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# UAE: Immigration Bulletin – Government Lifts Work Ban For Foreigners Changing Employers

Changing of employers in UAE becomes easier for foreigners

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By Immigration Specialist

January 21, 2011

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Since January 1, 2011 foreigners working in the United Arab Emirates are allowed to switch jobs after two years without the need to obtain a no-objection certificate from their present employers. This new regulation is introduced by the [UAE Ministry of Labor](#) in the attempt to reform its labor market.

Previously, in case of contract termination or resignation, if the sponsoring company did not provide a no-objection certificate, the Ministry of Labor automatically imposed a six month ban on the foreign worker's visa. During this period foreigner had to leave the country.

The new regulation means sponsors will not be able to force employees to continue to work for them if workers do not wish to do so. From the beginning of the year expatriate workers in the UAE may change jobs without the need to worry about the ban, provided they ended the work relationship in good terms with the employer and they have completed a minimum of two years working with the company (unlimited or limited contract). However, for limited contracts, if the employee did not finish the agreed term as per contract, the company has the right to impose a one-year ban which cannot be lifted at all.

The new regulations describes three cases when the worker has the right to get a work permit without working for at least two years for the employer:

1. The new job position belongs to the first, second or third category of professions (as defined by DNRD) with a salary of not less than Dh12,000 (\$3,260), Dh7,000 (\$1,900) and Dh5,000 (\$1,360) in the three classes respectively.
2. The contract is terminated due to the employer's violation of legal and labor obligations towards the worker, or in case the worker has no role in terminating the work relationship.
3. The employee is transferred to another company the employer owns or has shares in.

Saqr Gobash, the Minister of Labor said "The Ministry will only interfere in the employer-worker contractual relationship if it detects infringement in obligations stated in the labor contract."

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# UAE: Curiosity – Expatriates May Transfer Sponsorship

Expatriate residents in the United Arab Emirates may switch jobs and transfer sponsorship.

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By Lorna Kralik

August 13, 2010

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Foreigners residing in the United Arab Emirates may change jobs provided they are in good standing with their current employer. Expatriates wishing to transfer sponsorship in the UAE must first ask their current employer to cancel their residency visa. Once that is complete, the employee should request a "No Objection Letter" from their employer. The new employer will need to apply for a work permit through the [Ministry of Labour](#) within 30 days of the residency visa cancellation. Once the permit has been approved, the new employer must then apply for an entry permit for the employee. Visas and permits related to the former employment may not be extended to cover such a transfer. If a company has terminated an agreement with the employee, an automatic ban is placed on the employee's visa. Should the employee wish to enter into another employment contract anywhere in the Emirates, he/she must first obtain a "No Objection Letter" from the former employer. Expatriates whose contract has been terminated must pay between 3000 and 5000 AED (approximately 800 – 1300 USD) to the new employer in order to lift the employment ban. The new employer will in turn transfer the money to the Ministry of Labour, after which the company may proceed to file for new work and entry permits.

*Our articles are for informational purposes only.* Should you have any further questions regarding immigration issues, please do not hesitate to **contact your global Move One immigration specialist**, or send an e-mail to [immigration@moveoneinc.com](mailto:immigration@moveoneinc.com).

According to article 63 of the Ministerial Decree no. 360 for the year 1997, the categories of expatriate employees exempted from six months ban are as follows:

- 1)Engineers.
- 2)Doctors.
- 3)Agricultural advisors.
- 4)Qualified accountants and auditors.
- 5)Administration officers who are graduates.
- 6)Technicians in electronics, scientific equipment and labs.
- 7)Licensed Drivers for driving heavy vehicles and buses, if transfer their sponsorship to similar party
- 8)Persons working in private oil companies when transferred between companies.

The ban is based on the present visa category and not on the new title of the employee. Since sales executive is not in the exempted category Ashish is likely to get a six months ban.

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# UAE Government Announces Changes in Expat Work Visas

As part of a new raft of legislation governing expat work visas, new rules allowing mobility have been introduced, as well as the closing of a loophole

By Immigration Specialist

June 6, 2011

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Legislation in the UAE has undergone significant changes in regard to the ability of expats to change jobs. Employees of private companies registered in Dubai are automatically imposed a six-months ban by the ministry of labor, should they leave their jobs without completing a minimum of two years employment.

As of January 2011, however, employees are not required to obtain a no-objection certificate from their employers in order for the ban to be lifted. The six months ban may be removed if an employee's new sponsoring company hires the expat according to his educational qualification. The employee must have relevant supporting educational certificates and the new sponsoring company must pay the employee accordingly.

The ban is easier removed for employees on a higher designation, however, [Emirates 24/7](#) has reported that private sector workers with sufficient thresholds of experience within their field may change employers without being subject to a work ban as well.

Although, the ministry of labor was not able to confirm this information officially, **Saif Al Suwaidi**, Director of Service Centers Division, was quoted at the Ministry's weekly open-day meeting as saying "The educational qualifications are not required... experience will be enough to allow workers to move to another company."

Another major change in legislation is the closing of the loophole that allowed expats to work in the [Dubai International Financial Centre](#) (DIFC) even if they were subject to a work ban.

The DIFC free zone's exemption from the no-objection certificate requirement has been suspended late last month when the DIFC Government Services Office issued a statement that the [General Directorate of Residency and Foreign Affairs-Dubai](#) (DNRD) will no longer "process employment visa applications for individuals with a labor ban issued by the Ministry of Labor".

For visa applications to be issued for employees under a work ban, the DIFC will request a no-objection certificate in addition to the standard requirements. This makes the DIFC the only zone where a no objection certificate is still required for an expat seeking employment from a private company. A no objection certificate, however, still does not guarantee that the DIFC immigration will issue the foreigner's visa.

Should there be a breach of contract or an employee is fired the employer can impose a one-year work ban and this cannot be removed at all anywhere in Dubai regardless of the zone. In such cases an employee cannot seek work with another private company for the duration of a year.

Stuart Walker of [Afridi & Angell](#) law office in Dubai, commented to reporters on the new measures, emphasizing that work bans in general are not common for white-collar professionals. “In the eight years I’ve been in the UAE, dealing with employment law issues on a regular and routine basis, I am aware of only one white-collar individual who received an employment ban... This occurred because he parted on bad terms with his previous firm and they actively sought the ban. Most employers don’t go to those lengths”.

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# UAE: Curiosity – No Work Ban Imposed on Accompanying Spouse

Expatriates under family sponsorship may change employers

By Immigration Specialist

July 27, 2011

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Foreigners working in the United Arab Emirates may only change jobs if certain conditions, set forth by the national labor law, are met. If a foreigner, for example, has not completed a **minimum of two years employment** with sponsoring company, a 6 months work ban is imposed and can only be removed if employee's new employer hires a foreigner on a higher designation.

The ministry of labor confirmed that the above **does not affect those foreigners whose residency visa in the UAE is under family sponsorship**. Wives, who accompany their husbands on a foreign assignment, often arrive to the country on dependent status. In case a wife later finds a job for herself in the UAE, she has the option to cancel her husband's sponsorship and obtain employment permits with her employer as a new sponsor.

However, a spouse may also remain under her husband's sponsorship during her employment. In such case, her hiring company will have to apply for a work permit/labor card for a non-sponsored employee. The employee's sponsor will remain her husband, who must provide a 'no objection certificate' to her hiring company.

A dependent who is sponsored by wife/husband/father/family member, is **free to change jobs** without the threat of a work ban, as the sponsoring family member reserves the right to grant and deny the permission to work to the dependent.

*Our articles are for informational purposes only.* Should you have any further questions regarding matters related to [UAE immigration procedures](#), please feel free to [contact your global Move One immigration specialist](#), or send an e-mail to [immigration@moveoneinc.com](mailto:immigration@moveoneinc.com).

# PROCEDURE FOR VISA CANCELLATION IN DUBAI



It is mandatory to cancel the visa for all expatriate / resident visa holder when they are relocating from Dubai. This article details how to file DNRD (Dubai Naturalization and Residency Department) visa cancellation or MOL (Ministry of Labour) under various circumstances.

## ***VISA CANCELLATION PROCEDURE***

Based on your visa status, the visa cancellation process may vary. Please find below the visa cancellation process in different cases.

### **1. WORK PERMIT AND RESIDENCE VISA CANCELLATION OF EMPLOYEE**

#### ***EMPLOYMENT VISA CANCELLATION PROCESS DUBAI***

UAE work visa procedure for cancellation should be initiated by the employer or sponsor. If you are working in Free Zone, Free Zone Authority will be the sponsor to apply for the employment visa cancellation procedure in dubai. Following are the required set of documents to cancel work permit / labour card / UAE employment visa.

1. Sponsor's passport copy
2. Original passport of the sponsored worker
3. 3 copies of applications for cancellation (within UAE) prepared by the typing agents, Of which 2 copies for the sponsored worker and 1 copy for DNRD . The application form should have the company's seal and the sponsor's signature.
4. Copy of the establishment card.
5. Copy of the commercial license.
6. Air-ticket fare if the worker is in default, or an entry permit to modify his status.

#### ***DUBAI RESIDENCE VISA CANCELLATION PROCEDURE***

For Dubai residence visa cancellation, following documents are required

- Original passport of the sponsored worker
- 2 copies of cancellation certificate approved by Ministry of Labour, of which , 1 copy retained by DNRD and 1 copy for the applicant.
- Copy of the valid commercial license.
- Copy of the establishment card.

### **2. FAMILY VISA CANCELLATION PROCEDURE**

If you have a family under your sponsorship, it is mandated to cancel family visa before initiating the cancellation process of Work Permit. The following documents are required for cancellation of the family residence visa.

- Original passport of the sponsored person (family members)
- Three copies of application for cancellation (within UAE) filled up by the typing agent. Two copies are kept by the sponsored person and 1 copy retained for DNRD.
- Sponsor's passport copy.

### 3. VISA CANCELLATION PROCEDURE IN DUBAI DURING JOB CHANGE

While changing job within Dubai, the previous emirates residence visa and work permit will be canceled. After obtaining No Objection Certificate from the previous company, you need to transfer the sponsorship to a new employer and get a new permit issued by MOL. According to latest news, there is no need for visa cancellation procedure for residence visa of family members under your sponsorship when you change the job. You need to provide a bank guarantee of 5000 Dhs for each member to DNRD. Please [click here](#) for relevant information.

### 4. VISA CANCELLATION PROCEDURE FROM OUTSIDE UAE

If you have a valid residence visa, and if you stay outside UAE continuously over 6 months, the visa will become invalid or expired. But if the legal procedures for UAE visa cancellation process is not completed, you may be denied new visa by UAE.

#### ***RESIDENCE VISA CANCELLATION FOR A PERSON OUTSIDE UAE***

##### **IF THE INDIVIDUAL SPEND MORE THAN 6 MONTHS OUTSIDE UAE**

In such circumstance, the following documents are required for visa cancellation process in UAE:

- Residence visa cancellation application - 2 copies (with the sponsor's signature)
- Leave statement or the original passport of the sponsored
- Copy of the sponsored person's passport or departure list provided that the residence permit has expired
- Sponsor's passport copy

##### **IF THE INDIVIDUAL HAS SPEND LESS THAN 6 MONTHS OUT OF THE COUNTRY**

The procedure of UAE visa cancellation while the sponsored is outside the UAE for less than 6 months. In this case the Documents required to cancel residence visa are

- Residence visa cancellation application ( with the sponsor's signature)
- Passport of the sponsored or the expiry of the residence visa outside UAE
- UAE Identity Card - Original
- The sponsored's residence visa cancellation can also take place if the sponsor's residence visa is cancelled.

#### **EMPLOYMENT VISA CANCELLATION FROM OUTSIDE DUBAI**

If you have a work permit issued by DNRD and MOL, following documents are required for UAE work visa cancellation procedure.

- Two (2) copies of visa cancellation form to cancel an employment permit issued for a person by MOL, when the residence permit has expired.
- If the sponsored person holds a residence (employment) permit issued by DNRD , his residence permit will be canceled by DNRD.
- Copy of the establishment card.
- Copy of the commercial license
- List of departures list issued by Cancellation Unit.

AED 120 is charged for cancellation process, if the visa holder is outside UAE.

### 5. TOURIST AND VISIT VISA CANCELLATION

These single entry visa will be automatically canceled when you are exiting the country within validity period. If not departed within the period, a fine of AED 100 is charged daily.

### 6. MAID VISA CANCELLATION DUBAI

The below mentioned documents should be submitted at DNRD for canceling maid's or domestic worker's residence permit and labour card.

- DNRD visa cancellation form - 3 copies. Duly filled by a typist.
- Original or copy of Maid's passport
- Original or copy of Sponsor's passport
- Maid's labour card
- One way ticket

On the departure day, Check in the maid and obtain the boarding pass for the maid. In the immigration you may need to furnish the documents along with the boarding pass to complete the cancellation process. To Sponsor a maid, please read about [Procedures for sponsoring maid in Dubai](#)

#### SOME CONSIDERATIONS BEFORE VISA CANCELLATION

##### **UTILITIES**

###### **DUBAI VISA CANCELLATION RULES WITH DEBTS**

To avoid outstanding debts in UAE, it is necessary to terminate your bank account, loans & credits card. Most of the employers can ask for clearance certificate from bank. Hence Dubai visa cancellation during bank loan is not possible. Your bank may freeze your account once you put your resignation. So please plan accordingly to ensure the cash is withdrawn from your account.

###### **OTHER UTILITIES**

It is also necessary to terminate your electricity, water connection and telephone lines. Your employees will also require for the clearance from other utility departments for initiating the Dubai work visa cancellation procedure. Your telephone connection may be disconnected once you put your resignation. Hence it is ideal to have an alternate phone connection.

##### **ACCOMMODATION**

If the accommodation is provided by the employer you may need to vacate within the grace period mentioned in the contract . Before resignation, plan for the stay till you leave the country.

##### **GRACE PERIOD AFTER VISA CANCELLATION DUBAI**

Once the visa is cancelled, you will have a grace period of 30 days within which you need to exit the country. After that for every day overstayed, a fine of AED 25 should be paid for first 6 months, AED 50 next 6 months and AED 100 beyond that.

##### **CONSEQUENCES DUE TO NON CANCELLATION OF VISA**

Visa cancellation is necessary to avoid any complication for future entry to UAE and other GCC countries.

##### **ABSCONDING**

If the employer is not officially notified about your departure, then you can be declared as absconding. This can result in a ban to enter or work in UAE for a specific term. You might lose the final salary and gratuity.

##### **DUBAI VISA CANCELLATION RULES WITH DEBTS**

If you have outstanding debts, you may be subject to imprisonment at any attempt to re enter the country even in transit.

**NOTE:** By law, no employer could detain the worker if they have submitted the resignation within the notice period. In case, employer detain the employee beyond notice period, employee can raise complaint in Dispute section of Ministry of Labour.

##### **The cancellation service are offered at:**

- [Residence department - the main branch](#)
- [Abuhail center](#)
- [Jebel Ali port](#)
- [Hatta Center](#) (Does not accept cancellation application if the visa holder is outside UAE)
- [Danata - Main branch](#)
- [A'amal Center- Hyatt Regency](#)

##### **Reference links**

###### [Relevant page from DNRD website](#)

Submitted 1 year 7 months ago by annieaugustine.