



Sponsoring husband, kids is special case



LEGAL VIEW
ASHISH MEHTA

I am a woman and my visa for a managerial position is from the Hamriya Free Zone. Can I sponsor my husband and kids?

The General Directorate of Residency and Foreigners' Affairs (Immigration Department) considers such applications as a special case and may approve such applications on its merit and subject to compliance of their requirement which may include whether your (i) salary is sufficient to support your family; and (ii) residential accommodation is sufficient for a family to reside. You may sponsor your husband and children for residing in the UAE if you fulfill the requirements of the immigration department. Therefore, you may contact immigration department to know their exact requirements to sponsor your family.

Company has to pay employees within 45 days

I work in a free zone trading company in Fujairah. There are three partners, but I haven't been paid for six months. They say they will pay me once they receive their payments. They have issued me a letter on the company letterhead and signed by the managing director mentioning the payments due to me. I have already informed this to the free zone authority but there has been no action from them. What should I do next?

It is assumed that your employer is a duly registered entity with the Fujairah Free Zone Authority (the 'Authority'). Pursuant to this, reference may be made to the 'Operation Manual' issued by the Authority in respect of various free-zone rules. Article 4 clause (1) of the manual reads thus: "The company undertakes to pay all the employees within 45 days. Failure to the above, the authority has the right to se-

“ In the event your complaint is not resolved by the authority to your satisfaction, you may file a case against your employer before a court of competent jurisdiction in Fujairah

cure employee's right, in accordance to the employee's written complaint.”

Further, clause (2) of Article 4 provides as follows: "The company has to submit an employment agreement for each employee at the time of applying for permanent visa. (Standard employment contract form provided by the authority).

- > Minimum wages: \$200 (not inclusive of overtime).
- > Food and accommodation to be provided by the company.
- > Transport to be provided by the company.

- > Insurance and medical to be provided by the company.
- > Minimum leave and gratuity: 30 days for the first three years; 45 days for next two years.
- > Return ticket to be provided by the company.
- > Incoming ticket for the employees to be provided by the company or as per the mutual understanding on foreign contracts.
- > All legal documentation charges for obtaining work permits for the employees in UAE, to be borne by the company.

In the event of dispute on any of above mentioned clause not specified clearly in the signed contract, the authority will implement and enforce the UAE Labour Law.”

Pursuant to the aforementioned provisions of the operation manual, it is understood that you are entitled to all the benefits. While you have already registered your complaint with the authority, you should follow up this matter with the authority and introduce a sense of urgency to the authority in addressing and resolving your complaint.

However, in the event your complaint is not resolved by the authority to your satisfaction, you may file a case against your employer before a court of competent jurisdiction in Fujairah. You already have a letter from your employer confirming the amount due to you, therefore your employer would not be able to strongly contest your claim and should pay the amount owed to you.

Ashish Mehta, LLB, F.I.C.A., M.C.I.T., M.C.I.Arb., is the founder and Managing Partner of Ashish Mehta & Associates. He is qualified to practise law in Dubai, the United Kingdom, Singapore and India. He manages a multi-jurisdictional law firm practice, providing analysis and counselling on complex legal documents and policies including but not limited to corporate matters, commercial transactions, banking and finance, property and construction, real estate acquisitions, mergers and acquisitions, financial restructuring, arbitration and mediation, family matters, general crime and litigation issues. Visit www.amalawyers.com for further information. Readers may email their questions to: news@khaleejtimes.com or send them to Legal View, Khaleej Times, PO Box 11243, Dubai