

Chances of returning to UAE after deportation are slim



LEGAL VIEW
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Q: I was deported from the UAE for absconding from my employer and overstaying my visa for over one-and-a-half years. Hence, I was prosecuted on two accounts — for absconding and staying without a valid visa. For both, I got orders to pay Dh1,000 fine and deportation. However, the judgment papers that were handed over to me at the detention centre didn't state any kind of immigration or labour ban. I had to pay for my air ticket to go back home while in the detention centre in Al Awir after having my eye scan. None of the officials told me about a ban and I also didn't get a stamp to this effect on my passport when I exited the UAE in September 2017.

I would like to know if I have an entry ban and, if so, what is the time frame of the ban? Can I re-enter the UAE on any type of visa, given that I have no other criminal records? Kindly assist me in this regard as I have tried contacting authorities through different means but I couldn't get any definite and clear answer.

A: Pursuant to your queries, if an employee absconds and his whereabouts are not known and if later traced in the UAE he will be detained and deported to his home country upon facing criminal proceedings in the UAE. He shall not be allowed to be employed in the UAE.

This is in accordance with Article 11 of Ministerial Resolution No. 721 for 2006 on Escape Reports Procedures, which states:

"Any employee whose work relation ended in escape and against whom a final escape circular was issued shall be permanently deprived of working in the State in accordance with the provision of this resolution". Further, an individual who is overstaying in the country without valid residence visa shall be deported.

This is in accordance with Article 29 of Federal Law No. 6 of 1973 concerning Immigration and Residence (the 'Immigration Law'), which states:

"The Department of Nationality and Immigration shall issue an order for the deportation of an alien if he has no residence licence or if his residence licence has been expired.



Know the law

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"Such an alien may return to the country if he fulfills the conditions for entry in accordance with the provisions of Law."

Article 28 states: "An alien who has been deported may not return to the country except with special permission from the Ministry of Interior".

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Once an individual is deported he or she cannot re-enter UAE. This is in accordance with Article 28 of the Immigration Law which states: "An alien who has been deported may not return to the country except with special permission from the Ministry of Interior". Generally, once an individual is deported from the UAE he shall not be allowed to re-enter UAE and therefore your chances of travelling back to UAE are minimal as the authorities have conducted the iris (eye scan) test on you. This implicates that you are blacklisted in the UAE.

However, since you are interested to travel back to the UAE, you may grant a power of attorney to one of your friend or a legal counsel in the UAE to check if there is a lifetime ban on you related to entering UAE. If there is a lifetime ban, you may authorise them to appear on behalf of you before the authorities concerned in the UAE and check with them the possibilities of lifting the said lifetime ban on you.

Do I get extra perks for public holidays during annual vacation?

Q: I am going for my annual paid vacation from August 1-30. There are three days of Eid Al Adha holidays falling during my vacation. Am I entitled for pay for these days because they are falling within my annual leave?



A: Pursuant to your queries, any public holiday, which may fall during the annual leave of an employee will be reckoned as part of annual leave. This is in accordance with Article 77 of the Federal Law No. 8 of 1980 Regulating Employment Relations in the UAE (the 'Employment Law'), which states: "Holidays for which provisions have been made by law or agreement or any other days of absence from work on account of sickness shall be reckoned as part of the annual leave if such holidays fall within the annual leave".

However, if your employer's HR policies in its manual state that the employees are entitled for extra holidays for the public holidays falling within the annual leave, then you are entitled for such extra days of leave.

In the event the HR policy formulated by the employer is not in accordance with Employment Law, then such HR policy shall be null and void, if such HR policy is not more beneficial to the employee. This is in accordance with Article 7 of the Employment Law, which states: "Any stipulations contrary to the provisions of this Law, even if it was made prior to its commencement, shall be null and void unless they are more advantageous to the employee".

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