



# Companies cannot retain passports



**LEGAL VIEW**  
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I am working in a construction company as an accountant. The company sponsored a three-month service visa for me, which expired on March 25. I don't want to renew my visa for three more months, but the company has retained my passport and is not handing it over to me. Can you please guide me on how I can get my passport back from my employer?

It is understood that you were employed by a construction company on a service visa which was for a period of three months and now that your visa period has expired you do not wish to continue with your employer.

Pursuant to your question, it may be advised that in the normal course, your employer should take your passport to formally cancel the sponsorship of your visa with the Ministry of Labour. The cancellation of visa is usually done not later than a few days, and after that the employer is liable to return the passport to its lawful holder. Your employer is not allowed to retain your passport, without your consent, whether during your employment or for the purpose of cancellation of your visa. This is prohibited in accordance with the prevailing laws of the UAE.

Following this, you should prevail upon your employer so as to get back your passport. However, in the event your employer refuses to hand over your passport, you may file a complaint with the Ministry of Labour and further with the police accusing your employer of unlawfully withholding your passport.

## Forced to stay outside UAE due to injury

I was working in a company in Dubai and went back to my home country for a one-month

vacation. Unfortunately, I was injured in a road accident and recovered fully only after nine months. I know this period is more than six months and my employment visa was cancelled automatically as per prevailing rules. I contacted my company manager, but now they are telling me that they cannot do anything. Please guide me on how I can come to the UAE again. Is a ban applied in this case? If yes, for how long?

It is understood that you were working in the UAE and during a trip to Pakistan, you met with an accident resulting in grave injury which took you about nine months to fully recover. Within this period, your employment visa automatically expired as you were outside the UAE for more than a period of six months. And now your employer is not willing to issue a letter to the Directorate of Residency and Foreigners' Affairs and pay the fee of Dh100 for every month spent by you outside the UAE, after the expiry of six months of continuous stay outside the UAE, so that you can re-enter the UAE on the existing employment visa held by you.

Pursuant to your question, it may be advised that your employer may extend your existing em-

ployment visa by paying Dh100 for every month spent outside the UAE, after the expiry of six months of continuous stay outside the UAE, to let you re-enter the UAE on the existing employment visa held by you. But, it is evident that your employer does not need your services and hence did not follow the aforesaid process.

Your employer may request the Ministry of Labour to impose a ban on you up to a period of two years if the Ministry of Labour finds merit in the reason(s) for the ban, as advised to the Ministry of Labour, by your employer. During the duration of this ban you will not be issued an employment visa from the Ministry of Labour. However, you may travel to the UAE on a visit visa and thereafter approach the Ministry of Labour to present your medical records which will confirm that you were injured in Pakistan and therefore could not resume your employment upon completion of your vacation. Such medical records should be legalised and notarised up to the UAE diplomatic mission in Pakistan. Should the Ministry of Labour be satisfied with your pleadings, the ban imposed upon you may be removed by the Ministry of Labour, at their discretion.

Prior to re-entering the UAE, it would be prudent on your part to check if there are any cases or complaints against you, whether filed by your employer or otherwise.

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