed with a prescribed fee. The to-be married couple must provide NOC from their parents and individually provide four identical passport size recent photographs, photocopies of their individual passport. Further, at least one of the parties must be a resident of UAE. Post submission of the above forms, newspaper advertisement is to be given by the individuals for publication in local English newspaper as well as English newspaper in India.

A date for solemnisation of the marriage is given 30 days after the publication of the wedding notice which is subject to receipt of no objection. A day prior to the date of solemnisation of marriage, original passports of the to-be married couple and witnesses are required to be submitted to the Marriage Officer at the Indian Embassy/Indian Consulate. On the scheduled date, the prospective couple along with the three Indian witnesses should come to the Indian Em-



### Know the law

A marriage certificate issued by the Indian Embassy or Indian Consulate in Dubai is a valid marriage certificate based on which you could register your marriage in India.

bassy/Indian Consulate for solemnisation of the marriage. Any marriage certificate issued by the Indian Embassy or Indian Consulate in Dubai is a valid marriage certificate based on which you could register your marriage in India.

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