

Middle East: Employment Law and Immigration Roundup

20 April 2021

In brief

We have seen a continued trend in the UAE to attract further business and tourism to the country, with the announcement of new visa categories which will allow for remote working across the country and a longer-term tourist visa.

Key labour reforms in the Kingdom of Saudi Arabia came into effect, which improve conditions for workers whilst simultaneously increasing the visa requirements for foreign nationals and other nations part of the Gulf Cooperation Council (GCC) continue to implement changes whilst battling the pandemic.

In detail

The United Arab Emirates (UAE)

Remote Working Visa

Following on from the announcement in October 2020 by Dubai Tourism, introducing the Virtual Working Programme in Dubai, the UAE Cabinet has further announced the introduction of a Remote Working Visa for the UAE, allowing foreign nationals to work and live in the country whilst employed by their employer in their home country. Details of when the visa will be introduced and the exact requirements are yet to be announced.

It is understood that the visa will be valid for one year and will also allow for the sponsorship of dependents. The visa is unique in the sense that it does not require local company sponsorship, as is the case with Employment Residence Permits in the UAE.

The move demonstrates the willingness of the UAE government to attract expats into the country, where they will be able to benefit from all the perks that the country has to offer; including the nation's reputation in being a global business and digital hub in the Middle East. Since the start of the pandemic, countries around the globe have had to think about remote working, with the UAE leading the way in terms of making provision for a specific immigration category.

Multiple-Entry Tourist Visa

In the same announcement by the UAE government, the introduction of Multiple-Entry Tourist Visas was also approved for all nationalities to 'strengthen the UAE's status as a global economic capital' as noted by His Highness Sheikh Mohammed bin Rashid Al Maktoum.

The new visa aimed at visitors and tourists will be valid for five years and allows multiple entry under self-sponsorship for a maximum period of 90 days on each visit. This may also be extended for a further 90 days if required. It also does not require the need for a guarantor and allows for visitors to enter and exit the country as many times as necessary. We await more information regarding the application process, and documentary evidence that may be required in support.

Dubai Culture to grant ten-year residency visas

The Dubai Culture and Arts Authority has confirmed that it will be granting the approval of ten-year cultural visas to 1,000 applicants globally. The measure which was first announced in 2019 has already been well received by 261 applicants who have filed applications from 46 countries with Dubai Culture.

The authority has already formed an agreement with the General Directorate of Residency and Foreigners Affairs in order to establish an alliance with issuing the cultural visas for entrepreneurs, investors and talented individuals who qualify. Some of the eligible criteria for the long-term cultural visa include those with creative talent in the fields of fine art, literature, heritage and history.

The Kingdom of Saudi Arabia (KSA)

Further to our GCC update in November 2020, the Ministry of Human Resources and Social Development's (MHRSD) announcement to reform Saudi Arabia's 'kalafa' sponsorship system, by easing restrictions to travel in and out of the Kingdom and abolishing the requirement of workers in the private sector to request permission from their existing employers to change jobs in certain situations, officially came into effect on 14 March 2021.

The new measures (under the Kingdom's Labour Reform Initiative) that are now in place include the following:

1. Removing the requirement for foreign nationals to procure consent from their sponsors to apply for the Exit Re-Entry Visa prior to travelling internationally

Traditionally, the onus would be on the employer to issue an Exit Re-Entry Visa on behalf of the employee in order for the employee to be able to travel. However, under the new measures, the foreign national may procure the visa through the Absher platform and also on behalf of any dependants. Companies will be notified about the request and have ten days to object to it with the MHRSD. However, they are unable to reject the request directly.

2. Removing the requirement for foreign nationals to procure consent from their sponsors to apply for their Final Exit Permit from the Kingdom

Similarly to the Exit Re-Entry Visa, in order to obtain the Final Exit Permit, employees no longer require the consent from their sponsor before permanently leaving the Kingdom. However, the change does not apply to domestic workers. Employees may apply for the Final Exit Permit from the Absher platform and once approved, must ensure that they exit the country within 15 days of issuance of the permit. This varies to the usual 60 days granted when the permit is applied for by the employer directly.

3. Easing the transfer of sponsorship in order to allow for employees to switch employers without the requirement of the current employer's permission, in the instance whereby an employee's contract has ended and if at least one year of service has been completed from the date of arrival into the Kingdom

Even if these conditions are not met, the employee may still be able to change employers under the following scenarios:

- in the instance that the employer approves so;
- in the instance where the salary of the employee has not been paid for three consecutive months;

- where the employer does not provide a notarised employment contract within three months of the foreign national's entry date;
- in a situation whereby the employee's residence permit/iqama has expired and the employer has failed to renew it; or
- if the sponsor is away due to travel, imprisonment or unavailable.

Launch of Professional Verification Scheme

On 14 March 2021, the Ministry of Human Resources and Social Development (MHRSD) announced the introduction of the Professional Verification Scheme (PVS), which is due to be implemented in July 2021.

The new measure means that foreign nationals in select roles may be required to undergo an examination in order to verify that they are in fact qualified and skilled in their required role. The PVS has been introduced as part of the government's measure to reduce the number of unskilled workers in the labour market, improve the existing quality of skilled labourers, and to enhance overall service within the private sector.

Applicants will be required to sit mandatory examinations which the MHRSD is cooperating with the Ministry of Foreign Affairs and Technical and Vocational Training Corporation on. Those individuals applying for a work visa from outside the country must pass the exam before proceeding with their visa application. For those employees already in the country, their respective employer will be required to register their workers for the exam.

Kuwait

Ease of visa transfer restrictions

Following on from the announcement by the Public Authority for Manpower in August 2020, issuing a directive to ban the transfer of government workers to the private sector, the Authority has now announced an easing on most of the restrictions for the transfer of visas for expats working in certain sectors.

A new decree now allows for individuals working in the government sector to transfer their visas to the private sector with the permission of their current sponsor, however it does not apply to employees on government contracts.

Grace period for visa violators

The Ministry of Interior has announced that the grace period for those who have expired visas will be extended for one month, allowing them to amend their status. Given the disruption caused by the COVID-19 pandemic and the closure of the Public Authority for Manpower, the grace period has been extended to give expats more time so that they may continue to reside in Kuwait.

The Kingdom of Bahrain (Bahrain)

Digital COVID-19 passport

Bahrain has become one of the world's first nations to introduce a digital COVID-19 passport. The country's 'BeWare' app displays a green shield and an official certificate containing the individual's personal details, as well as when the vaccine was provided.

The nation has been providing its residents with the COVID-19 vaccine free of charge. Holders of the digital passport must have received two doses of the vaccine, followed by an additional two weeks for antibodies to develop. Authorities are able to confirm the validity of the passport by scanning a QR code, linking to the national vaccine register.

The takeaway

As other nations in the GCC have tightened their immigration rules in recent months, the UAE has further expanded its range of visas, providing wider options to individuals all over the world to visit, live and work in the country.

Labour reforms in KSA signal major changes for both employers and employees alike, and they form a continued drive to expand Saudization measures this year. The introduction of a digital COVID-19 passport in Bahrain is one of the first of its kind, and we will monitor the impact of such a passport, whether other countries will also roll out a similar digital passport, and how this will affect travel as we move into the second quarter of 2021.

Let's talk

For a deeper discussion of how this impacts your business, please contact your Global Mobility Services engagement team or one of the following professionals:

Global Mobility Services – Middle East

Mark Schofield
PwC Middle East, Tax and Legal Services Leader
mark.d.schofield@pwc.com

Darren Harris
PwC Middle East, Legal Services Leader
darren.harris@pwc.com

Anir Chatterji
PwC Middle East, Immigration Leader
anir.chatterji@pwc.com

Natalie Jones
PwC Middle East, Employment Leader
natalie.j.jones@pwc.com

Global Mobility Services – Global

Leo Palazzuoli
PwC United Kingdom, Global Leader
leo.palazzuoli@pwc.com

Meet the [Global Mobility Services global leadership team](#)