

Kuwait: Ministerial Order No. 77 of 1984 concerning the Issuance of Work Permits for Non-Kuwaiti Workers in the Private Sector

Title	Kuwait: Ministerial Order No. 77 of 1984 concerning the Issuance of Work Permits for Non-Kuwaiti Workers in the Private Sector
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Abstract	

This law applies to employers who hire non-Kuwaiti workers and non-Kuwaiti workers, professionals licensed to work in Kuwait, partners in Kuwaiti companies and institutions, and those who practice simple crafts, activities and professions (Art. 1).

Art. 2 lists the documents required from the Kuwaiti employer in order to obtain a permit to employ non-Kuwaiti workers.

Art. 4 lists the documents that must accompany an application for a work permit for a non-Kuwaiti worker.

The Kuwaiti employer must commit to employing the non-Kuwaiti worker for whom he requested a worker within one month of the latter's entry into the country. If he fails to do so, the employer's right to obtain new work permits for non-Kuwaiti workers and to employ local workers will be suspended for three months (Art. 6).

Employers are prohibited from employing workers who do not hold a work permit or those who hold a work permit to work for another employer even if the work is temporary and the original employer's approval has been obtained. Should that happen, the worker's permit will be revoked and they are to be repatriated at the expense of the employer. The Ministry also retains the right to suspend the right to obtain work permits or employ local workers for both employers for three months (Art. 7).

Art. 10 lists the documents required of non-Kuwaiti licensed professionals and partners to obtain a work permit.

Art. 11 requires individuals who practice simple crafts, activities and professions to submit a valid travel document, proof of qualification and any other document requested by the Ministry in order to obtain a work permit.

The work permit is valid for two years and may be extended for a similar period of time (Art. 13).

In accordance with Art. 14 the dependants of a worker may be granted a work permit subject to his approval and the lapse of at least a year of residence in the country.

Art. 15 allows for transferring a work permit from one employer to another and lists the documents that must be submitted with an application for transfer. However, the transfer may not take place within the first year of his employment with the exception of the cases listed in Art. 16 (c) and (f) or if the Ministry finds that the request for transfer is based on fundamental reasons.

Art. 16 lists the cases in which the Ministry may approve a request for transfer of a work permit without the current employer's approval.

Art. 17 permits the employer to deny the worker's request to transfer his employment during his first contractual period. Should the worker refuse to continue his employment, the employer must cancel the work permit and the worker shall bear the cost of his repatriation unless stated otherwise in the work contract.

Art. 18 permits the employer to request to cancel the work permit for an employee and to deny him the right to work in the country for two years if the workers has violated the terms and conditions of his contract or if his service was terminated in accordance with the disciplinary chapter of Art. 55 of Law No. 38 of 1964.

Art. 20 states that an employer's request to cancel a work permit will not be accepted until he proves that he has paid the worker all his dues.