

Evidence needed to trash absconding report



LEGAL VIEW
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My name is Fatima and I had worked as a kindergarten teacher with a private school in Dubai from 2000 to 2004. I had been working in this school for four years and had had a reputation of being an outstanding and resourceful teacher.

As my father was sick with a heart ailment, I went back to India to take care of him, who eventually passed away. Due to unavoidable circumstances, I was unable to come back to Dubai. On a mutual understanding with the school principal, I stayed back in India.

I was asked by my school verbally to take unpaid leave while they retained my labour card. Two years after me leaving Dubai in 2004 on a leave granted from the school, my school filed an absconding complaint against me in 2006, while I was still in India.

I became aware of this only last year when my husband applied for our visit visa to Dubai. Since then, my husband is running from pillar to post to prove that I did not abscond, but no one is listening to us.

I am the victim of all this. My family and I are suffering the consequences of my ban on my entry into the UAE. What are

my legal options to prove my innocence?

It is understood that you had been working as a kindergarten teacher at a private school in Dubai from 2000 to 2004 and subsequently, you had to go back to India to take care of your ailing father. And it is understood that while at the time of your departure, your now previous employer had agreed to let you go to India on an unpaid leave.

Pursuant to your question it may be advised that in the UAE, cases pertaining to absconding or escaped employees are regulated by the Ministerial Resolution No (721) for 2006 'On Escape Report Procedures' (the "Ministerial Order"). Pursuant to this, an absconding circular results in a labour ban. This is in accordance with the Eleventh

Article of the Ministerial Order which states:

"Any worker whose work relation ended in escape, and against whom a final escape circular was issued, shall be permanently deprived from working in the state in accordance with the provisions of this resolution."

A labour ban resulting out of an 'escape circular' usually restricts an individual from taking up an employment anywhere in the UAE for a certain period or indefinitely.

However, it may be noted that as an immigration ban is imposed on your entry into the UAE, you may first ascertain the duration of the ban, reason for the ban and thereafter make an attempt to get the ban lifted on the basis that your previous employer was fully aware of your whereabouts and had given its consent for you to proceed on long leave to take care of your ailing father. It would assist your argument to get this ban lifted if you

can prove to the authorities in the UAE that you had communications with your previous employer during your stay outside the UAE as this would demonstrate that your previous employer has misused the provisions to impose a ban on you.

You may take the assistance of a legal practitioner in the United Arab Emirates who may provide you further assistance.

Sponsor can apply to change job name on visa

I am under the sponsorship of an Emirati person. On my visa, the profession mentioned is 'Farmer' while I am an accountant by training. Can I change my profession from farmer to accountant in his sponsorship because that is what I do in his office?

It is understood that your visa in the UAE has been sponsored by a UAE national, and while your profession on the visa is that of a farmer, you are actually working as an accountant at your sponsor's office and you wish to have this designation mentioned on your visa. You have not mentioned the authority which issued your visa.

Pursuant to your question, it may be advised that amendments on your visa may be done on the basis of an application by your sponsor to the competent authorities. Thus, if you wish to have your profession changed, you may request and prevail upon your employer to initiate and complete the process to change your designation on your visa.

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