

Qatar

Final

Tuesday, 03 November 2015

Act No. 21 of 27 October 2015 which regulates the entry, exit of expatriates and their residence

I, Tamim Bin Hamad Al Thani, the Emir of Qatar,

Having reviewed the Constitution;

The Labour Code promulgated by Act No. 14 of 2004 and its amending laws;

Act No. 4 of 2009 which regulates the entry and exit of expatriates, their residence and sponsorship; and

the proposal of the Minister of the Interior,

the bill submitted by the Council of Ministers; and

after having consulted the Shoura Council,

hereby decree the following law:

Chapter One

Definitions

Section 1

In applying the provisions of this Act, and unless the context reflects another meaning, the following terms shall have the meaning as assigned thereto:

“Ministry” means the Ministry of Interior;

"Minister" means the Minister of Interior;

"Competent Authority" means the competent administrative unit at the Ministry;

"Recruiter" means a body, employer, head of family, or host who recruits a worker from abroad, or to whom the residence is transferred in accordance with the provisions of this law.

“Expatriate” means any non-Qatari person who enters the country for work, residence or visit or for any other purpose.

“Visa” means an authorization for an expatriate to enter the country.

“Travel document” means a document which is issued by the competent authority in the worker’s country of origin, or any other authority which is recognized. It shall be used as a passport, and grants its holder the possibility of returning to the country from which he/she travelled.

“Residence permit” means a permit which attests to the expatriate’s identity, and which authorizes him/her to reside in the country in accordance with the conditions determined by this law, its implementing regulation and the decisions putting it to effect.

“Entry & exit stamp” means a stamp which confirms the entry or exit of an expatriate from outlets determined in accordance with the provisions of this law.

“Departure” means the departure of an expatriate from the country after the purpose for which the authorization of entrance or residence has been met.

“Repatriation” means obliging an expatriate to leave the country if a repatriation order is issued in his/her regard.

Chapter Two

Entry and exit of expatriates

Section 2

No expatriate may enter or exit the country unless he/she holds a valid passport or travel document and an entry visa issued by the competent authority, indicating the purpose of entry.

The provision of the previous paragraph shall not apply in the event of departure.

Section 3

No expatriate may enter or exit the country other than through the outlets determined by the Minister therefor, and after having placed the seal of entry or exit stamp on the passport or travel document or through any other mechanism determined by the Minister.

Section 4

The competent authority or any other body determined by the Minister shall issue entry visas in accordance with the provisions of this law. Any of the visas may be revoked after their issuing for reasons relating to the public interest.

An entry visa for an expatriate for the purpose of work shall not be granted unless there is a contract concluded with the recruiter in accordance with the rules determined by law.

Relinquishing visas or disposing of them in any manner by third parties or their circulation shall be prohibited whether their relinquishing, disposal, or circulation was paid or unpaid.

The implementing regulation to this law shall specify the conditions and rules for granting such visas and the duration of each visa.

Section 5

Immediately upon their arrival in the country, and before departure therefrom, ship masters, pilots as well as drivers of vehicles and other means of transport shall provide to the competent authority a list of the names of the crew members of their ships, planes or vehicles, of the passengers and related information. They shall notify the competent authorities of any passenger who does not hold a valid passport, travel document or entry visa, and shall stop them from leaving the ship or airplane, as the case may be.

In any case, the carrier shall return, at its expense, any passenger who does not hold a passport, a travel document or entry visa to the country from which he travelled, or the country of his/her nationality.

Section 6

Directors of hotel and tourist establishments or their mandated representatives shall provide information to the competent authority on persons who were authorized to enter the country through such hotel and tourist establishments. They shall be obliged to accommodate them in the place indicated in the visas, unless there is a need to the contrary. If any person is absent from the place of residence for a period which exceeds forty eight hours without notifying the hotel or tourist establishment, the competent authority should be notified thereof during the 24 subsequent hours. Hotel or tourist establishments shall assume all the obligations towards expatriates.

In any case, any person who provides accommodation to an expatriate shall notify the security department in whose jurisdiction the hotel or tourist establishment or place of accommodation lies, of the name and address of the expatriate within 24 hours as of the time of his/her arrival.

Section 7

The expatriate worker or recruiter shall notify the competent authority of any departure from the country at least three days prior to the exit date.

If there is an objection to the expatriate worker's departure from the competent body or recruiter, the expatriate worker shall have the right to appeal to an appeals committee in charge of the exit of expatriates. The composition, mandate and procedures of this committee shall be determined by ministerial Order.

As an exception to the above, the expatriate worker may leave the country immediately after the recruiter notifies the competent authority of his agreement of the worker's holidays.

~~The committee shall decide on the exit request within three working days, if there is an emergency for the expatriate worker, and upon his/her request submitted thereto.~~

Chapter Three

Residence of expatriates in the country

Section 8

All expatriates who enter the country to reside for any purpose shall obtain a permit thereof from the competent authority.

The recruiter shall comply with the permit procedures and its renewal within a maximum period of ninety days as of its expiry date.

The employer shall return the passport or travel document to the expatriate worker after finalizing the permit procedures or its renewal, unless the expatriate worker requests in writing that the employer keeps it with him, provided he shall return it to him/her upon his/her request.

Section 9

The competent authority shall issue a residence permit to an expatriate in accordance with the provisions of this law. His/her name, photo, signature and identity data shall be printed on the permit which will be issued by virtue of a ministerial Order.

Section 10

A recruiter shall be required to enable an expatriate to address the competent authorities within thirty days as of the date of his/her entry in order to complete the permit procedures, whether it is for residence or for a visit.

An expatriate may not abstain from completing the above procedures.

The competent authority may authorize the recruiter or expatriate to delegate a third party to finalize some of the procedures specified in the previous paragraph.

Section 11

An expatriate who enters the country for a visit or for any other purpose for a period not exceeding thirty days shall be exempt from the obligations specified in the previous paragraph.

An expatriate may not stay in the country after the end of the abovementioned period, unless the authorization is renewed or if he/she obtains residence.

Section 12

The competent authority may grant residence permits to the husband of the person who is licenced to reside and his male children who have not finished their university education until 25 years of age, and his unmarried daughters.

The Minister or his mandated representative may provide an exemption of the above age. The Minister or his mandated representative may also grant a residence permit to the parents of the person with a licence if there is a need therefor.

The competent authority may grant a residence permit to the spouse and children of a married Qatari national or to a Qatari woman who is married with a non-Qatari, in accordance with the law. The residence permit may also be granted to his non-Qatari parents.

The conditions on the granting of a residence permit shall be determined in accordance with the provisions of this section, by ministerial Order.

Section 13

An expatriate whose family was authorized to reside shall submit a residence request for the new born child within ninety days as of the date of birth, or as of the date of entry in the country.

If birth occurs outside the country, and one or both parents have a valid residence, the new born child shall be authorized to enter within six months as of the date of birth. The competent authority may change this duration.

The recruiter of a female expatriate who is visiting shall submit a request to modify the status of her new born child inside the country within sixty days as of the date of birth.

The granting of a residence permit to the children of expatriates who are born in the country shall be in accordance with the conditions and rules issued by virtue of a ministerial Order.

Section 14

An expatriate who was granted residence may not stay outside the country without interruption for a period which exceeds six months unless he/she has obtained an authorization of return from the competent authority, prior to travel or prior to the lapse of one year as of the date of exit. He/she shall pay the specified fees therefor provided that his/her residence has not expired for more than sixty days.

The Minister or his mandated representative may disregard the periods specified in the previous paragraph.

Section 15

During his /her residence in the country, an expatriate shall submit his/her passport or travel document or residence permit to the competent authority, upon request, and provide any information required thereof, within the deadline specified.

An expatriate, if he/she loses or damages his/her passport, travel document or residence permit shall notify the competent authority thereof as soon as he/she finds the loss or damage, and shall request a replacement for the loss or damage.

Section 16

An expatriate, who was granted an entry or a residence permit for a specific purpose or to work at a specific place shall not violate the purpose of the authorization, or leave work with his/her recruiter or to work at an unauthorized place.

An expatriate who performs a few managerial duties at a company in which he is a partner, and who is mandated to sign on its behalf, shall not be considered to have violated the purpose of the residence permit, if he/she has obtained the approval of the competent authority.

Chapter Four

Recruitment of expatriates

Section 17

Persons who are responsible for an expatriate's residence shall be as follows:

1. The employer, with respect to the working expatriate.
2. Head of a family, with respect to the members of his family who are residents with him in the country. A woman's residence may continue to be the responsibility of the head of the family, even if she works.

If marriage ends for any reason, any of the family members may transfer to another recruiter, after the approval of the competent authority, in accordance with the rules issued by virtue of a ministerial Order.

3. Host: with respect to the visiting expatriate.
4. Competent bodies in the country with respect to expatriates who entered the country for another purpose.

Section 18

A recruiter, whether a natural or juridical person, shall meet the following conditions:

1. Be a Qatari national or an expatriate who resides in the country in accordance with the law. If the recruiter is a juridical person, it shall be required to have its central office in the State, or have a branch department affiliated thereto.
2. Be qualified to assume the responsibility towards an expatriate imposed thereon by law.

Section 19

The recruiter shall undertake the following:

1. Notify the competent authority within fourteen days as of the date on which the expatriate left a recruiter or abstained from leaving the country after the revocation of his/her residence

permit or its expiry and the expiry of the period specified in section 8 (2) of this law, or the expiry of the duration of the visit, or the purpose for which he/she was authorized to enter the country.

2. Assume the repatriation cost of the expatriate to his/her country in the cases specified in this law. If there is evidence that the expatriate was working with another body in breach of the provisions of this law, such a body shall assume the cost of his/her repatriation. If the body is unknown, the expatriate shall assume such a cost. If he/she is unable to pay, and has no funds inside the country, the recruiter shall assume such a cost.

In any case, the person who employs any expatriate whom he/ she has not recruited in violation of the provisions of this law shall pay the cost of his/her repatriation, without violating any of the different responsibilities specified in the law.

3. Assume the cost of the burial of the deceased expatriate in the specific burial grounds in the country, regardless of the cause of death.

Upon the request of one of the successors of the deceased or any institution which is responsible for the transfer of the dead body outside the country, the recruiter shall assume the expenses of transfer to the country of origin or to the permanent place of residence of the deceased expatriate.

Section 20

The Ministry may oblige the recruiter of an expatriate worker prescribed by the abovementioned Labour Code, to submit a bank guarantee to ensure that his/her obligations are met towards the Ministry, and the expatriate worker, in accordance with the rules issued by virtue of a ministerial Order.

If the recruiter is a public employee, and has violated his obligations towards the expatriate worker, the Ministry may also deduct the expenses of the expatriate worker's repatriation from his salary and entitlements, in coordination with the place of work.

Chapter five

Changing the workplace

Section 21

An expatriate worker may transfer to another employer before the end of the labour contract, upon the approval of the employer, of the competent authority and the Ministry of Labour and Social Affairs.

Upon the approval of the competent authority, and the Ministry of Labour and Social Affairs, an expatriate worker may transfer to another employer immediately after the end of the labour contract of a limited duration, or after the lapse of five years of work with the employer if the contract is of unspecified duration.

An expatriate worker may also transfer to another employer upon the recruiter's death, or if the juridical person is no longer valid for any reason, upon the approval of the competent authority, and of the Ministry of Labour and Social Affairs.

In any case, no violation of the rights specified for the recruiting employer may be authorized, by virtue of the provisions of the abovementioned law or the labour contract concluded with the expatriate worker.

Section 22

The Minister or his mandated representative shall accept the temporary transfer of an expatriate worker to another employer, if there are pending lawsuits between the expatriate worker and his recruiter, provided the Ministry of Labour and Social Affairs approves, with respect to the worker who is prescribed by the abovementioned Labour Code.

The Minister or his mandated representative shall accept the transfer of an expatriate worker who is not prescribed by the abovementioned Labour Code, to another employer, if there is evidence of the recruiter's abuse, or if it is in the public interest.

Upon the approval of the Minister or his mandated representative, and for the same reasons, the transfer to another employer of an expatriate worker who is prescribed by the abovementioned Labour Code may be accepted, upon his/her request and that of the Ministry of Labour and Social Affairs.

Section 23

Any natural or juridical person shall be prohibited from authorizing expatriates who were recruited by them for employment, to work with other bodies, or employ workers who were not recruited specifically by them.

As an exception from the above, the competent authority may authorize a recruiter to lend his expatriate workers to another employer for a period which does not exceed six months, renewable for a similar duration.

The competent authority may also authorize an expatriate worker to work for some time at another workplace during hours other than the normal working hours, if the recruiter agrees thereto in writing.

In any case, the approval of the Ministry of Labour and Social Affairs shall be required for the categories prescribed by the abovementioned provisions of the Labour Code.

Chapter six

Departure, repatriation, deportation and return

Section 24

An expatriate shall leave the country if he/she does not obtain a residence permit in accordance with the provisions of this law.

He shall also be required to leave the country if the residence permit expires, or is revoked for any reason, or the purpose for which it was authorized is over, within ninety days as of the date of the expiry of the permit, its revocation or the fulfilment of the aim.

An expatriate may, after the approval of the competent authority, return to the country if he meets the necessary conditions for entry, in accordance with the provisions of this law and its implementing regulation.

Section 25

Subject to the provisions of any other law, the Minister may issue a repatriation order of any expatriate, if there is evidence that his/her presence in the country threatens its security or safety inside or outside its borders, or jeopardises its national economy, public health, or morals.

Section 26

If a worker is dismissed on the grounds of discipline, in accordance with the provisions of the abovementioned Labour Code, or in accordance with the provisions of the laws which regulate the affairs of the State's employees, and if the decision has not been challenged before the competent court or if there was a challenge which was rejected by virtue of a final judgment by the competent court, he may not return to the country for work before the lapse of four years as of the date on which he left the country.

An expatriate against whom a final judgment of repatriation or deportation was handed down may return to the country only by virtue of a ministerial decision.

Section 27

The Minister or his mandated representative may grant an expatriate against whom a repatriation order was issued –and who has interests which require time for their liquidation-, a grace period which does not exceed ninety days, renewable for one or several periods of a similar duration, provided he submits a reasonable guarantee.

Section 28

The Minister, when necessary, may place the expatriate against whom a judicial judgment on his/her deportation or repatriation was issued in the place specified for this purpose for thirty days which is renewable for another period of a similar duration.

When the judgment or order specified in the previous paragraph cannot be implemented, the Minister may also impose on the expatriate to reside in a specific place for two weeks, which could be renewed.

The expatriate shall address himself/herself to the security department in whose jurisdiction this specific place lies at the dates set out in the Order which is issued on the matter, pending his/her deportation or repatriation.

Chapter Seven

Entry, exit and residence of some categories

Section 29

The entry, exit and residence of the categories specified in this chapter shall be in accordance with the provisions specified therein.

Section 30

The Minister may issue visas and grant residence permits without a recruiter, for the following categories:

1. Investors prescribed by the provisions of the law which regulates investment of non-Qatari capital in economic activity.
2. Owners and beneficiaries of real estate and housing units in accordance with the law which regulates the ownership and beneficial enjoyment of non-Qataris of real estate and housing units.
3. Any other category determined by virtue of a resolution taken by the Council of Ministers.

Section 31

The following conditions for the issuing of residence permits for the categories mentioned in the previous section shall be as follows:

1. The applicant shall provide the documents which support his/her request.
2. The applicant shall be of good conduct and reputation.

Section 32

The residence period shall be for five years, renewable for one or several periods of a similar duration.

Section 33

Residence may be granted without the condition of employment for the spouse, children, and parents of the person who is authorized to reside in accordance with section 30 of this law.

Section 34

A person who is licensed to reside may leave the country during its validity, without obtaining a permit or authorization.

Section 35

A person who is licensed to reside shall be prohibited from violating the purpose for which he/she was authorized to reside, unless he/she obtains an authorization thereof from the competent authority.

Section 36

If the residence permit expires or if its renewal is rejected, the Minister or his mandated representative may grant the person who is authorized to reside and his family members a grace period to leave the country not exceeding ninety days as of the date of expiry of his residence, or the rejection of its renewal. This period may be extended when necessary.

Section 37

A residence permit shall be revoked for the licensee in the following cases:

1. If there is evidence that he obtained it based on incorrect documents or information.
2. If the licensee's continued residence threatens the security or safety of the country, whether inside or outside its borders, or damages its national economy, public health or morals.
3. If the licensee violates the purpose for which he/she has obtained the authorization to reside, without obtaining an authorization thereof from the competent authorities.

Chapter eight

Penalties

Section 38

Without violating any harsher penalty specified in another law, any person who violates any of the provisions of sections 2 (1), 3, 4 (3), 11(2), 16 (1), 23 (1), 24 (1 &2), 28 (3), and 35 of this law shall be sentenced to maximum imprisonment of three years and a maximum fine of fifty thousand Qatari Riyals or to either penalty.

In case of a repeated infringement, the penalty shall be imprisonment for a minimum period of thirty days and a maximum period of three years, and the payment of a minimum fine of 20,000 QAR, and a maximum fine of 100,000 QAR or to either penalty.

The accused person shall be considered a recidivist if he commits a similar crime within one year as of the date on which he completed the sentence or its lapse by prescription.

Section 39

Without violating any harsher penalty specified in another law:

1. Any person who violates section 8(3) of this law shall be sentenced to a maximum fine of 25,000 QAR.
2. Any person who violates section 19 (1) of this law shall be sentenced to a maximum fine of 50,000 QAR.

Section 40

Without violating any harsher penalty specified in another law,

1. Any person who violates section 6 of this law shall pay a maximum fine of 20,000 QAR.
2. Any person who violates sections 5 (1), 8 (1&2)), 10 (1), 13 (1&3), and 15 of this law shall pay a maximum fine of 10,000 QAR.

Section 41

There may be no stay of execution of the penalty of a fine which is handed down in one of the crimes which is specified in this law.

Chapter Nine

Conciliation

Section 42

The Minister or his mandated representative may agree to the conciliation procedure in the crimes set out in the conciliation schedule annexed to this law before a final judgment in the penal case is handed down, provided the accused pays the sum specified in the schedule which corresponds to the crime of which he/she is accused at a date set down by the competent authority.

If the accused refuses conciliation, or does not execute it, penal proceedings should continue.

Section 43

The officials of the competent authority shall carry out the conciliation procedure in the crimes specified in this law. Conciliation shall be presented to the accused and shall be evidenced in the minutes. An accused person who requests conciliation shall be required to pay the sum specified in the schedule annexed to this law, in return for relinquishing criminal proceedings. The conciliation sum shall be deposited at the Ministry's treasury.

Penal proceedings shall end upon conciliation and shall not result in a revocation of the right to collect fees.

Section 44

A person accused to have committed one of the crimes specified in this law may not leave the country before paying the amount specified for conciliation, or before the issuing of a final acquittal or the execution of the sentence rendered. As the case may be, an accused person

may be allowed to leave the country if he/she provides a guarantor who shall undertake to pay the specified amount of conciliation or the fine to which he/she is sentenced, upon its entitlement.

As an exception to the previous section, the Minister may order to revoke the residence permit of an expatriate who is accused in one of the crimes specified in this law and order his/her repatriation from the country if he/she does not pay the amount specified for conciliation, or if the Court sentences him/her to prison or to a fine, which he/she did not pay.

Section 45

For the sake of public interest, or based on humanitarian grounds, the Minister or his mandated representative may exempt an accused person from the specified sum of conciliation for any of the crimes specified in this law, or its reduction to the extent he considers suitable.

Chapter ten

General provisions

Section 46

Without violating the provisions of the international Conventions to which the State is a party, the following categories shall be exempted from the provisions of this law:

1. Presidents of foreign countries, their family members and companions.
2. Heads and members of foreign diplomatic and consular missions, international organizations approved by the State, attachés, administrative personnel and their families, their personnel, and also official delegations.
3. Ship captains, and crew members of ships, and civil airlines who are traveling to the State, and who hold passports or documents issued by the competent authorities of the countries to which they are affiliated after obtaining permission to land in the State.
4. Citizens of the Arab Gulf Cooperation Council.
5. Any person whom the Minister decides to exempt for considerations relating to the reciprocity principle, or based on international protocol, the public interest or humanitarian grounds.

The Minister of Foreign Affairs shall regulate, by virtue of a decision, the cases in which entry visas, residence permits and exemption therefrom are granted for the categories specified in subparagraphs (1) and (2) of this section.

Section 47

Without violating any part of the responsibility specified by law, the Minister or his mandated representative may issue a decision which includes the name of the recruiter or

expatriate in breach of the provisions of this law on a prohibition list prepared by the competent authority for this purpose, until the violation is settled or the sentence rendered against the expatriate has been served.

The inclusion on the above prohibition list results in a non-examination of parts of the requests or their entirety submitted by a person found in violation in order to benefit from the provisions of this law.

Section 48

The Minister shall issue the necessary implementing regulation and decisions in order to put to effect the provisions of this law. Pending their promulgation, work will continue with the regulations and decisions which are currently in force in a manner which will not conflict with the provisions of this law.

Section 49

Act No. 4 of 2009 which was previously mentioned shall be repealed. Any provision which violates the provisions of this law shall also be repealed.

Section 50

All competent authorities shall, each within its specific mandate, put to effect this law. It shall enter into force one year as of the date of its publication in the Official Gazette.

Tamim Bin Hamad Al Thani

Emir of the State of Qatar

Published on 27 October 2015

Schedule

Conciliation in a few crimes specified in the law which regulates the entry, exit and residence of expatriates

No. Section	Sum of conciliation
2(1); 3; 4 (3); 8 (3); 16(1); 19(1); 23(1); 24 (paras.1&2); 6; 35	12,000 QAR
28 (3)	10,000 QAR
5(1), 15	2,000 QAR
6	5,000 QAR
10 (1)	10 QAR for each day of delay- maximum limit 2,000 QAR
11(2)	10 QAR for each day of delay- maximum limit 12,000 QAR
8 (paras. 1&2); 13 (paras.1&3)	10 QAR for each day of delay- maximum limit 2,000 QAR