

UAE: Ministerial Decision No. 826 of 2005 Regarding the Executive Regulations for the Transfer of Sponsorship

Title	UAE: Ministerial Decision No. 826 of 2005 Regarding the Executive Regulations for the Transfer of Sponsorship
Date of adoption	<i>11 September 2005 (last amended: Ministerial Decision 634/2008)</i>
Entry into force	<i>11 September 2005</i>
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Abstract

Pursuant to Art. 2, the following conditions must be met for transfer of a worker's/employee's sponsorship to be approved:

1. The worker/ employee has a valid residence permit stamped on his passport
2. The worker/employee has a valid labour card
3. The non-availability of UAE or GCC Nationals to fill the position to which transfer is requested
4. The worker/employee needs to have spent a certain amount of time with his current employer from the date of issuance of the labour card in the following manner:
 - a. At least one year for holders of a graduate or postgraduate degree. This category may transfer multiple times without restrictions.
 - b. At least two years for holders of an undergraduate degree or its equivalent. This category may transfer twice.
 - c. At least three years for all other categories which may transfer only once during their work stay in the UAE.
 - d. The position offered by the new employer must correspond to the qualifications, experience and the activities of the establishment
 - e. The worker must obtain the approval of both the old and new employers.

Art. 3 lists the fees for each category of transfer.

The categories listed in Art. 2(4) b and c, may be exempted from the required time period if the an additional 3000 Dirhams is paid and the worker has spent one year with his current employer (Art. 4).

Art. 5 lists the conditions in which all categories may be exempted from the required time period including the one listed in article 4, as long as an additional 3000 Dirhams is paid. These include the bankruptcy of the establishment, transfer of establishment ownership closure and many more.

Art. 6, which was amended by Ministerial Decision No. 634 of 2008, lists the cases which are exempted from the requirement of approval from the old employer. These include non-payment of wages for two months at least, a complaint submitted by the worker against his current establishment for not assigning him to work due to closure, and cases of worker complaints referred to court by the Ministry (certain conditions must be met).

Except for cases of transfer of sponsorship under this decision, the Ministry shall not issue a new work permit for those whose employment has ended until six months have passed since the date of cancellation of the labour card (Art. 11).