



Approach MoL for final settlement disputes

LEGAL VIEW

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I was employed with a UAE-based private security company for four years and moved to another security company. The accounts department of my previous company said they would send my final settlement amount to my bank account directly. It has been 22 days since I left the company, but they are yet to settle the amount. They keep telling me they have deposited my money, but nothing has come to my account. I don't know what to do. Should I seek legal help, or contact the labour department?

It is understood that you have been working with a private security agency since the last four years and now you have taken up employment with another company. However, your previous employer has not yet paid your end of service entitlements. In this regard, it is assumed that at the time of cancellation of your previous employment visa, you signed documents confirming receipt of all your end of service entitlements although in reality your previous employer did not actually pay you the end of service entitlements.

Pursuant to your questions, it is advisable that you may continue to follow up on the matter with your previous employer. However, if your previous employer does not pay your entitlements within a reasonable time or continues to ignore your requests, you may consider approaching the Ministry of Labour seeking their help and intervention in this regard.

As you have already signed a documents confirming receipt of your end of service entitlements, it is possible that the Ministry of Labour may not intervene, as the ministry may not have jurisdiction to adjudicate upon the matter. In the event of such an eventuality, you may consider filing a civil

claim against your former employers seeking the payment of your end-of-service entitlements.

Divorced father looking to bring son to UAE

I am a divorced man with a 10-year-old son living in India with my former wife. My ex-wife and I have agreed that the boy will live with me for a few years, but she still has custody as per our mutually agreed divorce. How do I obtain a residence visa for the child? What is the legal process in India to ensure there are no complications with immigration here in Dubai? It is understood that you have a

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10-year-old son with your former wife and now you wish to bring the child to the UAE for some years under your sponsorship, to which you have agreed with your former wife in good faith, at the time of your mutually agreed divorce.

Pursuant to your question, it may be advised that, in the UAE, an expatriate may sponsor a residence visa for a male child less than 18 years of age, provided he fulfils the minimum criteria for sponsorship of such relative. Therefore, you may obtain a residence visa for your son in the UAE. You may contact the General Directorate of Residency and Foreigners Affairs or the immigration department for further information in this regard.

Further, as the father of the child, you should have a right to visit your child and subsequently your child shall also be entitled to visit you unless it may be agreed otherwise in your agreement with your ex-wife. However, since you and your ex-wife have mutually agreed that the child be brought to the UAE, it may be advised that you may not have to undertake any special legal procedures for bringing your child from India to the UAE and as such there are no foreseeable complications in this regard.

For good order, you may consider making an addendum to the previous agreement with your ex-wife, wherein it may be laid down in writing that the child shall be under your custody for some years and will reside with you in the UAE.

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