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**Decision No. (2) of 2014 regarding the Regulation of Permits for Practising Professional Activities by Foreign Employer**

Chairman of the Board of Directors of the Labour Market Regulatory Authority:

Having reviewed Law No. (19) of 2006 regarding the Regulation of Labour Market, in particular Articles No. (30, 31 and 32) thereof;

Decree No. (27) of 2011 Restructuring of the Board of Directors of the Labour Market Regulatory Authority;

And Decision No. (121) of 2007 regarding the Entry Visa and Residence Permit of the Dependants of Foreign Worker and Employer;

And after consulting the relevant authorities,

And upon the submission of the Chief Executive Officer of the Labour Market Regulatory Authority,

And after the approval of the Board of Directors of the Labour Market Regulatory Authority,

**Hereby Decides:**

**Article (1)**

In applying the provisions of this Decision the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

**Law:** Law No. (19) of 2006 regarding the Regulation of the Labour Market.

**Authority:** Labour Market Regulatory Authority.

**Chief Executive Officer:** The appointed Chief Executive Officer of the Authority according to the provisions of Article (11) of Law No. (19) of 2006 regarding the Regulation of the Labour Market.

**Foreign Employer:** Every foreign natural person who does not meet the definition of a worker in accordance with the provisions of the Law and carries on work in the Kingdom, whether in his own name and for his own account or in the name or for the account of a third party.

**Professional Activities:** medical, engineering, financial and banking, economic, educational and training, and consulting activities that issue schedules with approval by the Chief Executive Officer.

**Article (2)**

A foreign employer may not practice any of the professional activities without obtaining a permit in this regard in accordance with the terms and conditions stipulated in this Decision.

**Article (3)**

In order to provide the foreign employer with a work permit to practice the professional activity, the following shall be required:

1) The foreign worker’s professional activity shall be within the professional activities that can be practiced only after obtaining authorization by the Authority.

2) The foreign employer shall fulfil all fees and dues of the Authority.

3) Proof that the foreign employer did not breach any of the essential obligations imposed by the Regulation of the Labour Market Law, regulations, laws, and decisions issued in implementation thereof.

4) Proof that the foreign employer is not practising the activity authorised for him in violation of the provisions of the Law and the decisions in force in this regard.

5) That the foreign employer pays the fines adjudged by final judgements in accordance with the provisions of the Regulation of the Labour Market Law.

6) The compliance of the foreign employer to provide health insurance for himself and his family members.

7) Proof that the foreign employer is fit for work or is not suffering from a contagious disease.

8) Obtaining the needed license from the concerned authority to practice the profession, in case the foreign employer’s occupation is among the professions that legally require obtaining this license in order to be practiced in the Kingdom.

9) The foreign employer must not have been previously deported or banished from the Kingdom for criminal reasons or because of his violation of the provisions of the Regulation of the Labour Market Law or the decisions issued in implementation thereof.

**Article (4)**

a) The foreign employer shall submit an application for obtaining a permit to practice professional activity to the Authority on the form prepared for this purpose or electronically, including all the data and information shown in the aforementioned form and accompanied by the documents indicated therein.

b) The residency application shall be submitted to the General Directorate of Nationality, Passports and Residence in accordance with the provisions of the applicable law in this regard by the Authority after obtaining its approval to practice the professional activity of the foreign employer.

**Article (5)**

a) The Authority shall examine the application for obtaining a permit to practice his professional activity to verify the extent to which he meets the data, information, and documents indicated in the permit application form and the fulfilment of the conditions stipulated in Article (3) of this Decision.

b) The Authority shall issue a decision approving the granting of a permit to practice professional activity to the applicant once all data, information, and documents are met, the required conditions are met, and the concerned authorities approve the entry of the permit applicant into the Kingdom. The approval shall be deemed null and void if the foreign employer does not pay the prescribed fees within thirty days from the date of approval.

In all cases, the Authority shall notify the foreign employer requesting the permit of the decision issued regarding the permit application within ten working days from the date of its issuance. This notification may be sent electronically.

**Article (6)**

A foreign employer authorised by the Authority to practice the professional activity shall comply with the following:

1) Refusing to engage in any work with an employer who legally fits the description of a foreign worker.

2) Practising the same professional activity indicated in the permit granted to him.

3) Providing the Authority with his fingerprints, photograph, and signature within thirty days of his entry into the Kingdom.

4) Paying the prescribed fees for the permit.

5) Notifying the Authority immediately of any change to his data with the Authority.

6) Notifying the Authority immediately after he loses any of one or more of the conditions for granting him a permit to practice his professional activity stipulated in Article (3) of this Decision.

7) Notifying the Authority immediately upon the liquidation of his activity or the cancellation of his license to practice his professional activity.

**Article (7)**

The permit to practice the professional activity of the foreign employer is valid for a period of two years from the date of his arrival in the Kingdom or its issuance whenever he is present in the Kingdom, and it may be renewed for a similar period or periods based on the request of the authorised person using the same procedures followed for requesting the permit and the conditions stipulated in this decision, before the expiry of the permit issued to him within a period not exceeding one hundred and eighty days.

**Article (8)**

The permit to practice the professional activity issued to the foreign employer is considered as if it did not exist in the event that he did not enter the Kingdom within six months from the date of issuance of the permit.

**Article (9)**

Taking into account the provisions of this Decision, a foreign employer may not change the professional activity that he is authorised to practice except after the approval of the Authority in writing.

**Article (10)**

a) The permit granted to a foreign employer in accordance with the provisions of Article (31) of the Law shall expire upon the expiration of its period, unless it is renewed in accordance with the provisions of this Law.

b) The Authority shall cancel the permit granted to the foreign employer in any of the following cases:

1) It is proven that the foreign employer obtained the permit based on incorrect documents or information.

2) The foreign employer has lost one or more of the conditions for granting the permit.

3) Issuance of a final criminal judgement against the foreign employer with a felony penalty or a crime involving breach of honour or trust.

4) The death of the foreign employer.

5) A written request by the foreign employer to cancel the permit.

Before issuing its decision to cancel this permit in the event that the foreign employer loses one or more of the conditions for granting the permit, the Authority shall notify him of its intention to cancel the permit granted to him and the reasons for that, specifying a period to respond to the contents of this notification, not less than ten days from the date of receiving this notification. If, after studying the response of the foreign employer, the Authority proves that there is a requirement to cancel the permit, it shall issue a decision to that effect, and the foreign employer shall be notified of it immediately upon its issuance.

The foreign employer may appeal against the Authority's decision to cancel the permit to the Chief Executive Officer in accordance with the provisions of Article (33) of the Law.

Such notices and responses may be sent by mail or electronically.

**Article (11)**

The foreign employer must leave the Kingdom after the expiry of the permit period for him to practice his professional activity, unless he requests its renewal within a period not exceeding thirty days from the expiry of the permit.

**Article (12)**

The Chief Executive Officer of the Authority shall implement this decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

**Chairman of the Board of Directors of the Labour Market Regulatory Authority**

**Jameel bin Mohammed Ali Humaidan**

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