

UAE: Ministerial Decision No. 707 of 2006 Regarding the Rules and Procedures for the Work of Non-nationals in the Country

Title	UAE: Ministerial Decision No. 707 of 2006 Regarding the Rules and Procedures for the Work of Non-nationals in the Country
Date of adoption	06 September 2006 (last amended: Sep. 2008 by MD No. 636 of 2008)
Entry into force	In effect
Text versions	Arabic Source: • Ministry of Labour, United Arab Emirates, accessed 27 December 2014, http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx
Abstract	

Non-nationals may not work in the country without obtaining a work permit from the Ministry in accordance with applicable rules and procedures, excluding the categories exempted under article 3 of Federal Law No. 8 of 1980 (Art. 1).

Residents may not enter a work engagement with an establishment that is subject to Law No. 8 of 1980 unless they obtain a work permit from the Ministry. They are also under the obligation to rectify their status as required by Federal Law No. 6 of 1973 Regarding the Entry and Residence of Foreigners and its implementing regulation (Art. 3).

A non-national who is permitted to work in the country shall notify the Ministry within three months of the end of his employment even if his labour card remains valid (Art. 4). Art. 5 lists all the other cases of which a non-national employee must notify the Ministry within three months. These include resignation, bankruptcy or closure of the establishment, termination during the probation period, consensual ending of the work relationship after the end of the probation period, not being assigned work by the sponsoring employer, leaving work after being attacked by the employer, and obtaining his rights through conciliation or a court order.

In accordance with Art. 8, a non-national is in violation of the provisions of Federal Law No. 8 of 1980 in any of the listed cases. These include: working without a permit or working for an establishment he is not permitted to work for; failing to notify the Ministry of the end of his employment within three months if the purpose of his residence is employment; and if he is a resident who is not authorized to work and is found to be working for an establishment which is subject to the provisions of Federal Law No. 8 of 1980.

Art. 9 requires the competent authority to notify the sponsor and request a response within seven days if the worker requests to cancel his work permit and leave the country. If the sponsor fails to respond within seven days or if his response is found to be unconvincing then in accordance with Art. 10, the competent authority shall cancel the work permit and sponsorship.

No fees or fines shall be imposed upon the worker for the cancellation of the work permit or sponsorship, or any other fees or fines, if he has notified the Ministry within the required time period of his desire to leave the country (Art. 11).

The Ministry may, in cases other than those listed in article 13 and 14 of this decision and in lieu of cancelling the work permit and deporting the worker, allow the worker to obtain a new internal or external work permit, at the request of a new employer and subject to his own approval, if he has notified the Ministry of the end of his employment within three months of its occurrence (Art. 12).

Art. 13 lists the cases in which the Ministry may not grant a new work permit to a worker before the lapse of at least one year from his departure date:

1. The end of the work relationship in accordance with article 120 of Federal Law No. 8 of 1980.
2. The cancellation or expiry of the worker's residence due to a deportation order from the competent authority or a court order.
3. The end of the work relationship due to unlawful strike participation or instigation.
4. The cancellation of the work permit or sponsorship because of an infectious disease or in accordance with the procedures of the Worker Inspection Administration.
5. Violation of article 8 of this decision.

In accordance with Art. 14, the Ministry may grant a worker a new work permit after the lapse of one year from the cancellation of his sponsorship, if the reason for the end of his employment is absence from work in accordance with provisions 128 and 129 of the law or if the employment was ended during the probation period. In both cases, the worker needs to have notified the Ministry of the end of his employment within three months.

The Directors of Work Permit Administrations and Employment Offices are authorized to grant a new work permit to a worker in exception to the one year ban imposed on him if the following conditions are met (Art. 14 bis):

1. If the ban was imposed in accordance with articles 128, 129 of Federal Law No. 8 of 1980 or in any of the cases listed in article 120 of the same law.
2. The written approval of the original employer.