ADMINISTRATIVE RESOLUTION NO.(36) OF 2022 CONCERNING THE ISSUANCE OF A PROCEDURES MANUAL FOR LICENSING AND REGULATING THE WORK OF DOMESTIC WORKERS RECRUITMENT AGENCIES

<u>Undersecretary for Human Resources Affairs:</u>

Having considered:

- Federal Law No.(1) of 1972 on the competencies of the Ministries and Powers of the Ministers and amendments thereof
- Federal Decree-Law No. (10) of 2017 concerning Domestic workers and its Executive Regulations
- Cabinet Resolution No. (21) of 2020 concerning Service fees and Administrative fines
- Cabinet Resolution No. (37) of 2022 amending some provisions of Cabinet Resolution No. (21) of 2020 concerning Service fees and Administrative fines
- Ministerial Resolution No. (48) of 2022 regulating Labor Inspection Procedures
- Ministerial Resolution No. (92) of 2022 concerning Licensing And Regulating The Work Of Domestic Workers Recruitment Agencies
- In Pursuance of Public Interest

Has Resolved

Article (1)

In accordance with the guidelines attached herein, electronic forms (e-Forms) provided in MOHRE system for work permits, offer letters, and employment contracts shall be adopted and implemented.

Article (2)

This decision shall be effective from the day of its issuance. Competent authorities shall take necessary actions required for the implementation of this decision in accordance within their areas of jurisdiction.

Khalil Ibrahim Al-Khoury Acting Undersecretary for Human Resources Affairs

Issued on: 13-06-2022

A GUIDE TO THE APPLICATION PROCEDURES FOR LICENSING DOMESTIC WORKERS RECRUITMENT AGENCIES

1. License Application for Domestic Workers Recruitment Agency (New):

Service Description	The Ministry provides this service for those wishing to obtain a license for domestic workers recruitment office. The license combines mediation and temporary employment activities, including the following:						
	1. Recruitment of domestic workers through mediation						
	A service provided by the recruitment office to employers wishing to h domestic workers. The worker will be registered on the employer's fi provided that he or she resides with the employer throughout the period the contract. In this relationship, the office mediates by bringi together the two parties and their representatives together to negotiathe terms of the employment contract irrespective of whether this leads employment relationship, without the agency becoming a party.						
	2. Temporary employment of domestic workers						
	A service provided by the recruitment office to employers by employing a worker with the intention of placing him/her at the disposal of a third party (the Beneficiary), To perform a work or provide a service under the supervision of the beneficiary under flexible working system (hoursdays-month-six months- one year- two years) whereby the relationship of the worker becomes directly with the agency that has outsourced his/her services to a third party						
License Term	One year						
Activity Types	 Actual Activity license: the ordinary process in which customers visit the recruitment office to utilize the Ministry's services, recruit domestic workers, and other services Virtual Activity license: An electronic (online) activity where the recruitment office provides its services (mediation - temporary employment - typing services) to customers through electronic applications and platforms without the need for customers to visit the recruitment office to obtain information/complete the process. In this case, the recruitment office must set a clear process to customers regarding the provision and return of domestic workers, establish the means and numbers of communication between the office and the employer if the recruitment contract requirements are not met, if the employer or the worker fail to comply with the provisions of the 						

Samilea Delivery	recruitment contract. As long as the recruitment office maintains a physical location to manage its administrative and operational activities, it may also provide front desks to provide services related to domestic workers if desired.					
Service Delivery Channels	IOHRE website, MOHRE smart app, Business Centers					
Procedures / Application Process	 Apply through one of the service delivery channels. Check that requirements and supporting documents are met a verification and approval. Shortfalls will be reported to the establishment for completion. The approval is granted by the Assistant Undersecretary of Domes Workers Affairs, the Undersecretary of Human Resources, and Excellency the Minister, or his authorized representative Payment of federal fees, electronic bank guarantee or insurance who be authorized once all requirements and documents are completed. Application for a new license will be approved in TA'ZIZ system followed by the issuance of the license certificate. Payment of federal fees and deposit of a bank guarantee insurance. 					
Required Documents	 Licensee's Documents Licensee's biography Passport copy EID copy (both sides) Valid Police Clearance Certificate Copy of the valid commercial license of the legal entity, copy of the passport and the Emirates ID of the legal representative (if any) Initial approval from the Department of Economic Development to issue the license and reserve the trade name of the business. Credit reports issued by competent authorities regarding the Licensee, sole proprietor, or the partners of the legal entity (Al Etihad Credit Bureau) Certificate of Financial Solvency (Bank statement) Licensee's Property Report issued by the Land Department Pledge/acknowledgement deed of licensee's obligations in accordance with Ministerial Resolution No. 92 of 2022 concerning domestic workers recruitment offices. 					

11.Licensee's Pledge deed of complying with service level agreement to ensure that recruitment agencies provide the Ministry of Human Resources and Emiratisation services at the highest level

Property/Premises Documents

- 1. No-objection letter from the property owner specifying the property area
- 2. Location diagram
- 3. Inside and outside photos of the property

Additional documents for the virtual license (electronic)

- 1. No objection certificate issued by the Economic Department for practicing electronic activity
- 2. No objection certificate issued by the Telecommunications Regulatory Authority and Digital Governance for practicing electronic activity

Note: <u>In case of multiple licensees, each licensee's documents must be</u> attached.

Terms and Conditions

License Requirements (Actual / Virtual)

- 1. It is not permissible for the applicant in the Sole Proprietorship or any of the partners in the legal person to be employed by the Ministry or one of its second-degree relatives, either husband or wife, provided that the legal representative of the legal person submits a written acknowledgement thereto.
- 2. The applicant must have a clear address solely for the purpose of conducting business. An exception to this rule is when the Ministry permits the applicant to practice the recruitment activity electronically, subject to the Ministry's approval.
- 3. The legal representative of the legal person must submit a written declaration indicating his knowledge and acceptance of the legal regulations governing the practice of agency business.
- 4. A sole proprietorship owner or the partner may not have previously been found guilty of an offence against honour, breach of trust, human trafficking, or one of the criminal offenses defined in the decree-law, unless he has been rehabilitated, if he was sentenced to imprisonment, or after the lapse of one year from the date of the judgment if a fine is imposed.
- 5. The applicant is required to submit a bank guarantee of not less than

AED 500,000 (five hundred thousand dirhams) throughout the validity of the license, which shall be automatically renewed or that an insurance scheme is introduced in lieu of the guarantee. According to the risk factor, the Ministry may request an increase in the bank guarantee value . The Ministry may allocate whole or part of the guarantee or the insurance, to settle any arrears or payments due by the recruitment office to the Ministry, the employer, or the domestic worker due resulting from breaching its obligations, failure to comply with the instructions and the decision issued thereunder or as a result of failure to pay any fines imposed. The recruitment office must complete the guarantee amount within 30 days of the shortage.

- 6. The office may not make any changes or amendments to the license details including opening new branches without obtaining a written approval from the Ministry
- 7. The applicant may not be an owner or a partner in an establishment bearing any violations that may lead to its suspension in accordance with the applicable rules and regulations of the Ministry.
- 8. A Credit report of the applicant, the person in the sole proprietorship or the partners in the legal person issued by a competent authority.
- 9. Any other requirements stipulated by the Federal Law regarding the domestic workers, its implementing regulations or issued pursuant to a ministerial decision.

Premises / Property Requirements:

- 1. A Showroom or a shop with a clear location
- Suitable space (if the activity is physically practiced) commensurate with the various services provided in the office, which are: (reception, domestic workers service desk, typing, mediation and temporary employment service desk, domestic workers waiting room, Administration rooms)

Other Requirements:

The applicant must provide a labour accommodation and register the

	said accommodation in the workers accommodation system at the Ministry of Human Resources and Emiratisation.						
Service Response	10 working days.						
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000						
Service Charges	Licensing charges of Dhs.75,000 for the two activities, including:						
	 Mediation activity for recruitment of domestic workers: Dhs.25,000 Temporary employment of domestic workers: Dhs.50,000 						
Associated Entities	Economic Departments Telecommunications Regulatory Authority and Digital Governance						
Next Service	N/A						

2. Domestic Workers Recruitment Office License Renewal

Service Description	A service provided by the Ministry to renew the license of Domestic Workers Recruitment Agencies.					
License Term	ne year					
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers					
Procedures / Application Process	 Apply through one of the service delivery channels after fulfilling the terms and requirements of the service. Check that requirements and supporting documents are met for verification and approval. Payment of all imposed fines prior to renewal is required Application for renewal will be approved in TA'ZIZ system, followed by the issuance of the renewed license certificate. Shortfalls will be reported to the establishment for completion 					
Required Documents	1. Copy of the trade license					

	2. Valid Police Clearance Certificate						
Terms and	The license may not bear any restrictions - remarks- unpaid fines						
Conditions	2. The license must be renewed within 30 days of its expiration						
	3. The office shall provide a bank guarantee of at least 500,000 dirhams,						
	in lieu of a bank guarantee, an insurance scheme may be provided.						
	4. The office may not make any changes or amendments to the license						
	details without obtaining a written approval from the Ministry						
	5. Ministerial decisions containing any other requirements.						
	6. Agencies who fail to renew the license within 30 days of expiration are						
	liable for 50,000 dirhams fine for each activity (mediation-temporary						
	employment)						
Service Response	5 working days.						
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000						
Service Charges	License renewal charges for combining Temporary Employment and Mediation activities is 37,500 dirhams, which includes the following:						
	 Mediation activity for recruitment of domestic workers: 12,500 dirhams Temporary employment of domestic workers: 25,000 dirhams 						
Associated Entities	Economic Departments						
	2. Telecommunications Regulatory Authority and Digital Governance						
Next Service	N/A						

3. Amendments to the License Details of a Domestic Workers Recruitment Agency

Service Description	nis service is provided by the Ministry to Domestic Workers Recruitmen gencies wishing to amend the license details in the following cases:				
	1. Adding Partner(s): A service provided by the Ministry to the existing				

	 licensee(s), by adding a partner(s) to the same license Withdrawal of Partner(s): A service provided by the Ministry to the existing licensee(s), of withdrawing a partner(s) from the same license Adding/withdrawal of Partner(s): A service provided by the Ministry to the existing licensee(s), by adding a partner(s), and withdrawing partner(s) from the license. Adding Activity-withdrawing activity: A service provided by the Ministry to the licensee(s), of adding or withdrawing an activity different from the activities of the recruitment offices in the existing license Changing Trade/Co. Name: A service provided by the Ministry to the licensee(s), wishing to amend the trade name without modifying the partners. Modifying the Legal Form: A service provided by the Ministry to the licensee(s), wishing to amend the legal form without modifying the partners. 				
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers				
Procedures / Application Process	 Apply through one of the service delivery channels after fulfilling the terms and requirements of the service. Ensure that the requirements and documents are complete by submitting the application online to the Ministry Shortfalls will be reported to the establishment for completion The application will be approved once the requirements and documents are completed. 				
Required Documents	Licensee's Documents (added partner only)				
	 Letter of no objection of adding as a partner to the license Licensee's biography Passport copy EID copy (both sides) criminal clearance certificate valid for 3 months from the date of issuance Credit report of the applicant issued by a competent authority (Al Etihad Credit Bureau) Bank statement for the last six months Property Report issued by the Land Department Pledge deed of complying with service level agreement to ensure that 				

	recruitment offices provide the Ministry of Human Resources and Emiratisation services at the highest level							
	Licensee's Documents (withdrawing partner only)							
	Letter of no objection to withdraw from the license							
	icensee's Documents (remaining partner(s))							
	1. Letter of no objection to add and withdraw partner(s) from the license							
	Changing Trade/Co. Name or Legal Form							
	Modified copy of the trade license issued by the Department of Economic Development showing the modified trade name or the legal form without modification in the partners							
Terms and	. All partners' consent							
Conditions	 Payment of all due fines. The license must be clear of restrictions – remarks 							
	4. Valid and complete bank guarantee or insurance scheme							
Service Response	5 working days.							
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000							
Service Charges	N/A							
Associated Entities	Economic Departments							
Next Service	N/A							

7. License Application for Domestic Workers Recruitment Agency (Branch):

Service Description	A service offered by the Ministry to existing licensees of domestic workers recruitment offices who wish to open a branch in the same emirate or in another emirate.
License Term	One year
Activity Types	Physical activity license

Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers						
Procedures / Application Process	 Apply through one of the service delivery channels. Check that requirements and supporting documents are met for verification and approval. Ensure that the requirements and documents are complete by submitting the application online to the Ministry Shortfalls will be reported to the establishment for completion. A notification regarding the approval fee and bank guarantee will be sent once all documents and requirements have been completed. Issuance of license approval after payment of approval fees A bank guarantee or insurance must be submitted before issuing the license approval certificate if additional bank guarantee or insurance is required. 						
Required Documents	 Licensee's Documents Licensee's biography Passport copy EID copy (both sides) Valid Police Clearance Certificate Copy of the valid commercial license of the legal entity, copy of the passport and the Emirates ID of the legal representative (if any) Initial approval from the Economic Development Department to issue the license and reserve the trade name of the business. Credit reports issued by competent authorities regarding the Licensee, sole proprietor, or the partners of the legal entity (Al Etihad Credit Bureau) Certificate of Financial Solvency (Bank statement) Licensee's Property Report issued by the Land Department Pledge/acknowledgement deed of licensee's obligations in accordance with Ministerial Resolution No. 92 of 2022 concerning domestic workers recruitment offices. Licensee's Pledge deed of complying with service level agreement to ensure that recruitment agencies provide the Ministry of Human Resources and Emiratisation services at the highest level Property/Premises Documents 						

1. No-objection letter from the property owner specifying the property area 2. Location diagram 3. Inside and outside photos of the property **License Requirements Terms** and 1. It is not permissible for the applicant in the Sole Proprietorship or any **Conditions** of the partners in the legal person to be employed by the Ministry or one of its second-degree relatives, either husband or wife, provided that the legal representative of the legal person submits a written acknowledgement thereto. 2. The applicant must have a clear address solely for the purpose of conducting business. An exception to this rule is when the Ministry permits the applicant to practice the recruitment activity electronically, subject to the Ministry's approval. 3. The legal representative of the legal person must submit a written declaration indicating his knowledge and acceptance of the legal regulations governing the practice of agency business. 4. A sole proprietorship owner or the partner may not have previously been found guilty of an offence against honour, breach of trust, human trafficking, or one of the criminal offenses defined in the

judgment if a fine is imposed.

5. The applicant is required to submit a bank guarantee of not less than AED 500,000 (five hundred thousand dirhams) throughout the validity of the license, which shall be automatically renewed or that an insurance scheme is introduced in lieu of the guarantee. According to the risk factor, the Ministry may request an increase in the bank guarantee value. The Ministry may allocate whole or part of the guarantee or the insurance, to settle any arrears or payments due by the recruitment office to the Ministry, the employer, or the domestic worker due resulting from breaching its obligations, failure to comply with the instructions and the decision issued thereunder or as a result of failure to pay any fines imposed. The recruitment office must complete the guarantee amount within 30 days of the shortage.

decree-law, unless he has been rehabilitated, if he was sentenced to imprisonment, or after the lapse of one year from the date of the

6. The office may not make any changes or amendments to the license details including opening new branches without obtaining a written approval from the Ministry

	 7. The applicant may not be an owner or a partner in an establishment bearing any violations that may lead to its suspension in accordance with the applicable rules and regulations of the Ministry. 8. A Credit report of the applicant, the person in the sole proprietorship or the partners in the legal person issued by a competent authority. 9. Any other requirements stipulated by the Federal Law regarding the domestic workers, its implementing regulations or issued pursuant to a ministerial decision. 						
	Premises / Property Requirements:						
	 A Showroom or a shop with a clear location Suitable space (if the activity is physically practiced) commensurate with the various services provided in the office, which are: (reception, domestic workers service desk, typing, mediation and temporary employment service desk, domestic workers waiting room, Administration rooms) 						
	Other Requirements:						
	 The applicant must provide a labour accommodation and register the said accommodation in the workers accommodation system at the Ministry of Human Resources and Emiratisation. Branch licenses must be issued in accordance with local licensing requirements A bank guarantee amount may be specified by the Ministry for each branch to the recruitment agency 						
Service Response	10 working days.						
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000						
Service Charges	Branch Licensing fee of Dhs.75,000 for the two activities, which includes:						
	 Mediation activity for recruitment of domestic workers: Dhs.25,000 Temporary employment of domestic workers: Dhs.50,000 						
Associated Entities	Economic Departments						

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N/A

5. Domestic Workers Recruitment Agency License Cancellation

Comico Description	
Service Description	This service is provided by the Ministry to licensees who wish to cancel or modify their licenses
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Service Centers
Procedures / Application Process	 Apply through one of the service delivery channels. Check that requirements and supporting documents are met for verification and approval. Ensure that the requirements and documents are complete by submitting the application online to the Ministry Shortfalls will be reported to the establishment for completion. The application will be approved once requirements and documents are completed. Payment of all due fines (if any).
Required Documents	 Statement from the Federal Authority for Identity, Nationality, Customs and Ports Security stating that no workers are under the sponsorship of the agency. An official instrument specifies how to deal with employer-domestic worker obligations and rights (domestic workers brought in from abroad to work for the employer) after the cancellation. Legal instrument confirming the commitment to fulfill all license-related obligations.
Terms and Conditions	 Cancellations must be reported to the Ministry 30 days in advance Cancel and change the status of all workers registered in the agency's file as well as the Federal Authority for Identity, Nationality, Customs and Port Security's file. Resolve restrictions on the agency and outstanding license fines Pledge of payment of all license obligations, provided that pledge indicates that the Ministry has the right to deduct from the amount of the bank guarantee or insurance without the licensee's objection. In addition, the licensee must specify his contact details (mobile number

	 e-mail) in order for the Ministry to communicate with him regarding the payment of the obligations resulting from contracts concluded with employers and the retrieval of domestic workers from employers, which may be discovered after the license cancellation and receipt of the bank guarantee or insurance. 5. Administrative cancellations by the Ministry if one of the cases mentioned in Ministerial Resolution No. 92 of 2022 is established
Service Response Time	10 working days. Note: Upon completion of the request, the customer will be notified.
	Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000
Service Charges	In accordance with the decisions issued in this regard, there are no cancellation charges.
Associated Entities	N/A
Next Service	N/A

6. Bank Guarantee Refund upon License Cancellation

Service Description	A service provided by the Ministry to licensees seeking to retrieve their bank guarantee following the cancellation of their license.
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers
Procedures / Application Process	 Apply through one of the service delivery channels. Check that requirements and supporting documents are met for verification and approval. Ensure that the requirements and documents are complete by submitting the application online to the Ministry Shortfalls will be reported to the establishment for completion. The application will be approved once requirements and documents are completed. Obtain the bank guarantee refund from one of the service delivery

	channels
Required Documents	License cancellation document issued by the Economic Department
Terms and	Cancel the establishment card from the Ministry
Conditions	Cancel the license issued from the Economic Department
	Resolve all complaints and referrals resulting from contracts concluded with employers
	4. If there are any outstanding obligations on the part of the office, the bank guarantee may not be refunded.
Service Response	5 working days.
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000
Service Charges	N/A
Associated Entities	Economic Departments
Next Service	N/A

6. Bank Guarantee Refund upon Activity Modification

Service Description	A service provided by the Ministry to licensees seeking to retrieve their bank guarantee if their establishment's activity is changed, or the activity of recruitment of domestic labor is withdrawn.
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers
Procedures / Application Process	 Apply through one of the service delivery channels after completion of the service requirements. Ensure that the requirements and documents are complete by submitting the application online to the Ministry Shortfalls will be reported to the establishment for completion. The application will be approved once requirements and documents are completed. Obtain the bank guarantee refund from one of the service delivery

	channels
Required Documents	 Copy of the new activity's trade license issued by the Economic Department Legal instrument confirming the commitment to fulfill all license-related obligations.
Terms and Conditions	 Complete the application for modification of the establishment details in MOHRE (adding- withdrawing an activity that differs from the recruitment office's activities Amend the activity in the commercial license issued by the Economic Department Amend the activity in the establishment file in MOHRE Pledge of payment of all license obligations before changing the activity of the establishment, provided that pledge includes the licensees contact details (mobile number - e-mail) in order for the Ministry to communicate with him regarding the payment of the obligations resulting from contracts concluded with employers and the retrieval of domestic workers from employers, which may be discovered after the license modification and receipt of the bank guarantee or insurance. If there are any outstanding obligations on the part of the office, the bank guarantee may not be refunded.
Service Response	5 working days.
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000
Service Charges	N/A
Associated Entities	Economic Departments
Next Service	N/A

8. Completion of the Bank Guarantee Value

Service Description	A service provided by the Ministry to agencies adding activities which require increasing the value of the required bank guarantee or the insurance coverage.
Service Delivery Channels	MOHRE website, MOHRE smart app, Business Centers
Procedures / Application Process	 Apply through one of the service delivery channels. Check that requirements and supporting documents are complete for verification and approval. The applicant must complete the bank guarantee difference or increase the insurance coverage based on the required difference.
Required Documents	N/A
Terms and Conditions	 Commitment to fully cover the difference in value within 30 days Failure to complete the bank guarantee value within 30 days will result in an administrative fine of 10,000 dirhams (in accordance with Cabinet Resolution No. (21) of 2020 Article No.(15), stipulating that "violations to the terms, standards, and conditions of employment contained in the Federal Law as well as the Minister's decisions pertaining to them will result in sanctions"
Service Response	One working day
Time	Note : Upon completion of the request, the customer will be notified. Customers may follow up their applications by visiting MOHRE inquiry services through www.mohre.gov.ae , MOHRE smart app or MOHRE call center 600590000
Service Charges	N/A
Associated Entities	N/A
Next Service	N/A
Next Service	N/A