

# Holding passport against will of employee is unlawful



**LEGAL VIEW**  
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I'm a British manager working in a company in Dubai for over five years. Last month, the company sent an e-mail asking all employees to turn in their passports. I checked with the HR department and they said the decision was taken after an employee absconded after defrauding the company. I protested, but they said my salary would not be deposited in my account if I did not turn in my passport. My passport is still with me and the HR department has been sending constant reminders. Some colleagues and I have raised the issue with the management, who have not responded so far. What do we do? Do we inform the authorities — police, embassy or labour department?

It is understood that the Human Resources department of the company where you are employed seeks to hold your passport along with those of your colleagues as a preventive measure against employees' absconding. In doing so, they are trying to impose certain coercive measures like withholding of salaries.

However, detention of passport against the will of the passport holder is unlawful in the United Arab Emirates and this extends to employment relations, as well. As such, an employer cannot detain the passport of his employee without the latter's consent.

In relation to the aforesaid mat-

ter, should you face any harassment at the workplace, you may report the same to the Ministry of Labour where you may lodge a complaint against your employer and further may consider reporting the matter to the police if the Ministry of Labour is unable to resolve the matter.

**“ The matter can be reported to the Ministry of Labour**

**Estranged wife's domestic violence complaint**

My friend's wife left him and returned to India after five years of marriage. She has threatened to initiate divorce proceedings. Her brother, who lives in Dubai, filed a police complaint against him stating that he was violent with her while she lived with him here. Last week, as my friend was on his way to his home country to attend to some urgent work, he was stopped at the immigration based on the complaint and taken away by officials. He was detained and later released.

The charges his wife's family have levelled against him are false and was done with the intention of harassing him. What must he do to extricate himself from his situation? He fears he

will be stopped again if he tries to fly to India. What should he do?

It is understood that your friend was detained by immigration authorities at the airport, as he was travelling to India, based on a complaint filed by his wife's brother alleging domestic violence.

However, you have not mentioned whether your friend was detained by immigration officials at the airport or if he was also taken to a police station as well, and further you have not mentioned if your friend had to submit any bond to the police in order to secure his release or if he had received any documents pertaining to his detention.

Further it is not clear how the brother of your friend's wife filed a complaint against your friend when his wife is the victim and the aggrieved party; not her brother. This seems to be a personal matter between the husband and the wife where the aggrieved party has a bonafide right to file a complaint.

Pursuant to this, if your friend was released after giving his state-

ment to the authorities and the complaint was closed, then he may not have to take any further action in this regard and he shall be free to travel to India or elsewhere.

If a case had been registered against him and he had to submit a bond in order to secure his release, then it is possible that the case may be taken to the court through the Public Prosecutor and he may have to face criminal trial. Under those circumstances, he may take the assistance of a lawyer who may help him in defending his case before the court.

Subsequently, in order to travel outside of the UAE, he may also have to provide undertakings or bonds through his counsel before the court, although it shall be totally at the discretion of the Public Prosecutor/court adjudicating the matter.

Therefore, your friend may appoint a lawyer to represent him in this matter and through such lawyer, he may check the status of the complaint lodged against him and thereafter proceed accordingly to defend him.

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