

# legal clinic

PRO BONO LEGAL ADVICE

## Visit Visa

Thanks for your valuable answering. I have been working in Kuwait private sector. My monthly basic salary is KD 675, so, I am eligible to bring my family through visit visa my wife (38 years old), daughter (13 years old), son (4 years old). If I apply family visit visa for above mentioned three persons how many months can they stay in Kuwait? And is it possible to get visit visa for three persons?

## Name withheld

**Answer:** The three mentioned in your submission are your immediate family members and hence can get visit visas with 3-month duration. You will have no problem getting visas for the three at the same time.

## Sick Leave

I need to know if sick leave days 15 days calendar or working days.

## Name withheld

**Answer:** Sick leave can only be authorized by a medical doctor and it is granted to a worker to undergo treatment or to recuperate. To answer your question 15 days means 15 days and not working days.

## Resignation

I am currently working at a retail center since May 2016. I need to know something. My company required notice period of 3 months when someone resigns. If I want to resign in 18 months, I have to give resignation in 15 months right? Sir, can you tell me as per the Labour Law what kind of payments/rewards I can get from my employer when I resign as I mentioned?

## Name withheld

**Answer:** As per the Labour Law, you will not be entitled to an indemnity because you would have put in less than three years if you resign in 18 months time as indicated. You will however be entitled to be paid any leave balance not made use of.

## Visa cancellation

I have been working in Kuwait for the past 8 years. Now I am planning to move to Malaysia since all my family members are there. Now if I go to Malaysia without cancelling my work permit in Kuwait will there be any problem in getting an employment visa in Malaysia due to non-cancellation of visa from here.

## Name withheld

**Answer:** Unless you have some hidden motives, there is no reason why you should not cancel your work permit before leaving Kuwait. Even though you can leave the country without cancelling your residence and work permits, you will face problems if in future you decide to return to Kuwait.

Our advice to you is, go through all the necessary processes demanded of all who are leaving Kuwait for good.

## Release

Please I'm sorry for disturbing you again ... please reply to my previous question if the company has the right not to release the employee even if she's working 10 consecutive years in the company ... because the company said I cannot resign until February 2018 because of their close contacts from shoun.

## Name withheld

**Answer:** No, the company has no right to deny you a release. We make this assertion on the assumption that you have an open-ended contract with your company. If our assumption is correct, then we advise that if you still intend to resign, go ahead and do it and give them the 3-month mandatory notice.

If the company insists on not accepting your resignation, file a complaint with Ministry of Social Affairs and Labour through the Labour Department in your area. Forget about the so-called contacts your company has with 'shoun', for these contacts, cannot stand in your way when the law is on your side.

## Family Visa

I am working in a hospital under the Ministry of Health. I tried family visa for my wife. She was unfit medically. They told me to try after six months. Now 3 months only completed. I plan to bring her to Kuwait on family visa. Is it possible? If she will come on visit visa, is there any chance to change it as a family visa?.

## Name withheld

**Answer:** We don't know the circumstances under which you were told to try again after six months even though your wife had previously failed her medicals. Granting that you were actually told to try again after six months, you will be going against the advise if you do it

in 3 months and the possibility exists for your application to be rejected again. On the issue of the visit visa, we are sorry to state that under current regulations you will not be able to change a visit visa into a dependant visa. This is only possible for infants not more than two years old.

## Ground floor

I am living in the ground floor of a old building in Mangaf. Has there recently been a rule passed that all ground floor tenants are to vacate by April 25?

## Name withheld

**Answer:** To the best of our knowledge, no such rule has been made and indeed we cannot hazard any tangible reason for such a blanket rule to be made. Even if there is a need for such a rule, it may target specific buildings and not all buildings as the rumour currently has it according to you.

## Notice period

I am working as an Administrative Assistant in reputed company in Kuwait. I have not been paid for the last 3 to 4 months.

I heard that according to Kuwait Labour Law an employees can leave current company without serving notice period time if the employer fails to pay salary for more than 3 months.

So, my query is that is it true and can I get my salary after my resignation without serving notice period as per the Labour Law.

I request your legal team to guide me as I am in deep trouble.

## Name withheld

**Answer:** The Kuwait Labour Law permits immediate abrogation of a contract if certain conditions are not met by either side. Non-payment of salary for a certain duration of time is one of the conditions that can lead to immediate abrogation of the contract.

We must however point out that as an employee, you cannot do this abrogation on your own but have to file a complaint with the Ministry of Social Affairs and Labour through the labour department in your area. From there the necessary processes will be initiated to help you retrieve your unpaid salaries and also ensure the abrogation of the contract without the three-month notice period

## Validity period

I am working as an engineer and I meet the salary criteria for sponsoring dependent visa for my wife. I heard from my friends that the validity of the dependent visa has been reduced from 3 months to 1 month. However I couldn't find any authentic information on this.

Kindly inform me the latest validity period for dependent visa (i.e., 1 month or 3 months).

Also, once the medical test is done in our home country (which is India in my case), starting from the date of the medical report, within how many days should we enter into Kuwait. I am desperate to know this as it will help me to plan and make arrangements properly.

Further, after entering Kuwait, within how many days should I complete the remaining formalities such as, finger print, medical, insurance, residency stamping and civil ID.

Awaiting your kind response.

## Name withheld

**Answer:** To the best of our knowledge, the validity period for a dependent visa remains 3 months from the date of issue and for a visit visa one month. But to be on the safer side of the law, the validity period is always written at the tail end of the visa and we advise that you check this to make assurance doubly sure. To your second question your wife has sixty days upon entry to complete the remaining formalities to enable her become a legal resident in Kuwait.

## Visa transfer

My wife has been in Kuwait with me for 5 years now. She has now got a job.

With the current rules, is it possible to convert the dependent visa #22 to work visa # 18.

## Name withheld

**Answer:** Yes it is possible to convert dependent visa (22) to work visa (18) Indeed the only change made recently on visa 22 is that in the event of a divorce the woman will not be allowed to transfer her dependent visa to work visa but will have to cancel her residence permit and leave Kuwait.

The Arab Times invites questions on all aspects of Kuwaiti law. If you face a problem, or need specific advice on any legal matter, from commercial and investment law to divorce and labour, send questions to the Managing Editor, Arab Times, P.O. Box 2270, 13023 Safat, Kuwait, or Fax to 24818267. E-mail: arabtimes@arabtimesonline.com



A delegation of representatives from various departments of Kuwait University Sunday visited Sabah Al Salem University City project site. The aim of the visit was to get acquainted with the policy of choosing furnishing works for the components of the project in Shaddadiya. The visit saw the attendance of representatives from the Office of Vice-President for Planning, Office of Assistant Secretary General for Facilities Management Affairs and the housing and furnishing departments.

# 'Number of Kuwaitis in the private sector down from 21.5 to 19.5 pc'

Group calls for prioritizing national interests

**KUWAIT CITY, April 23:** Official data proved that the government failed to rationalize expenditures especially the salary item, as the number of nationals employed in the public sector increased from 78 percent in fiscal 2013/2014 to 78.8 percent in fiscal 2014/2015 and 80.5 percent in fiscal 2015/2016, reports Al-Qabas daily.

The official data also showed that the number of Kuwaitis working in the private sector decreased from 21.5 percent to 19.5 percent during the same period.

The Central Bank of Kuwait issued statistics based on official information indicating it is difficult for the government to continue merging national employees in the public sector from 2017 to 2020. The statistics also showed that 75,000 individuals are expected to join the workforce in the next four years.

Meanwhile, some of those closely following up the local labor market pointed out that Kuwaiti graduates seem to have no other option but to take public sector jobs considering there are about 18,600 new employees per year.

## Economic

They also cited the dwindling number of Kuwaiti employees in the private sector due to the State's control over economic utilities.

The government is currently implementing a program for supporting national workers; including the referral of expatriate workers for retirement and replacing them with Kuwaitis, submission of revised salary scales to the Civil Service Commission, and issuance of a new employment law that requires applicants to take exams so only those who pass will be employed.

Meanwhile, group of 80 (G-80) General Coordinator Adel Al-Zewawi called for prioritizing national interest as well as veering away from tribalism and racism, indicating that protecting the country and maintaining its stability within the region and international community are the responsibilities of everybody, reports Al-Qabas daily.

Al-Zewawi explained the group was formed not only to tackle citizenship forgery but also to discuss all issues related to corruption which has eaten deep into the fabrics of government departments. He reiterated the project being executed by the group is reform-oriented, so the notion that it is fighting against tribes is wrong, especially since it consists of people from different societal strata.

He disclosed HH the Prime Minister Sheikh Jaber Al-Mubarak Al-Sabah welcomed the group warmly when they had a meeting with him. He quoted the Prime Minister as saying "May Allah bless whoever correct my inadequacies", regardless of the rate the group criticizes the government. He observed that some media outfits are playing out cards of selfish people and some non-Kuwaitis have hijacked the media in a way which could lead to embarrassment rather than benefit.



Above: Some photos from the event.

Photos by Leah Qurtal

## Closing ceremony of Ibtikar Al-Kuwait Competition held

Under the patronage of His Highness the Amir Sheikh Sabah Al-Ahmad, who was represented by Minister of Social Affairs and Labor and State Minister for Economic Affairs Hind Al-Sabeeh, the closing ceremony of Ibtikar Al-Kuwait Competition was held at Salwa Al Sabah Theatre and Hall.

During the ceremony, the final qualification results of participants from GCC countries were announced in the presence of a number of sheikhas and dignitaries.

In her speech, Minister Hind

Al-Sabeeh affirmed that the patronage of His Highness the Amir of the competition reflects his infinite care and support for innovators in general particularly girls, as well as his encouragement towards scientific researches and enhancement of innovative and creativity skills.

She stressed the keenness of Kuwait for scientific competitions based on the framework of execution of the His Highness the Amir's vision to transform Kuwait into an international commercial and financial hub.

The minister indicated that the initiative is important because its vision is based on investment in women resources to create a conscious generation.

On her part, Chairwoman of Al-Saad Foundation Sheikha Fadyah Saad Al-Abdullah corroborated Minister Al-Sabeeh's sentiments that the foundation complements the government's work under the vision and guidelines of His Highness the Amir, adding that it aims to empower women in different developmental fields.