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# UAE Immigration Law



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# 1 Introduction

The laws governing immigration requirements are mainly contained in Federal Law No. 6 of 1973 regarding the entry & residence of expatriates as amended by Federal Law No. 13 of 1996, the Immigration Law. Other immigration regulations have been issued in various ministerial decrees and orders, the most relevant of which, in terms of procedure, is Ministerial Decree No. 360 of 1997 to Issue the Executive Bylaw of Federal Law No. 6 of 1973 (the Decree).

The general rule regarding foreign visitors to the UAE is that all visitors require visas except transit passengers who do not leave the airport, citizens of GCC countries (Qatar, Kuwait, Saudi Arabia, Bahrain, Oman and the UAE) and citizens exempted by the government in countries in the following list:

Andorra	Lichtenstein
Australia	Luxembourg
Austria	Malay Immigration Authority
Belgium	Malta
Brunei	Monaco
Canada	New Zealand
Cyprus	Norway
Denmark	Portugal
Germany	San Marino
Greece	Singapore
Holland	Spain
Hong Kong	Sweden
Ireland	Switzerland
Italy	USA
Japan	Vatican

Citizens of the above countries do not need to obtain a visa in order to enter the UAE. Such visitors can obtain visas at the port of entrance, for a fee of AED. 100. This entitles the visitor to stay in the country for 60 days, extendable for another 30 days. Extensions may be applied for at the Naturalization & Residency department. The fee is AED 500. Extensions must be done within the 60 days. No extension will be granted after 60 days.

In order to apply for any visa or permit, it is necessary to obtain the sponsorship of either a UAE resident (who may be a foreigner) or other legal entities such as companies or hotels. If a hotel or a local sponsor is arranging the visa or permit, the hotel or a local sponsor usually deposits it at the airport for collection by the visitor upon arrival.

The UAE bodies, which are responsible for issuing visas and permits to foreigners wishing to enter the UAE, are the Naturalization and Immigration Administration, the International Airport Authority of any member emirate and any other body designated for this purpose by the Ministry of Interior. Entry permits, as distinct from visas however, may only be obtained within the UAE from the Headquarters of Immigration and Residence.

Although only some of the immigration laws and regulations will be applicable to a businessperson, it is useful to grasp a basic understanding of these for both business and personal purposes. In the sections that follow, we have outlined the immigration requirements new businesses will need to fulfil in order to employ staff in the UAE, the different types of visas and permits which would be useful to foreigners, what they are, to whom and when they may be useful, and the procedures for obtaining them.

## VISAS & PERMITS

### VISAS

- Tourist Visa
- Transit Visas
- Visit Visa
- Multiple Entry Visa
- Residence Visa
- 96-Hour Transit Visa
- 14-Day Transit Visa
- 60 day (renewable)

### PERMITS

- Employment Permit
- Residence Permit
- Residence for Employees
- Residence Without Work

There are several types of visas and permits one may apply for. The type that a person will need will primarily depend on the individual's purpose of entry into the UAE. As discussed before, the procedures for obtaining these are governed by the Immigration Law and the regulations and decrees issued by the Ministry of Interior. As the Immigration Law is a federal one, the procedures are applicable to all of the emirates.

It is worth noting that the immigration requirements change frequently. It is therefore advisable to ensure that the requirements mentioned below have not been revised.

Each permit or visa has its own requirements and procedures. However, there are general conditions which all applicants must satisfy in order to obtain a visa or permit regardless of who they are, as listed below:

- The applicant must hold a passport that is valid for 6 months at least or a document allowing him to enter the country and return to his country of residence, or the country where the passport was issued.
- The official authorities have approved his entry for the purpose sought.
- The applicant has a foreign or local sponsor who is resident in the UAE.
- The applicant is not banned from entering the UAE.
- The applicant has not previously been deported from the UAE, unless special permission has been obtained for his entry. Those who have Israeli stamps on their passport will not be allowed to enter the UAE.

## 2 VISAS

### **An entry visa is legally defined in the Decree as:**

*"...a permission to be fixed on the passport or on the travel document of a foreigner which allows him to enter the territory of the country, accompanied by all persons included in such passport or document, unless the visa specifies the names of the beneficiaries of the visa."*<sup>1</sup>

Visas, as opposed to permits, allow entry into the UAE for short or temporary periods although some of these periods are renewable. Therefore, those wishing to visit the UAE will need to apply for one of the visas explained below depending on the purpose of entry.

1. Article 12 Federal Law No 6, 1973

### **2.1 Transit Visas**

There are two forms of transit visas, the 96-hour transit visa and the entry visa for a mission, which is commonly known simply as a transit visa.

#### **(a) 96-hour transit visa**

The 96-hour transit visa is essentially a visa, which is issued at UAE International Airports and allows a foreign passenger (in transit) to enter the UAE for a maximum period of 96 hours at the request of the airline which has flown him, and the flight conditions oblige the passenger to enter the country. This form of transit visa requires the passenger to hold a valid passport and have a valid continuing, as opposed to return, air ticket. Only airlines, as distinct from businesses, may apply for this type of transit visa.<sup>2</sup>

2. Article 48 Federal Law No 6, 1973

### **Procedure**

To obtain a 96-hour transit visa, the airline carrying the foreign passenger is required to submit a list of its transit passengers for whom it assumes responsibility in accordance with the law. The concerned authority at the airport will then stamp the passenger's passport and state the period of stay permitted.<sup>3</sup>

3. Article 49 Federal Law No 6, 1973

#### **(b) Entry Visa for a Mission: 14-Day Transit Visa**

This type of visa as the name suggests is issued to those who need to enter the country for a commercial mission relating to a licensed company or an establishment, public or private, operating in the UAE for a total, not renewable period of 14 days, commencing on the day following the date of arrival into the country.

The 14-day transit visa is therefore useful for those who wish to enter the UAE for business purposes for periods of not more than two weeks. In order to apply for this visa on someone's behalf, the following conditions need to be fulfilled:

- (1) The sponsor (the applicant) must be practicing a licensed trade activity or be an official department in the UAE (and hold a valid Immigration Card).
- (2) The applicant falls under one of the following categories:
  - Businessman
  - Company manager or representative
  - Sales manager
  - Auditor
  - Trade Company or establishment's representative who is delegated to carry out acts related to the trade activity in the UAE
  - Engineer, doctor, lawyer, technician in a rare specialization who is entering the country following a request made by an official department, company or establishment operating in the UAE for the purposes of executing a particular mission
  - Wife or son accompanying one of the above categories
- (3) The applicant has a return air ticket. Although this is not a requirement in practice, airlines or tour operators are reluctant to issue one-way tickets to those travelling to the UAE on a transit visa.

Although the categories named above are the ones provided for under the law, in practice, persons other than labourers, may enter the country with a transit visa. In addition, sometimes tourists visiting the country are entering with transit visas, which are arranged by the hotel at which they are staying (see section 2.2.3).

## **Procedure**

To obtain the 14-day transit visa on someone's behalf the following documents need to be submitted to the Visa Section at the Immigration Authority at least 48 hours before the individual's arrival into the UAE:

- An application form (generated by the computer programme Injaz and approved by authorities for this purpose) duly signed & sealed by the sponsor.
- Copy of the business's trade licence
- Copy of the visitor's passport
- Copy of the immigration card and the original for verification.
- The appropriate fee (currently AED 150). Applications may be processed sooner if an additional AED 100 is paid.

Once these documents have been submitted, a re-examination card will be issued bearing the date the transit visa is to be collected from the immigration department at the IMMIGRATION AUTHORITY. Upon collection of the transit visa, it should be filed with the immigration authorities at the IMMIGRATION AUTHORITY at least 30 minutes before the visitor's arrival into the UAE. The person must enter UAE within 14 days of the date of issue of the visa.

## 2.2 Visit Visas

A visit visa may be obtained for different purposes. Although the procedures are more or less the same for everyone, conditions vary depending on who the visitor is and who the visitor's sponsor is. The legally permitted purposes for which one may enter the UAE on a visit visa are the following:

- To visit a friend or a relative residing in the UAE
- To visit a juridical person, whether public or private
- For tourism.

A visit visa entitles the visitor to remain in the country for an initial period of 60 days which is subsequently renewable for a further period of 30 days (the extension of 30 days must be conducted within the 60 days from the date of entering UAE), thus allowing a total period of stay in the country of 90 days, provided the procedures for renewal are satisfied. If the visitor remains in the country beyond the permitted period he is fined AED 100 a day and also an additional AED 100 for airport documentation processing fees.

Once an individual obtains a visit visa, he must use it within 60 days of its date of issue, otherwise the visa needs to be renewed and a fee of AED 150 is applicable.

It should be noted that although a person may enter the country on a visit visa for tourism purposes, there are special 'tourist visas' for this purpose as discussed in Section 2.2.3.

As the requirements and conditions for obtaining visit visas vary according to the identity of both the intended visitor and the sponsor, a brief explanation of these has been provided below.

### ¥ Relatives, Spouses and Children

If the purpose of entry is to visit a relative who resides and works in the UAE (for private companies and establishments or in the government sector), a visit visa may be obtained by the said relative who will be the visitor's sponsor. However, in order to qualify as a sponsor, he must either be a spouse or a first affinity relative of the visitor and meet the minimum salary requirements, i.e. receive a monthly basic salary of at least AED 3000 in addition to an accommodation allowance of AED 1000 provided by the employer or alternatively, receive a basic monthly salary of at least AED 4000 (without accommodation).<sup>4</sup>

4. Article 31 Federal Law No 6, 1973

If the sponsor is a relative of second degree of affinity to the visitor, he can apply for a visit visa by seeking the approval of the Head of the Visit Visa Section.

## ¥ **Friends**

If the visitor is a friend of a UAE resident, the resident sponsor must be a UAE citizen.

## ¥ **Citizens of GCC States**

Following the GCC countries' union agreement, citizens from these countries are exempt from having to obtain a visa to enter each other's country, and may thus move without restriction to and from GCC states.

## ¥ **Residents of GCC States**

GCC residents who are not from the countries listed above may obtain visit visas, upon entry, at the IMMIGRATION AUTHORITY if they are businessmen, business managers, business representatives, auditors, accountants, doctors, engineers or hold other professional posts. The families must be accompanied by the GCC resident and the employees of the categories mentioned above, including drivers sponsored by them. Domestic helpers may also obtain visit visas at the IMMIGRATION AUTHORITY upon entry at land borders.

## ¥ **Wives of GCC citizens**

If the visitor is a wife of a GCC citizen in the UAE (and is not a GCC citizen herself), she will be required to hold a valid residence permit in her husband's country for obtaining a visit visa on her husband's sponsorship.

## ¥ **Citizens of the 33 exempted Countries**

Citizens of the 33 exempted countries who wish to visit the UAE are exempt from having to acquire a visit visa beforehand. They will be issued with a 60 day visit visa on arrival at the IMMIGRATION AUTHORITY, which may be renewed for a further 30 day period. All other citizens, with the exception of citizens of GCC countries who wish to obtain a visit visa to enter the UAE may only do so through a sponsor in the UAE as explained below.

## ¥ **Juridical Person in the UAE**

If the purpose of entry is to visit a 'juridical' person, private or public, the applicant is required to submit to the concerned authorities the reasons and purpose of the visit, which must be acceptable to them.

## **Procedure**

Providing the necessary conditions have been fulfilled, below are the procedures required for obtaining a visit visa depending on who the sponsor is. The fee for a visit visa is AED. 150 and urgent applications cost an additional AED. 100.

### **2.2.1 Applications by Company/ Business Sponsors**

The following documents should be submitted to the Visa Section at the Immigration Authority:

- An application form (generated by computer programme (Injaz) approved by authorities for this purpose) duly signed & sealed by sponsor
- A copy of the intended visitor's passport
- A photocopy of the trade licence
- Copy of immigration card
- The original representative card (and copy)
- The profession of the visitor (as per Immigration Department codes)
- The appropriate fee (currently AED 150)

Passport size photograph of the visitor and additional fee of AED 100 if it is urgent.

### **2.2.2 Applications by Individual Sponsors**

The following documents should be submitted to the Visa Section at the Immigration Authority:

- The prescribed application form completed and signed by the applicant, filled by Enjaz programme
- Passport size photo of the visitor
- A copy of the visitor's passport
- A copy of the sponsor's employment contract (the original for verification)
- The appropriate fee (currently AED 150) and AED 100 if urgent.
- If the sponsor is applying on behalf of his wife, he must also submit the original marriage certificate and a copy, in addition to the above documentation.

### **2.2.3 Renewals of Visit Visas**

A visit visa can be renewed by submitting the prescribed application form, filled by Injaz programme

- Original visit visa
- Original passport
- Required renewal form signed by the sponsor.
- Extended validity is only 30 days.
- Duration of total stay after entry into UAE is 90 days only including the extended period.
- Fee AED 500

### **2.2.4 Changing the Position of a Visitor to a Resident**

If a person enters the UAE on a visit visa he is normally not allowed to work. However, it is possible to change a visit visa (which was obtained for purposes other than tourist purposes) into an employment visa if the following conditions are fulfilled:

## **The applicant falls under one of the following categories:**

- (a) Engineer;
- (b) Doctor, Chemist, Nurse and Medical Technician;
- (c) Teacher;
- (d) Agricultural Advisor;
- (e) Qualified Accountant & Auditor;
- (f) Technician in electronic, scientific equipment and labs;
- (g) Driver licensed to drive heavy vehicles and buses; and
- (h) Employee in private oil companies.

In practice, however, persons who do not fall within one of the above categories but hold jobs of a professional nature, rather than jobs of an unskilled nature, can change their visit visas into employment visas.<sup>5</sup>

## **5. Article 41 Federal Law No 6,1973**

- Obtain the Ministry of Labour & Social Affairs approval for residency.
- Pay a fee of AED 500 for changing visa
- Submit an application for an employment visa as explained below.

### **Procedure**

In order to change a visit visa into an employment visa, it is first necessary to apply for an employment visa with the Immigration Authority. Once the employment visa has been issued, it will need to be submitted together with the applicant's original passport and copy, the applicant's original visit visa and the appropriate fee (currently AED 500).

Once the employment visa has been obtained, the applicant will need to obtain a residence permit within 60 days as explained later.

Changing a visit visa into an employment visa takes an average of two days to complete.

## **2.3 Visas for Tourists**

Tourists may enter the country on a visit visa, a transit visa or a tourist visa. The most appropriate visa will primarily depend on three factors: the visitor's nationality, who the sponsor is and the intended period of stay.

If the sponsor is a business operating in the UAE, individuals are entitled to a visit visa only in the UAE, the visitor may enter the country either on a visit visa or on a transit visa, depending on how long he intends to stay.

If, on the other hand, the sponsor is a tour operator or a hotel then an application for a transit visa or a tourist visa would be applicable, with the exception of citizens of the 33 exempted countries and GCC countries that do not require visas to enter the country.

In practice, some hotels and tour operators submit different applications depending on the nationality of the visitor. With regards to visitors from Arab countries (other than GCC state nationals) and Africa (except South Africa) the hotel or tour operator will normally apply for transit visas on their behalf rather than tourist visas. As mentioned above, transit visas allow the holder to remain in the country for a total unrenovable period of 14 days from the date of entry.

For guests of other nationalities, hotels usually apply for tourist visas. A tourist visa allows the visitor to remain in the country for a total unrenovable period of 30 days from the date of entry into the UAE.

## **Procedure**

When a visa is being obtained through a hotel, the procedures are the same vis-à-vis the visitor, regardless of the type of visa that is being applied for, as the hotel will handle the necessary requirements.

The intending visitor has only to fill out an application form, provided by the hotel, including details of his credit card (which is normally also on a form provided by the hotel) and send a copy of his passport either by fax or mail to the hotel. The credit card details are used to deduct the visa charge (currently AED 300) by the hotel.

The hotel will then submit the necessary documents to the Immigration Authority and send a copy of the visa to the visitor. The original visa is placed at the immigration desk at the airport for collection before the visitor's arrival. The visa may take seven to ten days to finalize from the date of submission of documents by the hotel although this period may be less. However, for an additional AED 100, the visa will be processed within 24 hours.

Children who are on their parents' passports are exempt from paying the AED 300 fee. They also need no separate immigration application.

## **2.4 Multiple Visas**

The multiple visit visas allow foreign individuals to visit the UAE frequently for business purposes as a result of their connection with a company or establishment operating in the UAE. It permits the bearer to enter the country, without restriction, for a maximum period of six months and stay a maximum of thirty days on each entry. The multiple visas are obtainable from the Immigration Authority or the UAE Embassy or Consulate and may subsequently be renewed. In order to obtain such a visa, the applicant must have initially entered the country on a visit visa.

Multiple visas are only issued to citizens of the countries with whom the UAE has entered into agreements. Such agreements have been made with the USA and Germany for instance, and citizens of these countries may obtain multiple visas valid for ten and six years, respectively, from the UAE Embassies in their countries.

## Procedure

The relevant sponsor is required to submit the following documents to the Immigration Authority or the UAE Consulate abroad:

- Evidence that the foreigner's business requires frequent visits to the UAE as a result of his connection with a company or establishment operating in the UAE
- The Immigration Authority prescribed application form duly signed by the sponsor
- A copy of the valid trade licence of the sponsor's business
- A copy of the visitor's passport
- A written undertaking from the sponsor on his responsibility regarding the visitor during his visit
- The appropriate fee

Those applying for multiple visas should refer to the procedures for doing so at the UAE Embassy involved.

## 2.3 Permits

An entry permit is legally defined under the decree as:

"...a special document issued to a foreigner allowing him to enter the territory of the country accompanied by the person stated thereon and on the passport or document."

Although the legal definition of an entry visa and an entry permit are different, the main difference between them in practice is that a visa allows the bearer to remain in the UAE for a short stay, whereas a permit allows a longer or indefinite period of stay in the UAE. Two types of permits are issued to foreigners in the UAE: the employment permit and the residence permit, although they are commonly referred to as employment visa and residence visa.

### 2.3.1 Employment Permits

Employment visas may be obtained from the Immigration Authority after the Ministry of Labour & Social Affairs' approval to allow the individual in question to be employed. Employment visas entitle the holder to enter the UAE once for a total period of 60 days and are valid for a period of two months from the date of issue.

## Procedure

For a foreign individual to enter the UAE for employment purposes, the sponsoring business must first seek the approval of the Ministry of Labour & Social Affairs to employ that individual. The Ministry follows certain criteria in granting its approval including satisfying itself that there are no unemployed nationals who are able to perform the job in question. In order to obtain the Ministry's approval to employ a particular individual the following documents need to be submitted to the Ministry:

- Copy of the employee's passport
- The employee's educational certificate (notarized by the UAE Embassy abroad and Ministry of Foreign Affairs in the UAE)
- The completed prescribed application form for employment visas
- A copy of the business's (valid) trade licence
- Copy of the business's establishment card (for Immigration and Labour)
- The appropriate fee (currently AED 200).
- Passport size photo

If the Ministry approves the application it will issue an official letter to the company asking it to supply the Ministry with a bank guarantee of AED 3000 for each approved application; after supplying the Ministry with the same the Ministry will issue an official letter to Immigration Authority stating the employee's name, passport number etc, then the employer must pay the necessary fees of AED 1000 and submit the same, together with copy of the immigration card and a copy of the employee's passport & Trade Licence copy.

Four steps need to be taken after the sponsor has obtained the Ministry's approval, which are:

- Obtain an employment visa for the employee's entry into the UAE.
- Have the employee undergo a medical test.
- Obtain a Labour card from the Ministry of Labour and Social Affairs for the employee.
- Obtain a residence permit for the employee.

## **Employment Visa**

In order to obtain an employment visa the following documents need to be submitted to the Immigration Authority by the intending employer in the UAE:

- The employee's passport copy
- Two passport size photographs
- The approval letter received from the Ministry of Labour
- Copy of the immigration card, and the original for verification.
- A copy of the business's trade licence
- The appropriate fee (currently AED 100) and an additional AED 100 if urgent.

Once the employment visa is obtained, a copy should be sent to the employee and the original lodged at the airport at least two hours before the employee's arrival. When the employee enters the country, the sponsor will need to arrange for the employee's residence permit.

### **Medical Test**

For the purposes of fulfilling the necessary immigration requirements, i.e. obtaining a labour card and a residence permit, the employee must undergo a medical test and obtain a medical certificate and health card after arriving into in the country. The medical test should be conducted at the government hospital in the emirate where the employee's employment visa was issued. It is necessary for the employee to take the following with him when he goes for his medical test:

- A copy of his passport
- A copy of the employment visa
- Four passport size photographs
- The appropriate fee (currently AED 200 - AED 500 for health test fees and AED 300 for health card, valid for one year)

## **Labor Card**

Once a medical certificate has been issued an application for a labour card should be made to the Ministry of labour & Social Affairs within 30 days of the employee's entry into the UAE by submitting the following documents:

- The completed prescribed application form typed and submitted through Injaz programme.
- The contract of employment between the employee and the employer
- Two passport photographs of the employee
- Copy of the medical certificate
- A copy of the business's trade licence
- A copy of the business's Ministry of labour card (see section 2.4)
- Copy of the visa.

## **Residence Permits**

Once the employee enters the UAE on an employment visa, an application for a residence permit should be made to the Immigration Authority by submitting the following documents:

- A copy of the receipt of submitting the transaction to the Ministry of Labour
- The completed prescribed application form typed and submitted through Injaz programme
- The original medical certificate
- The employee's original passport
- The original employment visa issued to the employee
- A copy of the sponsor's passport (if the sponsor is an individual)
- A copy of the business's trade licence
- A copy of the immigration card of the business
- Two passport size photographs of the employee
- The appropriate fee (currently AED 300 or AED 400 if the application is urgent).

The above requirements should be satisfied within 60 days of the employee's entry into the UAE on his employment visa.

If these requirements are not completed within the time limit stated above, a fine of AED 25 will be payable for each day until the procedures are completed and AED 500 for Ministry of Labour.

### 2.3.2 Residence Visas & Permits

Once a non-UAE national enters the UAE and intends to live in the UAE indefinitely for whatever purposes, he should obtain a residence permit as distinct from a residence visa. This will be stamped in the applicant's passport.

A residence visa allows a person to enter the UAE only once within two months of its date of issue. Therefore, if after getting a residence visa the applicant does not use it within two months, he will have to extend it (AED 100) for an additional 30 days after which he will have to apply for a new one. The period of permissible stay in the country is sixty days from the date of entry into the UAE. Therefore, applications for a residence permit should be submitted before the expiry of this time.

A residence visa is required for those who wish to enter the UAE with the intention of living indefinitely with, say, their husbands who are already resident in the country. Those entering the UAE for employment and intending to reside in the country do not require a residence visa as in most instances the intending employer will act as sponsor and their entry into the country will be on an employment visa.

A residence permit, on the other hand, allows the applicant to live in the country for three years. This is the normal period granted in practice. However, legally speaking, the Immigration Authority may issue residence permits for shorter periods but not shorter than one year. As stated above, it is necessary for everyone intending to live in the UAE indefinitely to apply for a residence permit upon entry into the country.

There are two types of residence permits: the residence permit for or with employment and the residence permit without employment. The former, as stated above, is normally granted for a period of three years. The latter is applicable, for instance, to a foreign resident sponsoring his family. The period of residence granted varies depending on who the sponsor is. For instance, the period of residence granted to those who are sponsored by non-UAE nationals (not in the capacity of an employer) such as a relative or spouse, is limited to that person's period of residence, after which the person must leave the country.

It should be noted that whichever residence permit one obtains, if the holder spends more than six months out of the country the permit becomes invalid. However, the following are some of the persons exempted from this rule (their residence permit will expire at the end of the period originally granted):

- Foreign wives of UAE nationals
- Those travelling for medical reasons. In this case a medical report is required which must be attested and certified by the Ministry of Health
- Those studying at universities and other educational institutions abroad
- Those working for public authorities or other public sector establishments who have been sent abroad for training/ professional courses or to work in their branches. The families of such persons are also exempt.

As we shall see below, once a person obtains a residence permit and provided he satisfies certain other conditions, he can sponsor some individuals who wish to visit the country, such as members of his family.

The law limits persons who may apply for a residence permit. They are basically those who can seek sponsorship by either an individual who is resident in the UAE or other legal entities in the UAE, such as a company, for employment purposes. Article 28 of the Decree lists the persons who may reside in the UAE (providing they are sponsored) as follows:

- Persons joining their family supporter or guardian such as the children of a foreign resident, in which case the latter will act as the sponsor. However, foreign residents may only act as sponsors on their children's behalf if, in the case of sons, they are under the age of 18 years and in the case of daughters, if they are not married. In the case of married daughters the husband will normally act as sponsor. Males who are over the age of 18 may obtain sponsorship for residence purposes either through an educational establishment they are studying at or through their employer.
- Persons studying at a college/ university or institution in the UAE.
- Persons attending or intending to attend a training course at a public establishment or department.
- Foreign women who are divorced from their UAE national husbands provided they have one or more sons from them.
- Parents and sons of UAE nationals who hold foreign passports.
- Husbands and sons of UAE nationals who hold foreign passports.
- Foreign wives of nationals of GCC countries residing in the GCC states of their husbands.
- Family members of foreign women who are employed (for a period of at least one year) in one of the following professions: teaching, medicine, engineering or other similar professions, which require a university degree or a specialized course.

In addition to the above, the sponsoring foreign resident must meet the minimum salary requirements as stipulated under Article 31 of the Decree i.e. receive a minimum monthly salary of AED 3,000 plus accommodation provided by his employer of AED 1000 or at least AED 4,000 without accommodation. Teachers, leaders of mosques and bus drivers who transport students to school, university or other educational establishments are exempt from this requirement.

Light car drivers & domestic helpers and labourers are not allowed to sponsor persons for entering the country even if they meet the salary requirements.

### **2.3.2.1 Resident Permits for Persons other than Employees**

Resident permit applications for persons living abroad are made either at the Immigration Authority or at the UAE Embassy/Consulate abroad:

The documents required for such applications will depend on who the applicant is. Below is a list of these documents according to the category of the applicant, which must be submitted, in addition to the relevant prescribed form provided by the Immigration Authority typed and submitted through Injaz programme; the applicant's passport (and copy), a medical report, two passport size photographs of the applicant and the appropriate fee (currently AED 300).

## Wives of Foreign Residents

- The duly attested marriage certificate certified by the UAE Embassy/Consulate abroad or the embassy of the country in which the marriage certificate was issued. In the latter instance the certificate has also to be attested by the Ministry of Foreign Affairs.
- A copy of the Labour contract of the husband (and the original for verification) shows that a monthly salary of at least AED 3,000 (with AED 1000 for accommodation) or at least AED 4,000 (without accommodation). This requirement only applies to the sponsor who is not a teacher, leader of a mosque or a bus driver.
- The husband's passport with the residence visa (and a copy).

Wives / Divorcees or Widows of UAE Nationals

A duly certified marriage certificate attested by the UAE Embassy/Consulate or by the embassy of the country in which the marriage certificate was issued. It should also be attested by the Ministry of Foreign Affairs. In the case of a divorced wife or widow, the eldest son should act as sponsor and submit the application. If there are no sons, the eldest daughter assumes this role.

Children of Foreigners

The same documents required for the sponsorship of wives of foreign residents need to be submitted to the Immigration Authority (except for the marriage certificate) in the case of applicants who are the sponsor's children. Their fathers may only sponsor daughters if they are single. A father cannot sponsor a son unless he is below the age of 18.

Parents or Sons of UAE Nationals (holding foreign passports)

An attested certificate of support regarding parents and a duly attested birth certificate regarding sons.

Persons Joining a University or College or Attending Training Courses

The concerned college or university in the UAE, which deals directly with the Immigration & Residence Department and assumes responsibility for the student during his period of residence in the UAE, in this case handles the application for residence.

Similarly, the public authority or establishment concerned with persons attending training courses with them is responsible for their sponsorship.

## 2.4 Immigration Requirements for New Businesses

Unlike many jurisdictions, businesses in the UAE are required to fulfil certain requirements with both the immigration authorities and the Ministry of Labour & Social Affairs (the Ministry) This is a necessary procedure and is not optional. Below are details of these requirements.

### 2.4.1 Business Registration with the Immigration Authority: The Immigration Card of the Business

Businesses have to register the business by opening a file at the Immigration Department (as well as at the Ministry of Labour & Social Affairs) as soon as it obtains its trade licence. Without this the business will not be able to recruit staff.

An immigration file can be opened by submitting the prescribed application form, (which must be typed and submitted through Injaz programme, stamped with the company stamp and signed by the local partner or national agent), together with the following documents:

- Copies of the passports of the authorized signatories and the owners of the business,
- Original trade licence (and copy),
- Appropriate fee (currently AED 600).
- Copy of the telephone bill
- Map of the location of the business

Upon satisfaction of the above, the new business will be issued an immigration card, which is renewable every 3 years. Such renewals are conducted by submitting the same documents and fee to the immigration authorities as outlined above.

#### **2.4.2 Business Registration with the Ministry of Labour & Social Affairs: The Establishment / Labour Card (the Labour Card)**

All businesses that wish to employ staff and submit visa applications on their behalf must register with the Ministry by opening a file for the business with the Ministry. Where a business is employing an individual, it will first need to obtain the Ministry's approval to do so before it can apply for any visas on the individual's behalf, where applicable. Such applications therefore cannot be made without first registering with the Ministry. Once the business has registered with the Ministry, it will be issued with an Establishment Card.

The fee required is AED 1000

##### **Documents required:**

- Copy of trade licence copy
- Application form
- Copy of partner's passport
- Copy of civil registration for local sponsor or partner.
- Copy of the location map
- Copy of memorandum of association for L.L.C companies

#### **2.4.3 Representative Cards: Immigration & Labour**

All businesses must appoint a representative to deal on their behalf with the immigration and Labour departments, as individuals will not be allowed to deal on the business's behalf at the Immigration or Labour authorities without first obtaining representative cards from each respective authority. Such representatives will be required to be employed by the business itself. A representative card can be obtained by filing two copies of the prescribed application form (which must be typed and submitted through Injaz programme) at both the Immigration Authority and the Ministry along with the following:

- Copy of the business's trade licence
- Copy of the intended representative's passport and residency visa
- Two colour passport size photographs of the intended representative
- Copy of establishment card
- The appropriate fee (currently AED 400 and card valid for two years)

#### **2.4.4 Transit Visa Cards**

It is advisable for all businesses to obtain a transit visa option in their Immigration Card. This allows a business to obtain 14 day transit visas for clients and other contacts that may be visiting.

This option can be added only to the card after at least three months from the date the business commenced operations.

- A letter to the head of the inspection section explaining the requirement for such option.
- Copies of authorized signatories passports and copies of their residence permits (the expatriates).
- Copies of the telephone bills for the last three months (original for verification)
- Evidence of the level of business including copies of the sale and purchase bills.
- The application fees of AED 100.

Upon receiving the above documents the Inspection Section at the Immigration Authority will set a date for the applicant's business premises to be inspected. When the office inspection has been carried out and providing the inspectors are satisfied that the application is in order, the approval fee will then be due, amounting to AED 300 and the transit visa option is then added to the immigration card

#### **2.4.5 Visit Visa Cards**

A business may obtain a visit visa option to allow it to obtain regular visit visas for any person visiting such business. Application for visit visa option may be made by submitting the following to the inspection section at the Immigration Authority.

This option can only be added to the card after at least three months from the date the business commenced operations.

- A letter to the head of the Inspection Section explaining the requirement for such option.
- Copies of authorized signatories' passports and copies of their residence permits (the expatriates).
- Copies of the telephone bills for the last three months (original for verification)
- Evidence of the level of business including copies of the sale and purchase bills.
- The application fee of AED 100.

If the application is accepted, the approval fees will then be due, amounting to AED 600 and then the visit visa option is added to the Immigration Card.

Application for both options may be submitted by one application in exchange for a fee of AED 100. When approved, a fee of AED 900 (300 + 600) is payable.

## **2.5 Miscellaneous Matters**

### **2.5.1 New Born Babies**

If a foreign woman residing in the UAE gives birth, an application for a residence permit must be made on the baby's behalf within four months of the baby's date of birth, failing which, the father or legal guardian of the child must pay a fine of AED 25 for each day after that period until a residence permit is obtained. The same rules apply to foreign women resident in the UAE who give birth outside the UAE. In such cases, it is necessary to apply for a residence visa on the baby's behalf; applications are made to the Immigration Authority. The documents, which need to be submitted, include copies of both the father's and the mother's passports and a copy of the baby's birth certificate attested by the Ministry of Foreign Affairs.

### **2.5.2 Domestic Help**

Maids or domestic help may be obtained either through agencies or directly from abroad. The agency will only provide the maid's passport copy and the employing individual will need to complete the procedures necessary for employment. As domestic helpers are exempt from the provisions of Federal Law No. 8 of 1980 on the Regulation of Labour Relations (the Labour Law), they do not have to obtain a Labour card in order to be employed nor does the employer need to seek the approval of the Ministry for their employment. Therefore, applications for the employment of domestic help are made directly to the immigration authorities on the prescribed application forms provided that the necessary requirements for obtaining an employment visa, as discussed above, are met.

Unlike normal residence permits, residence permits for maids or domestic help are for periods of one year if the sponsor is an expatriate, but if the sponsor is local citizen then the period is two years. It should be noted that only individuals resident and not businesses may employ maids or domestic help. Such individuals will assume the role of the domestic helper's sponsor for immigration purposes, provided they satisfy the conditions stipulated under Article 23 of the Decree, namely:

- Have a monthly salary of at least AED 6,000.
- Pay an annual amount to the state treasury equal to the annual salary of the helper. The helper's monthly salary must be at least AED 400 in which case the amount payable is AED 4, 800.
- The sponsor has not sponsored a domestic helper or a housemaid for one year ending on the date the application is submitted.
- The helper is not related to the sponsor.
- The sponsor resides in the country with his family.

There are additional requirements regarding women who practise certain professions such as in the fields of medicine and engineering.

It is illegal to employ a domestic help who is on someone else's sponsorship. It is not permitted to transfer the sponsorship of a domestic helper to a new employer, unless a period of at least one year has lapsed from the date the helper last left the country. This is pursuant to Article 63 of the Decree which states that when an employment is terminated, the residence permit for employment is considered void and that, *no entry permit or new visa can be issued unless after the lapse of six months from the last date of departure from the country, and for one year for house servants.* <sup>6</sup>

6. Article 63 Federal Law 1973

### 2.5.3 Visa Transference

Those who are already employed in the UAE may only seek new employment by transferring their sponsorship from their current or previous employer to their new employer, or alternatively cancelling their original sponsorship and undergoing the same process as if they were employed for the first time, that is, re-entering the country on an employment visa. There are certain conditions associated with the transfer of sponsorship from one employer to another in the private sector. These include the following:

- The employee must have been employed by the original employer for at least one year.
- The previous employer approves the new employment.
- The new employment is in the same profession as the previous one.
- The employee holds a valid residence visa.
- The employee's title should be from the categories for which visa transfer is permitted.
- The Ministry approves the transfer, unless the employee is not subject to the Labour law such as domestic help.
- The new employment is the same as the previous one.

The documents required for transferring one's employment sponsorship to a new employer are the following:

- The duly completed prescribed application form
- Copy of the labour card
- Copy of the establishment card for both sponsors
- Copies of the business trade licence for both sponsors
- A copy of the employee's passport and residence visa (stamped on the passport)
- Copy of the employee's degree and/or professional certificates attested by the Ministry of Foreign Affairs.
- The appropriate fee (currently AED 200 on submitting the application and AED 1500 when approved)

Once the application is approved the Ministry of Labour will issue three letters to the new sponsor; the first contains a list of all the documents required to proceed with the transfer; the second is an undertaking from the previous sponsor that he paid all the entire employee's dues, signed by the employee to confirm the same; the third contains the approval and payment codes. Once the approval fee of AED 1500 is paid, and the requirements stated above are met, the procedures to obtain the Labour card and visa can be commenced.

The employee will also need to obtain a new residence visa as explained above and within the 60 day prescribed time limit starting from the date the transfer was effected.

## 2.5.4 Lost/ Damaged Passports

If one has lost or damaged one's passport, the Director of Naturalization & Immigration should be informed within three days from the date of the incident<sup>7</sup>

7. Article 15 of the Federal Law No (6) Immigration Law 1973.

## 2.5.5 Health Requirements & Health Service

No health certificates are needed for entering the UAE. This may, however, change from time to time and so it is recommended that all visitors check this before their departure. It is advisable for all persons travelling to the UAE to ensure that they have inoculations against the following diseases:

- Typhoid
- Hepatitis
- Tetanus
- Polio

Malaria tablets are optional, because it is generally believed that the dry climate eliminates the risk of the disease. All visitors should, however, obtain specific medical advice before departure.

The UAE has a highly advanced and efficient medical health service. All residents in the UAE are entitled to receive medical treatment from the government hospitals.

In order to receive such treatment, it is necessary to apply for a medical card. This involves completing the prescribed application form provided, attaching a copy of one's passport (including the residence permit page) and paying a fee of AED 300. Medical cards are renewable annually for a fee of AED 300. The medical services available range from general consultations to childbirth and dental care.

Emergency health treatment is nevertheless free of charge for everyone, be they visitors or residents, although follow-up treatment is chargeable.

## Checklist of Documents

Below is a checklist of the documents individuals should bring with them, when moving to the UAE.

- Passport
- Driving licence, national and international, if any
- Examination certificates
- Certificates of membership of professional organizations
- Letters of recommendation from previous employers
- Marriage certificate (this should be legalized and authenticated)
- Birth certificates (for children).

It is also important to have a large number of passport-sized photographs, as the submission of most documents and applications in the UAE require accompanying photographs.

## Company Profile

Al Tamimi & Company Advocates & Legal Consultants

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