

# Govt alone can lift a life ban set by court



**LEGAL VIEW**  
**ASHISH MEHTA**

**Because of a mistake I had made, I was deported from the UAE and the immigration authorities imposed a ban on me for life. I want to work again in the UAE but don't know how to get the ban lifted. Can it be done?**

You say you were deported with a life-time ban which prohibits you from re-entering. However, you have not specified the reason for your deportation or the ban.

As the reason for deportation is not specified, we can only advise you based on conjectures about how the deportation and ban order might have been executed and by whom.

If the order for deportation and life-time ban was imposed by way of a judicial process, no further procedures can be taken up. It may be assumed that once the order was passed against you, you had invoked your rights to appeal to the higher court against it. And it may be presumed that your appeal was rejected, following which the order was executed.

If this is the situation, then no further procedures can be undertaken to revoke the order for deportation and the ban. It shall continue to be applicable unless it is revoked by the UAE government.

However, if you faced deportation and a subsequent ban following the orders of any government agency in the UAE, you may still make a representation for yourself against the order and attempt to have the ban lifted. But revocation of the ban shall be at the discretion of the government agency concerned.

It is advised that you take the help of a legal practitioner working in the UAE who can provide you with proper legal assistance based on the exact nature of your case.

**Which professions come within the purview of qualified administrative officials as per Article 2 of Ministerial Order No (13) of 1991?**

**Do lawyers and paralegals fall in this category? Are legal professionals bound by the labour ban?**

The Ministerial Order No (13) of 1991 specifies a number of professionals are allowed to transfer their sponsorships without having to face the regular labour ban during which their new labour cards are not processed. Article 2 of the ministerial order says non-national labourers may be allowed to transfer from one job to another and hence transfer their sponsorship if they fall under the following categories: Engineers, doctors, pharmacists and male and female nurses, agricultural guides, qualified accountants and account auditors, qualified administrative officials, technicians operating electronic equipment and in laboratories, drivers who are licenced to drive heavy vehicles and buses (in case of transfer of sponsorship from a private firm to another or to a government department).

Among the professions mentioned, sub-clause (e) mentions 'qualified administrative officials'. Unlike other professions, this term has been given a wider application to include professionals engaged in the general administration of the business of the entity they work for and holding a professional degree in this regard, duly recognised in the UAE. Specifically, it would include professionals holding a Mas-

ter's degree in business administration or a similar degree or diploma.

There is no instance or precedence to show lawyers or paralegals are also included in this category.

However, it is understood that in the UAE, at present, a person holding a Bachelor's degree in law from a recognised university whose certificate has been notarised and legalised in accordance with the prevalent norms shall not face a labour ban if he or she wishes to change employment without a ban on taking up another employment.

Further, Ministerial Order No 1186 of 2010 lays down provisions as to where a labour ban may not be imposed or where it may be lifted. Pursuant to this order, even if a labour ban is imposed, it may be lifted if the professional qualifies for the salary requirements. This is in accordance with Article (4) of the Ministerial Order, which states:

"As an exception to the provision of Item no (2) of Article 2 of this resolution, the ministry may issue a work permit to an employee without requiring the two-year period in the following cases:

In the event that the employee is starting his new position at the first, second or third professional levels after fulfilling the conditions for joining any of these levels according to the rules in force at the ministry, and provided that his new wage is not less than Dh12,000 at the first professional level, Dh7,000 at the second professional level, and Dh5,000 at the third professional level..."

*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 estates acquisitions, mergers and acquisitions, financial restructuring, arbitration and mediation, family matters, general crime and litigation issues. Visit [www.amalawyers.com](http://www.amalawyers.com) for further information. Readers may e-mail their questions to: [news@khaleejtimes.com](mailto:news@khaleejtimes.com) or send them to Legal View, Khaleej Times, PO Box 11243, Dubai.*