

# legal clinic

PRO BONO LEGAL ADVICE

## License transfer

Can you please advise on the legality of driving license transfer from Oman to Kuwait as I am working as secretary with KD 250 salary.

I have a valid GCC driving license from Oman issued in 2015.

## Name withheld

**Answer:** As per Traffic Law Articles and Provisions, Executive Regulation No. (76/67), and Amendments you can replace any GCC states license with Kuwaiti driving license as long as your license is not expired.

Following are the documents required: Copy of the Civil ID, copy of the passport, two personal photos (4x6 cm) with blue background, blood type certificate.

Procedure: Visit the General Traffic Department in the governorate you refer to and submit the required documents. Fill the service application form. Obtain the stamp of Coordination and Follow-up Department. Have the medical check-up. Pay the fees due.

## Indemnity

I am daily reader of the Legal Clinic. I really appreciate the help provided by you on all the legal issues.

I am terminated and serving the 3 months' notice period now.

I am regularly being paid KD 1,000 as salary in bank (last 11 months) and my work permit has KD 750 as salary mentioned.

Now my company says it will pay me only KD 750 for the notice period (3 months) and use KD 750 for the indemnity calculation and balance leave payment.

Which one is the correct amount? The one I get regularly in the bank or the one in the work permit.

Your speedy response will be highly appreciated.

## Name withheld

**Answer:** Your company is wrong they have to pay you indemnity on your last drawn remuneration (salary and allowances) hence 3 months notice and leave balance payment should be on KD 1,000 as your bank transaction shows. If they don't pay you, you can go to Labour Court with bank statement.

## Baby's residence

I am working for a private sector company. My salary is KD 250. My wife is on my dependent visa. We are expecting a baby in May 2017 to be delivered here in Kuwait. What rules will apply for my baby to get residence. I am worried if the new KD 450 rule is applied. Please tell me current status rule of new born baby residence.

## Name withheld

**Answer:** You will not have a problem in applying for a residence permit for your baby since your wife is already on your dependent visa. The KD 450 salary cap rule which came into effect on Oct 12, 2016 is not applied retroactively.

## Driving license

I got my driving license in 2013 and at that time my visa was under Article 20 and in June 2014 I cancelled my visa and went back to my home country. I returned to Kuwait on an Article 18 visa (work permit) in November 2014 as a technician.

The Traffic Department advised me that my license had been cancelled along with my visa and that I would have to wait two years for apply for a new license with designation driver. After 1 year, in 2015 I changed my designation to driver as two years had been completed.

I want to apply for a driving license again as my designation is driver and I am on Article 18. Can I do so?

## Name withheld

**Answer:** Yes, you can apply for the driving license. But you will have to undergo the driving test again. You shouldn't have too many problems getting the license ...if you pass the test.

## Visa for daughter

Me and my husband are working in Kuwait. My salary is KD 300 and my husband's salary is KD 110. Can we bring our 3-year-old daughter to Kuwait?

Can we convert a visit visa to dependent visa. Can we combine our salaries.

## Name withheld

**Answer:** You can bring the child to Kuwait on a visit, if you apply for the visa and not your husband. But you will not be able to transfer the visit visa to dependent visa as this can only be done for children who are two years and under.

Even getting a dependent visa for the child will not be possible as husband and wife can't club their salaries and even if you were allowed to do so you won't reach the figure of KD 450.

The only alternative is to apply to the head of the Immigration Department who has the power to allow you to get the visa, as you are both working in Kuwait, by waiving the requirements.

## Factory visa transfer

I have one doubt: my current visa status is Article 18 but its mazara (factory). Is there any

possibility of converting it into company visa?

## Name withheld

**Answer:** According to the latest laws you can't transfer a factory visa to a private sector company visa.

## Baby's residence

Me and my wife have been working in Kuwait for 8 years and we are holding visa Article 18 (work permit). My wife's salary is KD 500 and mine is KD 250.

We recently had a baby in Kuwait but we are having problems getting a visa for our son?

## Name withheld

**Answer:** You are facing this problem because you don't meet the salary requirement of KD 450 and couples are now — after the latest decision — not allowed to club their salaries.

The only alternative you have is to get an application to the head of the Immigration Department. He has the authority to approve visas in such cases.

## Sponsor grandchild

I have a son who has legally married, with the couple working in Kuwait salary of KD 120 each. For humanitarian reasons, I took their children, aged 2 and 3 years, on visit visas on my sponsorship as a grandfather.

I want to know if it is possible to get dependents residence for my 2 grandsons as my salary is KD 1,300. I also have a wife and a 10-year-old son.

## Name withheld

**Answer:** Sorry, you are not allowed to sponsor your grandchildren, especially since you are not the children's guardian and their parents are already working in Kuwait.

The only alternative your son has is to apply, on humanitarian grounds, to the head of the Immigration Department. Only he has the authority to grant visas in such cases.

## Fixed-period contract

I am working in a private company and my contract is a closed end contract (I can't leave the company during the contract period). In a closed contract, is there any time period to inform the company or I can inform the company that I don't wish to continue only a month before it expires.

## Name withheld

**Answer:** You have to inform the company three months in advance, unless the company accepts a shorter notice, that you will not be renewing your contract.

## Baby's residence

These questions are regarding a married couple, a Spaniard and a Canadian, currently living in Kuwait.

On your website, <http://www.arabtimesonline.com/news/residence-new-born/>, it's stated that Civil IDs of both parents are some of the documents required to obtain a residence for a newborn. Is it possible to obtain a newborn's residency with the father having a civil ID and the mother on a visit visa?

The husband's contract may finish shortly after the baby is born. Is it possible for parents to give birth to their child in Kuwait and then travel out of Kuwait with their newborn having a passport but no residency?

## Name withheld

**Answer:** You can't get residence for your child unless both the parents are residents in Kuwait.

And yes, the wife can deliver in Kuwait while on a visit visa and if you can't get residence for the baby, you will have to take the child out of the country within 60 days of its birth after getting permission from the Immigration Department.

## Release

I am working in a private company since 26 March 2013. Actually I was recruited from India. Now I have got a better offer from another private company and I need to resign from my current company.

So my doubt is whether I can get a release from my company. So please clarify my doubt and let me know what the new rules say on getting a release.

## Name withheld

**Answer:** According to the latest decision on the subject, you are entitled to get a release after three years service. And if the company refuses to give you a release you can approach the Ministry of Social Affairs & Labor (through the Labor Office in your area).

But still you may or may not get the release as this is totally at the discretion of the ministry but the greater chances are that your transfer will be sanctioned.

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



Hawally Governor unfurling the National Flag.



# Flag-hoisting events mark HH Amir's ascension to power, nat'l festivities

Ceremonies held across all six governorates

By **Abdulnasser Al-Aslami**  
Al-Seyassah Staff

**KUWAIT CITY, Jan 29:** All six governorates of Kuwait held flag-hoisting ceremonies to celebrate the 11th anniversary of His Highness the Amir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah's ascension to power, and mark the launch of celebrations of National Days on the occasion of the 56th Independence Day and 26th Liberation Day of Kuwait.

During the ceremony in Capital Governorate, Rtd Lieutenant General Thabet Al-Muhanna affirmed that the hoisting of Kuwaiti flag symbolizes unity and strength.

He stressed that it coincides beautifully with the anniversary of the Global Humanitarian Leader and the Amir of Kuwait His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah's ascension to power.

Governor Rtd Lieutenant General Al-Muhanna said, "The hoisting of Kuwaiti flag represents our approach concerning our wonderful celebrations to mark the 56th Independence Day and the 26th Liberation Day of our country. It is with utmost appreciation and gratitude that we have for such huge crowd of diplomatic representatives, citizens and journalists with us".

## Commitment

During the ceremony in Hawally Governorate, Governor Sheikh Ahmad Al-Nawaf praised His Highness the Amir's diligence and commitment for social building from inside, and to preserve national solidarity and unity, especially in this time when the region is undergoing challenging political storms.

Governor Sheikh Ahmed said the development and upbringing of youths and the focus on cementing patriotism and national spirit have given them the opportunity to look forward to a brighter future while holding tools that can eliminate any obstacles that would be in their path.

During the flag-hoisting ceremony in Ahmadi Governorate, Governor Sheikh Fawaz Al-Khaled described the occasion as "a matter of pride for everyone living on this land to be part of the celebration".

The governor extended his greetings and congratulations to the people of Kuwait, especially the residents of Ahmadi Governorate.

He elaborated the achievements of the governorate throughout the years and its role within the society in various aspects.

Governor Sheikh Fawaz praised the journey that His Highness the Amir of Kuwait has led Kuwait since his ascension to power. He wished happy celebrations to His Highness the Amir, all political and social leaders, and the people of Kuwait.

During the flag hoisting ceremony in Farwaniya Governorate, Governor Sheikh Faisal Al-Hamoud expressed his jubilation over the National Day celebrations, which is preceded by the 11th anniversary of the Global Humanitarian Leader and His Highness the Amir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah's ascension to power.

In his speech, Sheikh Faisal described the event as "a symbol of unity and harmony among the people of this country, renewal of allegiance and loyalty to the leadership, and belongingness to the nation".

He prayed for Almighty Allah to continue blessing this country and its leaders with peace, love and harmony.



Above: Flag-hoisting ceremonies held in all governorates. Photos by Rizk Taufiq, Mohammad Morse and Mahmoud Jadeed

In Jahra Governorate, Governor Fahad Al-Ameer led the public in the flag-hoisting ceremony, which was held at the Red Palace.

He described the occasion as "a symbol of pride and glory for the forefathers of this nation, and also for the people of Kuwait who are always aspiring for a better future for them and for the coming generations".

Governor Fahad Al-Ameer urged the people of Kuwait to always remember the sacrifices that were made by those who lived before them. He called upon them to always make sure that everyone is working for a better tomorrow under the wise leadership of its leaders.

In Mubarak Al-Kabeer Governorate, Governor Ahmad Al-Rajeb led the public in the

flag-hoisting ceremony. He declared that the tagline of this year's celebrations of Mubarak Al-Kabeer Governorate will be "My allegiance is Kuwait and I belong to Kuwait".

Governor Ahmed Al-Rajeb said, "We have to protect Kuwait with ourselves. We ought to always defend it from any evil".

He revealed that this year's celebrations will include 3km marathon and many other activities which will be held in Adan garden as well as an opera in Jumeirah Messila Hotel.

Meanwhile, Sabah Al-Ahmad Heritage Village has introduced a series of programs to mark the beginning of the annual National Days festivities, continual competitions in the 4th GCC Popular Heritage Festival, and spring

vacation in schools, reports Al-Seyassah daily.

According to the organizing committee, the programs include cultural, recreational and heritage activities, performances and competitions in which numerous Kuwaitis and GCC nationals are participating.

The panel of chefs that judged the cooking competition include specialists such as Abdulrazzaq Al-Seyyid, Tahani Al-Qames and Mohammad Al-Mutawa, while Nawal Failakawi and Osama Al-Jassem served as supervisors.

The new initiative added to this year's competitions is the "Village Prize" that qualifies visitors for being part of the raffle draw that could enable them to win valuable prizes.