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Regulation on Employment of Foreigners in the Maldives

Ministry of Economic Development
Male',
Maldives

Regulation on Employment of Foreigners in the Maldives			
Chapter 1			
Introduction			
Introduction	1	(a)	This Regulation pertains to the issuance of Work Permit (a permit allowing the stay of a foreigner in the Maldives for the duration of employment), the procedure to be followed in the approval of the said permit and the rules on giving employment to foreigners to work and other matters related to employment of foreigners in the Maldives. Foreigners shall be employed in the Maldives in accordance with this Regulation.
		(b)	This Regulation is formulated pursuant to section 65(a) of Act No: 2/2008 (Employment Act).
Title	2		The title of this Regulation is "Regulation on the Employment of Foreigners in the Maldives".
Chapter 2			
Employing and Dismissal			
Choosing foreigners to employ	3		Foreigners shall be employed in a manner consistent with the Employment Act and the regulations made pursuant to that Act.
Appointing to employ	4	(a)	The employer shall provide the prospective foreign employee the "Letter of Appointment", prior to his or her entry into Maldives as acknowledgement of the appointment.
		(b)	The Letter of Appointment shall be deemed as the employment contract until the employment contract obligated under section 13 of the Employment Act is made and signed between the prospective foreign employee and his or her employer.
		(c)	Letter of appointment shall not contain a term inconsistent with section 13 of the Employment Act.
		(d)	Letter of Appointment shall contain the information required in Annex 10 of this Regulation.

Dismissal	5	Dismissal of foreign employees shall be carried out in accordance with the Employment Act.	
Chapter 3			
Registration on the Expat System which is used to issue permits to allow entry of foreigners into Maldives and the rules applicable to the use of Expat System			
Expat System	6	Requests for permits issued under this Regulation shall be submitted to the Ministry through the “Expat Online System” (hereinafter referred to as “Expat System”) which is used to issue permits required under this Regulation to allow entry of foreigners into Maldives.	
Registration on the Expat System	7	(a)	Pursuant to this Regulation, registrations on the Expat System can be done from the below stated 5 (five) categories.
		(1)	Employers of prospective foreign employees;
		(2)	The Representative stated in section 8 of this Regulation;
		(3)	Those who provide foreign employees’ accommodation services to their employers as a business activity;
		(4)	Work Permit Medical Service providers;
		(5)	Work Permit Health Cover/Insurance service providers;
		(b)	The procedure to register the parties stated in this section are provided in Annex 1 of this Regulation.
Registration of Representatives	8	(a)	Pursuant to section 7 of this Regulation, upon registration of the employer, a “Representative” of the employer may be appointed and registered on the Expat System. The Representative shall be responsible for all communications done via the Expat System, on behalf of the employer.
		(b)	The Representative appointed pursuant to subsection (a) of this section can be any of the following.
		(1)	An employment agency;
		(2)	Maldivian employees of the employer; or
		(3)	An agent appointed by the employer;
		(c)	Pursuant to this section, Representatives shall be appointed, registered, removed, or replaced on the Expat System in accordance with the Guideline provided in Annex 1 of this Regulation.
Employer’s responsibility towards communications effected by the Representative	9	(a)	Pursuant to section 8 of this Regulation, the employer who appointed and registered the Representative on the Expat System is liable for the communications effected by the Representative using the credentials of the Expat System.
		(b)	In the event the employer is penalized on account of a communication done by the Representative on the Expat System as referred to in subsection (a) of this section, Annex 7 of this Act shall be followed.
Using Expat System without permission or	10	(a)	It shall be unlawful to use the Expat System without permission (without registration) or to use it in a manner inconsistent with the permission given pursuant to Annex 1 of this Regulation..

inconsistently with the given permission.			
		(b)	Failure to comply with subsection (a) of this section is actionable under Annex 1 and Annex 7 of this Regulation.
Chapter 4 Permits required to employ foreigners in Maldives Approval of quota			
Request for quota	11	(a)	Prior to the entry of a prospective foreign employee into Maldives, a quota is required to have been obtained from the Ministry in accordance with this Regulation.
		(b)	Any business registered under Act no 18/2014(Act on Business Registration), all Maldivians, Government offices and other legal entities are entitled to request for quota in accordance with this Regulation.
		(c)	Notwithstanding subsection (b) of this section, anyone requesting for quota, for a purposes other than domestic help, is required to register on the “National Job Center-Job Portal”.
		(d)	Approval to a request for quota submitted by any party stated in Subsection (b), is subject to satisfying the conditions of the request, in addition to uploading the required information on Expat System and payment of the fee stated in section 12 of this Regulation.
		(e)	Request for quotas under this section shall be approved subject to the “GUIDELINE ON ISSUING QUOTA” provided under Annex 2 of this regulation.
Quota Fee	12	(a)	The approval of quota under section 11 of this Regulation is subject to the payment of a fee of MVR2000 (two thousand Rufiyaa) for a period of 12(twelve) months as quota fee to the Ministry or to any other institute designated by the Ministry.
		(b)	Quota Fee shall be paid in accordance with the “GUIDELINE ON QUOTA FEE COLLECTION” provided in Annex 3 of this Regulation.
		(c)	Notwithstanding any statements made otherwise in this Regulation, quota Fee collection under this Regulation shall commence on 1 st July 2021.
Validity period of quota	13		Validity period of quotas issued under this chapter shall be determined pursuant to the Guideline in Annex 2 of this Regulation.
Employing foreigners without quota	14	(a)	It is unlawful to employ or receive labor from foreigners without obtaining a quota or from a number of foreigners exceeding the number of quotas issued in accordance with section 11 of this Regulation.
		(b)	Where a foreigner is employed in the Maldives under a quota issued in favor of one employer, it shall be unlawful for that employer to transfer, release, or allow the foreign employee to be employed or otherwise work for another employer in a manner inconsistent with this Regulation.
		(c)	Failure to comply with subsections (a) and (b) of this section is actionable under Annex 7 of this Regulation.

Work Permit			
Work Permit	15	(a)	A Work Permit shall be obtained in accordance with this Regulation, to allow the stay of the foreign employee in the Maldives for the duration of the employment.
		(b)	Pursuant to subsection (a) of this section, Work Permit shall be issued provided that the requirements stipulated in the <i>"GUIDELINE ON ISSUING WORK PERMITS FOR THE DURATION OF EMPLOYMENT"</i> , in Annex 4 of this Regulation, is satisfied.
Categories of Work Permit	16	(a)	The categories for which Work Permit will be issued under this Regulation are stated below.
		(1)	Professional and Managerial Category The occupations included in this category require persons holding an academic qualification equivalent to Certificate Level 7 or above as accredited by the Maldives Qualifications Authority.
		(2)	Non-professional Category This category includes occupations, requiring employees with academic qualifications ranging from completion of secondary education to certificate Level 6 as accredited by the Maldives Qualifications Authority, or experience equivalent to the said academic qualification or typical manual works which can be carried out without any specific skill, or occupations requiring the ability to read instructions from a manual, or works which can be carried out by persons who have acquired a basic level of skill through work experience.
		(3)	Domestic category This category includes employment required for domestic help.
		(b)	The Ministry shall publish a list of occupations included in each of the categories stated in subsection (a) of this section within 90 (ninety) days of this Regulation coming into effect.
Work Permit Entry Pass	17	(a)	Work Permit Entry Pass is a permit issued to allow the entry of a prospective foreign employee into the Maldives subject to the eligibility of the foreigner to hold a Work Permit in accordance with this Regulation.
		(b)	Work Permit Entry Pass can be used to enter Maldives within the validity period of the Work Permit Entry Pass prescribed under subsections (c) and (d) of this section, for the purpose of employment only.
		(c)	Work Permit entry Pass shall be valid, subject to this section, for a period of 120 (hundred and twenty) days unless Work Permit is issued prior to the expiry of the said period, upon which, the Work Permit Entry Pass shall no longer be valid.
		(d)	Notwithstanding subsection (c) of this section, a foreigner may be

			allowed entry into Maldives under Work Permit Entry Pass only within 90 (ninety) days from the date of issue of the Work Permit entry Pass.
		(e)	A foreigner who enters Maldives using the Work Permit Entry Pass referred to in this section, shall obtain Work Permit and Work Visa required under Act no: 1/2007 (Immigration Act of Maldives), within 15 (fifteen) days of arriving in Maldives.
		(f)	Upon failure to obtain Work Permit within the duration prescribed in subsection (e) of this section, a fine under Annex 4 of this Regulation shall be imposed with the requirement to obtain the Work Permit in the next 15 (fifteen) days.
		(g)	Notwithstanding subsection (c) of this section, Work Permit Entry Pass shall be revoked on the date of expiry of the duration prescribed in subsection (f), if the foreigner has entered Maldives within the duration given in subsection (d) but failed to obtain the Work Permit within the duration prescribed in subsection (f).
		(h)	"Employment Approvals" issued prior to the commencement of this Regulation, and which has not been used for the entry of a foreigner into Maldives, shall be deemed to be Work Permit Entry Passes upon commencement of this Regulation.
Issuing Work Permit for foreigners who entered Maldives prior to the commencement of this Regulation	18		Subject to the Guideline in Annex 4 of this Regulation, Work Permits shall be issued to foreign employees employed in the Maldives pursuant to the "Employment Approvals" that were issued prior to the commencement of this Regulation.
Work Permit Fee	19	(a)	A payment of MVR350(three Hundred and Fifty Rufiyaa) per month is payable as Work Permit Fee, to the Ministry or to an institute designated by the Ministry.
		(b)	The Work Permit Fee prescribed under subsection (a) of this section shall be paid in accordance with the Guideline provided in Annex 4 of this Regulation.
		(c)	The employer is responsible to pay duly to the Government all fees and payments due in relation to the Work Permit. The foreign employee shall not be charged in any manner, directly or indirectly, for any such payments.
Validity period of the Work Permit	20	(a)	Work Permit shall be issued as stated below.
		(1)	A Work Permit in the Professional and Managerial Category shall be issued for a minimum period of 1 (one) year and shall not exceed 3 (three) years.
		(2)	A Work Permit in the Non-professional Category shall be issued for a period of 1 (one) Year.
		(3)	Work Permit in the Domestic Category shall be issued for a minimum period of 1 (one) year or for a maximum of 2 (two) years.

		(b)	In the event a foreign employee holding a Work Permit under subsection (a) above, wishes to continue work in the Maldives beyond the validity period prescribed in the Work Permit, the validity period of the Work Permit shall be extended subject to the Guideline in Annex 4 of this Regulation.
Maximum validity period of a Non-professional category Work Permit	21	(a)	The maximum validity period for a Work Permit issued to an unskilled foreigner within the Non-professional Category prescribed in subsection (a) of section 16 of this Regulation, shall be 5(five) years subject to subsections (c) and (d) of this section.
		(b)	In subsection (a) of this section, occupations carried out by unskilled workers refer to occupations which consist of typical manual works which can be carried out without any specific skill or works requiring the ability to read instructions from a manual or works which can be carried out by a person who have acquired a basic level of skill through work experience.
		(c)	In counting 5 (five) years pursuant to subsection (a), the period spent in Maldives continuously under a Work Permit or Work Visa and any duration of time spent after a break not exceeding 2 (two) years shall be counted.
		(d)	Notwithstanding subsection (a) of this section, the foreign employees stated in that subsection, may be issued with a Work Permit again after a gap of 2 years subsequent to the 5-year period.
		(e)	In accounting for the durations prescribed in subsection (a), the duration spent employed in Maldives prior to the commencement of this Regulation shall not be included.
Change of employer, employment, or work site	22	(a)	The employer of a foreign employee working in Maldives under a Work Permit, may be replaced by another employer, subject to the Guideline in Annex 4 which requires the replacement to be effected by issuing a new Work Permit under the new employer.
		(b)	The occupation of a foreign employee working in Maldives under a Work Permit may change the occupation for which the Work Permit was issued, by changing the occupation in accordance with the Guideline in Annex 4 of this Regulation.
		(c)	The worksite of a foreign employee working in the Maldives under a Work Permit may differ the worksite for which the Work Permit was issued by effecting the change in accordance with Annex 4 of this Regulation.
Work Permit revocation	23	(a)	Situations under which work Permit may be revoked are stated below.
		(1)	Where a foreign employee working in Maldives under a Work Permit left Maldives, voluntarily leaving the job or was sent off from Maldives following dismissal, in accordance with Annex 4 of this Regulation.
		(2)	Where the employer of a foreign employee holding a Work Permit, was replaced by another employer, as referred to in section 22 and the Guideline in Annex 4 of this Regulation.

		(3)	Pursuant to the Guideline in Annex 8, where an employer files a report of a foreign employee holding a Work Permit to be missing or having absconded.
		(4)	Upon death of a foreign employee.
		(5)	Where a requirement necessary for Work Permit, stipulated under this Regulation or in Annex 4 of this Regulation, falls short or is not satisfied.
		(6)	In accordance with subsection (b) of this section, if an employee holding a Work Permit notifies the Ministry, that he or she is no longer employed with his or her employer and has left Maldives, requests to annul his or her Work permit.
		(7)	Work Permit shall be revoked by the Ministry in a manner consistent with this Regulation, in the event any authority of the State, makes a request to the Ministry in relation to any matter stated in this Regulation.
		(8)	In accordance with subsection (d) of this section, if a foreign employee holding a Work Permit is detained by an authority of the State, for more than 3 (three) months on account of a criminal allegation.
		(9)	Upon a court order to revoke a Work Permit.
		(10)	In the event a foreign employee holding a Work Permit acquires a visa other than Work Visa.
		(b)	Work Permit shall be revoked in accordance with subsection (a) clause (6) of this section if a Work Permit holder requests to revoke it. However, a Work Permit for the same foreigner to be employed under a different employer can be issued after 6 (six) months from the date of revocation of the Work Permit. Upon completion of the said 6 (six) months, Work Permit under a new employer can be issued upon submitting a written no objection from the former employer.
		(c)	Notwithstanding subsection (b) of this section, where a court judgment declares that the foreigner is barred from working for another employer for a specified period, Work Permit shall not be issued under a new employer until such period expires.
		(d)	Where an employer requests to revoke a Work Permit pursuant to subsection (a) clause (8) of this section, that Work Permit shall be revoked and the employer shall not be liable to pay Work Permit Fee stated in section 19 of this regulation, pertaining to the period of detention.
Employing Foreigners without Work Permit	24	(a)	It shall be unlawful to employ a foreigner or make a foreigner work without obtaining a Work Permit in accordance with section 16 of this Regulation.
		(b)	It shall be unlawful to transfer, release or allow a foreign employee holding a Work Permit under this Regulation, to work for or be employed by another except as provided under this Regulation.
		(c)	Failure to comply with subsections (a) and (b) of this section is actionable under Annex 7 of this Regulation.

Keeping Deposit			
Keeping deposit	25	(a)	Employers employing foreigners in Maldives shall keep a deposit with the Ministry in accordance with this section.
		(b)	The deposit referred to in subsection (a) of this section is expendable by the Government in the event a foreigner who has entered Maldives holding a Work Permit or a Work Permit Entry Pass is required by the Government to be sent off, or to carry out a responsibility of the employer under this Regulation, which the employer has forsaken.
		(c)	The deposit referred to in subsection (a) of this section, deposit shall be collected in accordance with the Guideline provided in Annex 5 of this Regulation.
Refunding the Deposit	26		The deposit collected on account of a prospective foreign employee shall be refunded in accordance with the Guideline provided in Annex 5 of this Regulation.
Payment of expenses more than the deposit	27	(a)	The employer shall be liable to pay to the Ministry in accordance with Annex 5, any expenses incurred by the Government exceeding the amount deposited by the employer on account of a failure of the employer to carry out a responsibility due under this Regulation or for any other reason.
Chapter 5			
Employing foreigners and responsibility towards them			
Employing foreigners	28	(a)	Foreigners shall be employed in Maldives in accordance with the provisions and upon fulfillment of the requirements stipulated in Act No. 2/2008 (Employment Act) and Act No. 1/2007 (Immigration Act of Maldives) and the regulations made thereunder.
		(b)	The liabilities that arise from unlawful employment of foreigners shall be borne by the employer who unlawfully engaged the employer in employment. Furthermore, the Minister may take action against the party who caused a foreigner to enter into the Maldives unlawfully.
Receiving the foreigner upon arrival in Maldives	29	(a)	The employer or the Representative engaged in facilitating the entry of the foreigner into Maldives in accordance with this Regulation shall attend at the port of arrival and receive the foreigner.
Providing accommodation	30	(a)	Employer shall be responsible to provide board and accommodation to the foreign employee for the duration of his or her employment, in accordance with the Guideline provided in Annex 6 of this Regulation.
		(b)	Pursuant to subsection (a) of this section, if an employer fails to provide accommodation to a foreign employee, action will be taken under section 7 of the Annex 7 of this Regulation.
Sending the foreigner back to his country	31	(a)	Pursuant to this Regulation, the employer of the foreign employee shall arrange for the return trip of the foreigner upon termination of his employment or upon expiry of the Work Permit.
		(b)	Where any Government authority decides, to send a foreigner back to his or her country for any reason, prior to the expiry of the Work Permit, the employer of the said foreigner shall arrange for his or her

			exit in accordance with the instructions given by the Government authority.
		(c)	Pursuant to subsection (b) of this section, where a Government authority decides to send a foreigner back to his or her country prior to the expiry of the Work Permit and the employer did not act on the instruction of the Government authority, the foreigner shall be sent off at the expense of the Government and action shall be taken against the employer under Annex 7 of this Act.
Death of foreign employee	32	(a)	In the event a foreign employee dies, his or her employer shall act in a manner consistent with the employment contract. Even if the employment contract is silent on the matter, the employer shall inform his or her family and any diplomatic or consulate mission of the said foreign employee's country in the Maldives about the death and then arrange the expense of burial and burial thereof.
		(b)	Where a foreign employee dies and his family wishes to take the dead body back to their country, the employer, in consultation with the family, shall make the necessary arrangements to send the body back as requested.
Foreign employee absconding or missing	33		The employer shall inform the Ministry in accordance with Annex 8 of this Regulation, in the event a foreign employee employed in Maldives under this Regulation absconds or has gone missing.
Registration in the registry of foreign employees	34	(a)	The employer shall duly register on the "Haraheeri Portal" (the Ministry's Registry of foreign employees), the current location of the worksite where the foreign employees of the employer are physically in (including uninhabited islands and industrial islands), and update on the portal their whereabouts and dates and durations pertaining to changes in worksites and locations, for the purpose of record keeping.
		(b)	In the event an employer brings foreign employees into Maldives in accordance with this Regulation and fails to register them under the employer on the foreign employees' registry, the employer will be held liable under section 7 of Annex 7 of this Regulation.
Death of employer	35	(a)	Where an employer of foreign employees is a natural person and he or she dies, the heirs of the late employer shall appoint and inform the Ministry of an interim party, be it an individual or a group of persons among the heirs, who will manage the affairs of the foreign employees until a court decides who shall replace the late employer regarding the permits issued relating to the foreign employees and the management of their affairs.
		(b)	The interim party appointed pursuant to subsection (a) of this section, to manage the affairs of the foreign employees registered under the late employer, shall handover the said responsibility to the party named in the court's decision to be the replacement for the late employer referred to in subsection (a) of this section.
		(c)	Notwithstanding subsections (a) and (b) of this section, if (the heirs of the late employer) failed to comply with section 30 of Act No. 2/2008 (Employment Act), read with section 22(a) of the same Act

			within 30 (thirty) days from the date of the death of the late employer, or to appoint and show to the Ministry an interim replacement for the late employer, or if the court has not decided on the matter past the expiry or 1 (one) month since the death of the late employer, the Ministry shall deem the employment agreement to have terminated and proceed with the following steps.
		(1)	Send back any foreign employee who wishes to go home, either at their own expense or by using the deposit money and with the help of any other authority if needed.
		(2)	Any foreign employee who wishes to take up an employment with a new employer, a Work Permit shall be issued under the new employer within 60 (sixty) days.
		(3)	A foreign employee who fails to secure a Work Permit under a new employer within the period prescribed under clause (2) of this subsection shall be sent back to their own country, either at their own expense or by using the deposit money and with the help of any other authority if needed as stated in clause (1) of this subsection.
Revoking the Work Permit prior to dissolution of legal entities	36		Where the employer is an incorporated legal entity, such as a company, partnership, cooperative society, association or any other entity, and the entity has foreign employees holding Work Permits attached to it, it shall arrange to revoke the Work Permits and send the foreign workers back to their country or attach them to a new employer prior to the dissolution of the entity.
Chapter 6 Foreigners working in Maldives			
Abiding by laws and regulations of Maldives	37	(a)	Foreign employees working in Maldives shall abide by the laws and regulations of Maldives.
		(b)	Foreign employees in Maldives who fails to comply with a law or regulation shall be held liable under that law or regulation accordingly.
Resolving the disputes relating to employment	38	(a)	Foreign employees working in Maldives shall resolve the disputes relating to their employment, in accordance with the employment contract signed between the foreign employee and their employer.
		(b)	Both the employer and the foreign employee are entitled to submit their disputes to the authorities named in the Employment Act in the event, they fail to resolve their dispute in accordance with subsection (a) of this section.
working without permission	39		If a foreign employee working in the Maldives finds out that he or she has been brought to Maldives, employed or made to work without obtaining the permits required under this Regulation, he or she shall inform the matter to the Labor Relations Authority.
Chapter 7 Regularization (the process of conforming to law, matters related to foreigners working in the Maldives without proper permits)			
Regularization	40	(a)	Foreign employees who have been living and working in the

			Maldives since before the enactment of this Regulation without the permits required under this Regulation or previous regulations and are eligible for regularization as set out in this Regulation, shall be afforded the opportunity to regularize subject to the provisions of this Regulation.
		(b)	Foreign employees falling within the scope of subsection (a) shall be regularized in accordance with Annex 9 of this Regulation.
Who can be regularized	41		Foreign employees who are in employment or are working without a valid permit to be employed in the Maldives shall be eligible for regularization if they entered the Maldives holding an Employment Approval issued under the regulations in force prior to the date of commencement of this Regulation and the validity period of their Employment Approvals have expired, prior to the commencement of this Regulation.
Regularization Quota (R Quota)	42	(a)	Regularization quota or R Quota is a quota specific to those who may be regularized under this Regulation and issued subject to the rules stated in section 11 of this Regulation.
		(b)	Ministry may decide to withhold quota to those who have applied for quota under section 11 of this Regulation and instead issue R Quotas under this section, if the occupations indicated in the quota applications can be filled in by the foreign employees available through the regularization program.
Chapter 8 Penalties			
Contravening the law	43		The Minister has the power to act in accordance with Annex 7 of this Regulation upon failure to comply with this Regulation.
Chapter 9 Miscellaneous			
Monitoring and inspection	44		The Ministry may visit the workplace or accommodation of a foreign employee, or otherwise carry out monitoring and inspection to ensure that the foreign employee brought to Maldives for employment purpose is treated in accordance with this Regulation.
Confidentiality of classified business information	45		Where the Ministry receives information through applications for various permits under this Regulation, the Ministry is required to maintain the confidentiality of information pertaining to business secrets as determined by the Ministry. Furthermore, the Ministry shall not share anyone's business secrets with a third party except when authorized by law to provide information to an investigation conducted by an investigative authority established by law and under court orders.
Annex	46	(a)	The Annexes attached herewith are part and parcel of this Regulation.
		(b)	The Minister may adjust the provisions of the Annexes included in this Regulation to accommodate the changes in the economic policy or employment policy.
Commencement of Regulation	47	(a)	This Regulation shall come into force on the 15 th of February in the year 2021
		(b)	Notwithstanding subsection (a) of this section, Annexes 2 and 3 of this Regulation will come into force on the 1 st of July in the year

			2021.
Repealing regulations	of 48	(a)	Upon commencement of this Regulation, regulation no: 2020/R-62 (Regulation on the Employment of foreigners in the Maldives) shall be repealed.
		(b)	Notwithstanding subsection (a) of this section, quotas and Employment Approvals effected under the regulation referred to in subsection (a) shall continue in force until their expiry as provided in this Regulation.
Definitions	49		Unless otherwise stated in this Regulation, the words and expressions given below shall be given the meanings assigned herein.
		(a)	"Act" refers to Act no: 2/2008 (Employment Act).
		(b)	"Work Permit" refers to a permit issued in accordance with section 65 (a) of the Act, to permit the foreigner to stay in the Maldives for the purpose of employment.
		(c)	"Employment" refers to any work done in exchange of or on the promise of a payment.
		(d)	"Minister" refers to the Minister who is in charge of the Ministry mandated to oversee the employment sector under the Employment Act or a person authorized to represent him or her
		(e)	"Ministry" refers to the Ministry having the mandate to regulate the employment sector.
		(f)	"Quota" refers to the maximum number of foreign employees allowed to an employer.
		(g)	"Employment Approval" refers to the permit issued under the previous regulations, prior to this Regulation coming into force, allowing foreigners to work in the Maldives.
		(h)	"Employment Agency" refers to any businesses which operate to provide employment to those who are seeking work in different occupations and to provide employees to those who are seeking workers and helping in these matters for a fee. Recruitment services given by Government authorities are excluded.
		(i)	"Representative" refers to an appointee of the employer who is responsible to carry out responsibilities under this Regulation and to communicate on behalf of the employer in related matters.
		(k)	"Other legal entities" refers to any separate legal entity created or may be created by law.
		(l)	"To make relations" refers to empower the representative to represent the employer.
		(m)	"Business activity" refers to the type of work.
		(n)	"Worksite" refers to place of work.
		(o)	"Occupation" refers to work.
		(p)	"Regularization Program" refers to a program conducted to afford legality to foreign employees living illegally in Maldives.
		(q)	"Missing report" refers to filing a report with the concerned authority claiming that a foreigner is missing.
		(r)	"Accommodation" refers to places provided by the employer for the purpose of boarding and living of foreign employees.

		(s)	“Work Visa” refers to a permit issued to a foreigner who has obtained an authorization to work in Maldives from the concerned Government authority, to allow the foreigner to stay in the Maldives for the period of employment.		
Annex 1					
Guideline on Registering on the System which Is Used To Issue Permits To Allow Entry of Foreigners Into Maldives and The Rules Applicable To The Use Of That System					
Introduction	1	This Guideline is formulated pursuant to section 7 of this Regulation.			
Title	2	The title of this Guideline shall be “Guideline on Registering on the System which is Used to Issue Permits to Allow Entry of Foreigners Into Maldives And the Rules Applicable to the Use of that System”.			
To register on the System	3	Parties stated in Section 7 of this Regulation can be registered on the Expat System.			
Categories of employers	4	Pursuant to this Guideline, the following may register as Employers.			
		(a)	Individuals		
			(1)	Maldivians	
			(2)	Sole proprietorships	
		(b)	State bodies		
			(1)	Judiciary	
			(2)	Government	
		(c)	Other legal entities		
			(1)	Political parties	
			(2)	Associations	
			(3)	Other legal entities	
		(d)	Business entities / Businesses		
			(1)	Companies	
				1.1-	Private companies
				1.2-	Public companies
				1.3-	State owned enterprises
				1.4-	Reregistered companies
				1.5-	Local authority companies
			(2)	Partnerships	
				2.1-	General partnerships
				2.2-	Limited Liability partnerships
			(3)	Co-operative Society	
Who may be appointed as Representatives	5	(a)	Parties who may be appointed as Representatives are provided under section 8(b).		
		(b)	The Ministry may require, in accordance with section 6 of this Guideline, that the parties appointed as Representatives under subsection (a) of this section, to be certified through participating and passing the program conducted to educate on the regulations under Act 2/2008 (Employment Act).		
		(c)	Pursuant to subsection (b) of this section, if completing a training program becomes a qualification requirement for Representatives, the Representatives registered on the Expat System prior to the		

			commencement of this Regulation shall participate and pass the training program as directed by the Ministry, to communicate through Expat System from then onwards.	
Registering on the Expat System	6	(a)	Parties named in section 4(a) and section 8(b)(2) and (3) of this Guideline shall furnish the following documents to register on the Expat System.	
			(1)	A passport size photo of the person who is getting registered on the Expat System.
			(2)	Statement of the Expat System.
			(3)	A color scan of the Maldivian National Identity Card.
			(4)	An email address and a phone number verified as required by the Ministry.
			(5)	Certificate of accreditation from the training program if a training program is mandated under section 5(c).
		(b)	Parties named in section 8(b) of this Guideline shall furnish the following documents to register on the Expat System.	
			(1)	Resolution of the Board.
			(2)	Agency Worksite Declaration Form.
			(3)	Certificate of accreditation from the training program if a training program is mandated under section 5(c).
		(c)	Parties named in section 4(b) and (c) of this Guideline shall furnish the following documents to register on the Expat System.	
			(1)	A letter or declaration indicating that the organization wishes to register on the Expat System.
			(2)	If a political party, pursuant to section 4(c)(1) of this Guideline wishes to open an account on the Expat System, a color copy of the certificate of registration of the political party, duly stamped to be a true copy must be submitted.
			(3)	If an association, pursuant to section 4(c)(2) of this Guideline wishes to open an account the Expat System, a color copy of the certificate of incorporation of the association duly stamped to be a true copy shall be submitted.
		(d)	Parties named in section 4(d) of the Guideline shall submit the following documents for registration.	
			(1)	A resolution of the Board of Directors stating the decision to register on the Expat System.
		(e)	Pursuant to section 7(a) (3) of this Regulation, registration of parties in the business of providing accommodation services to foreign employees, may register on the Expat System, after registering themselves as an accommodation provider under the Regulation no: 2020/R-103 (Regulation on Registering a Business Activity Providing Accommodation for Foreign Employees).	
			(1)	Accommodation Registration Form.
		(f)	Pursuant to section 7(a)(4) of this Regulation, parties rendering medical services relating to Work Permit shall submit the following documents to register on the Expat System.	
			(1)	Registration Form for parties providing Work Permit Medical

				Services
			(2)	Medical Service Registration Certificate
		(h)		Pursuant to section 7(a)(5) of this Regulation, parties providing insurance services shall submit the following documents to register on the Expat System.
			(1)	Registration Form for parties giving Work Permit Insurance Service
			(2)	License to operate insurance services.
		(i)		Where a party stated in section 7 of this Regulation, requires an authorization or license issued by a Government authority to be submitted in order to register on the Expat System, the account of that party on the Expat System shall be limited to the validity period of the authorization or license granted by that Government authority. Upon expiry, the authorization or license may be renewed and submitted to reactivate their account.
	7	(a)		To communicate on the Expat System, parties stated in section 4 of this Guideline shall create a "relation" with the "Representatives" stated in section 8 (b) of this Regulation.
		(b)		Employers must submit the following documents to create "relation" pursuant to subsection (a) of this section.
			(1)	Form requesting a "relation"
			(2)	When a business entity submits a request for "relation" it must be accompanied with a resolution of the board of directors, on the company's letterhead, and in the format of the sample board resolution, provided on the website of the Ministry (employment.trade.gov.mv) stating the decision to make "relation".
			(3)	Where a Government authority requires "relations" to be made with its Representative, a color copy of the letter stating the request must be submitted.
			(4)	If the Representative is an employee of the registered employer, a document indicating that the Representative is an employee and the pension registration number of the employee, shall be submitted.
Upon Death of employer, creating the employer "relation" with another	8	(a)		If a natural person who is an employer and has an account on the Expat System dies, pursuant to section 35 of this Regulation, a party shall be appointed to resolve the matters relating to the foreign employees under the late employer and the Ministry shall be informed of the appointment through a letter. Furthermore, the following documents shall be submitted, and a new account shall be created on the Expat System.
			(1)	Death Certificate
			(2)	Account activation/deactivation form
			(3)	If an heir of the late employer, a document that determines the relationship.
		(b)		If the interim employer appointed pursuant to subsection (a) of this section, wishes to appoint a Representative, the Representative shall

			be appointed in accordance with section 7 of this Guideline.
Dissolution of the business entity	9		In the event a business entity stated in section 4(d) of this Guideline initiates liquidation while in the process of recruiting foreign employees into Maldives, the liquidator assigned with the dissolution task shall be allowed to create "relations" on the Expat System, to resolve matters relating to foreign employees attached to that business, upon submission of "Account Activation/Deactivation Form"
Dissolution of a Government institute	10		A Government authority stated in subsection 4(b) of this Guideline which is in the process of recruiting foreigners through the Expat System, shall resolve all matters relating to foreign employees attached to that institute completely prior to dissolution of that institute. This includes assigning the foreign employees to new employers or sending them back to their home and deactivating the authority's accounts on the Expat System.
Dissolution of other legal entities	11		Legal entities stated in section 4(c) of this Guideline which are in the process of recruiting foreign employees shall resolve all matters relating to foreign employees attached to that entity completely prior to dissolution of the legal entity. This includes assigning the foreign employees to new employers or sending them back to their home and deactivating the entity's accounts on the Expat System.
Cancelling the Representative's authorization on the Expat System	12		Representative's authorization on the Expat System can be cancelled by submitting the "Account Activation / Deactivation Form"
Change of details relating to the account on the Expat System"	13		If any information registered on the Expat System changed, it shall be updated by submitting an "Account Modification Form". Losses suffered due to failure to update the information shall be borne by the account holder.
Sharing a registered party's account information with any other party and allowing another to use the account	14	(a)	Sharing information of a party registered and authorized to use the Expat System or allowing another to use the account or otherwise abuse of the Expat System is unlawful.
		(b)	If it comes to the knowledge of an account holder or an account holder is suspicious that the employer's account or any other registered party's account is being used without their knowledge by an unauthorized party as stated in subsection (a) of this section, the Ministry shall be notified in writing and the matter shall be reported to Maldives Police Service for investigation.
		(c)	The below stated parties, if found in breach of subsection (a) of this section, shall be penalized under sections 8 and 11 of Annex 7 of this Regulation, in addition to implementing the penalties prescribed below. Further to this, the said parties shall be blacklisted under section 9 of Annex 7.
		(1)	If the breach pursuant to subsection (a) of this section, was

				committed by an employer, a suspension between level 4 and 7 of Employer's Suspension Tier 1 shall be imposed.
			(2)	If the breach was committed by a Representative appointed under section 8 of this Regulation, a suspension between level 4 and 6 of Representative's Suspension Tier 1 shall be imposed on the Representative.
Penalty for breaching this Guideline	15			Penalties shall be imposed on those who commit the following breaches against this Guideline by virtue of the "Guideline on Penalties" in Annex 7 of this Regulation.
		(a)		Parties who submit false information
		(b)		Parties who submit uncertain information
		(c)		Parties who submit transactions of a criminal nature
		(d)		Parties who misuse the Expat System
Annex 2				
Guideline On Issuing Quota for The Purpose Of Employing Foreigners				
Introduction	1			This Guideline pertains to section 11 (e) of this Regulation.
Title	2			The title of this Guideline shall be <i>"Guideline on issuing quota for the purpose of employing foreigners"</i> .
Quota	3			Pursuant to 11(a) of this Regulation, Work Permits for foreign employees to work in Maldives may be issued after obtaining the quota issued by the Ministry, to facilitate their entry for employment purposes.
Categorization of quotas	4	(a)		Quotas issued for businesses registered under Act no 18/2014 (Business Registration Act)
		(b)		Quotas issued for individuals
		(c)		Quotas issued for Government offices
		(d)		Quotas issued for other legal entities
Registration on the job portal	5			Pursuant to section 11(c) of this Regulation, Parties stated under section 4 of this Guideline shall be issued quotas after registering on the "National Job Center-Job Portal".
Issuing quota	6	(a)		Quota allocation for the areas stated in section 4(a), (c) and (d) shall be as follows.
		(1)		Categorize Occupations into relevant industries and determine the "Business Activities" which shall be issued quotas.
		(2)		Ministry shall publish the "Quota Requirement List", within 30 days of the commencement of this Act, stating the requirements that should be fulfilled by Business Activities to place a request for quotas, documents to be submitted with the request for quotas, matters that will be considered when issuing quotas and the number of quotas that can be issued.
		(b)		Quota allocation for the categories stated in section 4(b) shall be as follows.
		(1)		Businesses registered as Sole Proprietorships in accordance with Act no:19/2014 (Sole Proprietorship Act), be allocated quotas as stated in subsection(a) of this section.
		(2)		A Maldivian citizen in their individual capacity, shall only be allocated quotas for domestic help, except for quotas issued under clause (1) of this subsection.

		(3)	Ministry shall state in the “Quota Requirement List”, the requirements that should be fulfilled to place a request for quotas, documents to be submitted with the request for quotas, matters that will be considered when issuing quotas and the number of quotas that can be issued when a request is made under clause (2) of this subsection.
		(4)	Quota shall not be issued under this Guideline to foreigners living in Maldives who falls into the category stated in section 4(b) of this Guideline.
		(c)	Pursuant to subsections (a) and (b) of this section, the “Quota Requirement List” shall include the following information.
		(1)	Industries and business activities in those industries which shall be allocated quotas. If an activity in the “Quota Requirement List” is a prohibited occupation in Maldives or if Government does not grant authorizations to conduct that business activity, quotas shall not be issued for that activity despite the business activity being listed in the “Quota Requirement List”.
		(2)	Occupations in business activities, occupations that are not in business activities and occupations for which quotas will not be issued even if the occupation is in the business activity.
		(3)	The minimum number of quotas that can be issued in favor of each business activity. The minimum number of quotas refers to the number of quotas that can be issued for the occupations needed in a business activity, with reference to the smallest businesses. Notwithstanding that the minimum number of quotas is prescribed, if an employer requests for a number of quotas fewer than the prescribed minimum, then the number of quotas authorized shall be the number requested.
		(4)	Allocation of quotas to categories and types of quotas.
Determining the number of quotas	7	The following 3 (three) main factors shall be considered when determining the number of quotas issued pursuant to section 6 of this Guideline.	
		(a)	Ratio of workers required for a specific occupation. Ratio shall be determined by applying the thresholds set by the Ministry to determine the ratio of workers needed to the “manpower plan” prepared and submitted by the employer with the application to request for quota.
		(b)	Availability of workers for that occupation in the job market of Maldives. Availability of workers for an occupation in the job market of Maldives can be verified through the Job-Portal, which is a portal showing the availability of workers for the occupations stated in the applications to request for quota.
		(c)	Ratio of Maldivians employed by that employer, or the number of

			<p>Maldivians employed in the occupation for which quotas are sought.</p> <p>The number of Maldivian employees shall be verified by the number of employees duly registered for pension by the employer as instructed by the Pensions Administration Board.</p>
Requesting for quota	8		Quota shall be issued pursuant to section 6 of this Guideline, upon submission of a request for "New Quota" through the Expat System, by those who wish to obtain quotas.
Validity period of quotas	9	(a)	Upon commencement of this Regulation, the validity period of quotas shall be limited to the period for which the Quota Fee referred to in section 12 of this Regulation has been paid subject to the validity of the contracts and official authorizations issued for the occupation for which quota was issued.
		(b)	Pertaining to the quotas issued prior to the commencement of this Regulation, all quotas except those quotas bearing the "Cancel Status" on the Expat System, are in the "Approved Status".
		(c)	The validity period of the quotas referred to in subsection (b), shall be determined in the manner provided in subsection (a) of this Regulation.
Cessation of quota extension services	10	(a)	Upon commencement of this Regulation, to accommodate the changes in the quota validity periods prescribed in section 9 of this Guideline, Quota Extension Service (service of extending the validity period of quotas) on the Expat System shall cease.
		(b)	Applications to extend quota validity period submitted prior to this Regulation coming into force and which has not been processed at the time this Regulation came into force, shall be cancelled upon commencement of this Regulation.
Cancellation of quotas	11	(a)	Quotas issued from the date of commencement of this Regulation, shall be cancelled, if the Quota Fee, pursuant to section 12 of this Regulation, is not paid within 1(one) month of its issue.
		(b)	Upon commencement of this Regulation, quotas which have been issued and left unused, whether issued prior to or after the commencement of this Regulation, shall be cancelled by those who hold the quotas.
		(c)	Pursuant to subsection (b) of this section, quotas shall be cancelled through the Expat System by those who hold the quota or their Representatives.
		(d)	Quotas can be cancelled pursuant to subsection (c) if,
		(1)	There are no Work Permits, or Work Permit Entry Passes or Employment Approvals issued under that quota, or the number of quotas issued in excess of the number of Employment Approvals, Work Permit Entry Passes and Work Permits issued.
		(2)	Quota fee has not been paid for the period prescribed in section 5 of the "Guideline on Collecting Quota Fee" provided in annex 3 of this Regulation.
		(e)	Pursuant to section 11(e)(2) of the "Guideline on Collecting Quota

			Fee” provided in Annex 3 of this Regulation, quotas for which payments has not been made within the period given and in accordance with the said Guideline, shall be cancelled.
Increasing the number of quotas	12	(a)	Upon commencement of this Regulation, the number of quotas can be increased by submitting a request for a new quota under section 11 of this Guideline.
		(b)	Upon commencement of this Regulation, applications submitted earlier, requesting to increase the number of quotas shall be cancelled. Furthermore, a fresh application shall be made to increase the number of quotas in accordance with subsection (a) of this section.
		(c)	Notwithstanding subsection (a) of this section, number of quotas shall not be increased for an occupation to replace missing or absconded foreign employees (referred to in section 11 of this Regulation) who were holding quotas issued for that occupation.
Occupations for which quotas may be issued and for which quota may not be issued	13	(a)	Upon commencement of this Regulation, quota shall be issued for occupations relevant to the named “business activity”.
		(b)	Under this Regulation, quota shall not be issued for the following occupations.
		(1)	Taxi drivers/drivers of land vehicles which provide transportation services for a fee;
		(2)	Co-pilots of airplanes/first officers;
		(3)	Captains of sea vessels;
		(4)	Occupations on fishing vessels;
		(5)	Photographers, videographers, and people in other similar occupations;
		(6)	Artists in the entertainment industry;
		(7)	Cashiers pursuant to Regulation No. 2020/R-18 (Regulation on Registration of Business Activities in Sale of Agricultural Produce used as Food)
Changing quota occupation	14	(a)	After approval of quota, occupation named in the quota may be changed after a period of 6 (six) months from the date of approval.
		(b)	A fee of MVR200 (two hundred Rufiyaa) is payable as “Quota Occupation Change Fee” for change of occupation on each quota.
		(c)	Quota occupation of quotas which were issued prior to the commencement of this Regulation shall be updated via the Expat System, by submitting a “Manage Occupation” request.
		(d)	To update Quota Occupation, for the first time, of quotas which were issued prior to the commencement of this Regulation, Quota Occupation Fee shall not be charged. However, a Quota Occupation Change after the first time shall be allowed after 6 months from the date of the last change, and Quota Occupation Change Fee of MVR 200 (two Hundred) shall apply.
		(e)	Employers who continue to have quotas without updating quota

			occupation as stated in subsection(c), shall be required to update the System prior to receiving the following services.
		(1)	New quota request;
		(2)	New Work Permit request;
		(3)	Change of worksite for a quota which has not been updated;
		(4)	Change of Employment Approval, Work Permit Entry Pass or Work Permit Occupation issued under a quota which is not updated.
		(f)	Where a quota is submitted for cancellation pursuant to section 11 (b) of this Guideline, and if the Quota Occupation updating has not been done for the said quota as required under subsection (c) of this section, cancellation of the said quota shall be processed after updating the Quota Occupation on that quota.
		(g)	To update Quota Occupation on a quota to cancel it pursuant to subsection (f) of this section, "Manage Occupations" request must be sent through Expat System.
Worksite inspection	15		Worksites where foreign employees work are subject to inspection by the Ministry in a manner the Ministry deems fit for the purpose of issuing quotas.

Annex 3**Guideline on Quota Fee**

Introduction	1		This Guideline pertains to section 12(b) of this Regulation.
Title	2		This Regulation is titled "Guideline on Quota Fee".
Quota Fee	3	(a)	Quota Fee is a fee collected in lieu of the quota issued to allow foreigners to be brought in to be employed in Maldives.
		(b)	The amount of Quota Fee is MVR2000(Two Thousand Rufiyaa) for a period of 12(twelve) months.
Validity period of Quota	4	(a)	The validity period of quota is 12(twelve) months from the date of issue of quota.
		(b)	The validity period of quotas issued prior to the commencement of this Guideline is 12 (twelve) months from the date of commencement of this Regulation.
The period for which quota fee must be paid	5	(a)	Upon commencement of this Guideline, Quota Fee must be paid for newly issued quotas to initiate its use.
		(b)	Fee for quotas issued prior to the commencement of this Regulation, shall be paid in accordance with section 7(a) of this Guideline within 3 months of this Guideline coming into force.
		(c)	Quota Fee for the coming year shall be paid within the period prescribed in section 4(a) and (b) of this Guideline.
		(d)	The maximum period for which Quota Fee can be paid is 36 (thirty-six) months.
Quota Fee for newly issued quotas	6	(a)	Quota Fee for newly issued quotas shall be paid in accordance with section 4(a) and section 5(a) and (c) of this Guideline.
		(b)	Upon commencement of this Guideline, applications submitted and approved for processing new quotas shall be effective after, Quota

			Fee is paid, and the “Approved Status” is attained on the Expat System.
Quota Fee for quotas issued prior to commencement of Guideline	7		Quota Fee for quota requests which have attained “Approved Status” on the Expat System by the date of commencement of this Regulation shall pay the Quota Fee prescribed in section 3 of this Guideline, in accordance with section 4(b) and section 5(b) and (c) of this Guideline.
Refunding Quota Fee upon cancellation of quota	8		In the event, a quota is cancelled subject to section 11 of the “Guideline on issuing Quota for the purpose of employing foreigners”, in Annex 2 of this Regulation, no amount of the Quota Fee paid shall be refunded even if the Quota Fee has been paid for a period of 1 (one) year.
Transfer of a quota issued to an employer to another	9	(a)	Upon commencement of this Guideline, a quota issued to an employer may be transferred to a new employer, when the new employer satisfies all the conditions required for obtaining a quota and pays the Quota Fee in accordance with section 4 and 5(a) of this Guideline.
		(b)	Notwithstanding subsection (a) of this section, a quota issued to one employer shall be transferred to a new employer, without a Quota Fee, upon a court order to the same effect.
Payment of Quota Fee	10		Quota Fee shall be paid through the Expat System, to Maldives Inland Revenue Authority.
Non-payment of Quota Fee	11		If Quota Fee is not duly paid within the specified time and as instructed, the following actions will be taken against employers who failed to pay.
		(a)	Upon failure to fully pay Quota Fee within the given duration, the employer shall be suspended from the date on which the period for Quota Fee payment expires, at level 8 of Employer’s Suspension Tier 2 under sections 8 and 11 of Annex 7 of this Regulation.
		(b)	Subsection (a) of this section shall be preceded by serving the employer with a notice through the Expat System 30 (thirty) days in advance of the date of expiry of the duration for Quota Fee payment. The notice referred to herein, shall require the employer to pay the Quota Fee prior to the expiry of the duration to make the payment and notify that failure to comply shall consequently subject the employer to subsection (e) of this section.
		(c)	The “notice” referred to in subsection (b) of this section is a notification message sent through the Expat System, requiring to pay the Quota Fee.
		(d)	The duration of the “notice” referred to in subsection (b) shall commence from the date it was issued on the Expat System.
		(e)	Following actions will be taken accordingly against employers who failed to pay Quota Fee within the given duration or if an installment plan to pay overdue Quota Fees under section 12 of this Guideline has not been obtained from the Ministry.
		(1)	Reduce the number of issued quotas to the number of Work Permits issued under the quota, from the date the duration given in the notice referred to in subsection (b) of this section expires.
		(2)	Cancel the quota for which payment was not made if a Work

			Permit or Employment Approval has not been issued under that quota.
		(3)	Request the Attorney General to file a civil lawsuit against the employer who has failed to pay the Quota Fee.
Payment of Quota Fee in installments	12	(a)	If an employer is unable to pay Quota Fee within the given duration and wishes to pay in installments within the duration stipulated in section 4(b) of this Guideline, such employer shall submit to the Ministry the "Form to Request Quota Fee Payment in Installments" along with all the information and documents required in the form.
		(b)	Section 11(a) of this Guideline shall not be invoked, where the form referred to in subsection (a) above is submitted and the Ministry has approved payment of Quota Fee in installments within the period stipulated in section 5(c) and (d) of this Guideline in accordance with a plan authorized by the Ministry.
		(c)	Section 11(e) shall be invoked against any employer who obtains approval to pay Quota Fee in installments under subsection (b) of this section and fails to comply with the installment plan approved by the Ministry.
Matters to consider when approving requests for payment of Quota Fee in installments	13		The Ministry may approve or reject the request to allow payment of Quota Fee in installments referred to in section 12 of this Guideline after considering the following factors.
		(a)	Whether an ongoing installment plan exists when the installment request was made.
		(b)	Whether the quota of the applicant making the request or the quota of the employer for whom quota was issued, involved cases of missing employees but the "missing report" has not been filed.
		(c)	Whether the applicant making the request or the employer for whom quota was issued has not paid any proportion of the visa Fee or Work Permit Fee.
		(d)	Whether the application for payment in installments was made in favor of one or few quotas while payments are overdue on several quotas.
Deducting Quota Fee from the deposit money.	14		Notwithstanding section 11 of this Guideline, where employers fail to pay the Quota Fee in accordance with this Guideline, the Minister may decide to deduct the Quota Fee from the deposit money collected pursuant to the "Guideline on Collecting and Refunding Deposit Money" in Annex 5 of this Regulation.
Commencement	15		This Guideline shall come into effect on the date prescribed in section 47(b) of this Regulation.
Annex 4			
Guideline on Issuing Work Permit			
(Permit allowing the stay of foreign employees in Maldives for the duration of their employment)			
Introduction	1		This Guideline is formulated pursuant to section 15(b) of this Regulation.
Title	2		This Regulation shall be cited "Guideline on Issuing Work Permit"

		<i>(Permit allowing stay of foreign employees in Maldives for the duration of employment).</i>	
Work permit	3	(a)	Pursuant to section 15 of this Regulation foreigners are required to obtain Work Permit to work or be employed in the Maldives.
		(b)	Work Permit, as stated in subsection (a) of this section, shall be issued to foreign employees upon fulfilling the requirements obligated under this Guideline to be fulfilled prior to and after entry into Maldives
		(c)	Prior to entry into Maldives, the prospective foreign employee shall submit all documents required to request for Work Permit under this Guideline and obtain a Work Permit Entry Pass to enable entry into Maldives for the purpose of employment under this Regulation.
		(d)	After entry into Maldives, the foreign employee shall obtain Work Permit by fulfilling the requirements in this Guideline.
		(e)	Work Permit Fee is payable for the period for which Work Permit is issued.
Work Permit Entry Pass	4	(a)	Work Permit Entry Pass is a permit issued pursuant to section 17 of this Regulation allowing a prospective employee, who is eligible to hold a Work Permit, to enter Maldives for the purpose of being employed in Maldives.
Categories which may be issued Work Permits	5	Work Permit shall be issued to the categories prescribed in section 16 of this Regulation upon submission of the "Work Permit Application" via the Expat System.	
Validity period of Work Permit	6	The validity period of the Work Permit is subject to section 20 of this Regulation.	
Conditions of work Permit	7	Work Permit shall be issued subject to fulfillment of the following conditions.	
		(a)	Work Permit shall be issued to the categories prescribed in section 16 of this Regulation subject to the validity period of the prospective foreign employee's passport as follows.
		(1)	A passport belonging to a prospective foreign employee in the Professional and Managerial Category shall at least have a validity period of 1 (one) year.
		(2)	A passport belonging to a prospective foreign employee in the Non- Professional Category shall at least have a validity period of 3 (three) years.
		(3)	A passport belonging to a prospective foreign employee in the Domestic Category shall at least have a validity period of 3 (three) years.
		(b)	A quota with a validity period of at least 120 (one hundred and twenty) days should have been issued for the occupation for which Work Permit is sought.
		(c)	An employer should have appointed the foreigner for that occupation.
		(d)	Certificate of the academic qualification should have been attained if the occupation for which Work Permit is sought requires such qualification.

		(e)	License or permit should have been attained where the occupation for which Work permit is sought requires license or permit from a Government authority.
		(f)	The prospective foreign employee shall not be suffering from an ailment that may pose a danger to public health safety or other dangerous health condition.
		(g)	The prospective foreign employee shall not have been convicted of an offence of terrorism, violence against children and women, abuse and trafficking of narcotics, corporate fraud, or any other criminal offence of similar nature.
		(h)	Where security screening is obligated by the concerned authority for foreign employees from a specific nation or for foreign employees joining certain employers or workplaces, Work Permit shall be issued after completing the said security screening.
		(i)	The foreign employee shall not be staying in Maldives under a visa other than a Work Visa.
		(j)	Fulfill the requirements stated in section 15 of this Guideline.
----	8		Notwithstanding section 7(i) of this Guideline, it is not prohibited to issue a Work Permit under this Guideline to a foreigner who entered Maldives under a Dependent Visa and wishes to work in Maldives in the Professional and Managerial Category under a Work Permit.
Documents to be submitted to obtain Work Permit	9		The following documents shall be submitted when requesting for Work Permit.
		(a)	A color scan of the data page of the prospective foreign employee's passport. Additionally, a copy of the passport page which has the previous passport numbers, if any, a color scan copy of the previous passport and the document issued by the immigration of the prospective foreign employee's nation regarding the history of the employee's passports shall be submitted.
		(b)	A passport sized digital color photo of the foreign employee (the photo shall conform to the standard required of passport photos by the Maldives Immigration).
		(c)	A copy of the Letter of Appointment (which includes all the information required in the sample provided in Annex 10 of this Regulation).
		(d)	A color copy of the academic certificates accredited by the Maldives Qualifications Authority if the occupation for which Work Permit is sought requires proof of academic qualification.
		(e)	A color copy of the registration or license stamped and attested to be true and valid, where the occupation for which Work Permit is sought requires such authorization by Government.
		(f)	A medical report issued by a registered health service of the foreign employee's nation, not more than 45 (forty-five) days since its issue and stamped to be true and valid.

		(g)	Police report of the prospective foreign employee (in English).
		(h)	Full information of the accommodation arranged for the prospective foreign employee in accordance with section 30 of this Regulation.
		(i)	Document affirming that the prospective foreign employee has completed the vaccination as required by the Ministry of Health, stamped and attested to be true and validated.
		(j)	Medical certificate of the patient, if the occupation for which the Work Permit is sought is that of a domestic attendant within the Domestic Category.
Payment of deposit	10	(a)	When the Work Permit application in accordance with section 9 of this Guideline is received, Ministry shall vet the application and if it is decided that the prospective foreign employee is eligible to hold a Work Permit, the decision shall be informed to the employer through the Expat System and require the employer to pay the deposit money in accordance with section 25 of this Regulation.
		(b)	Upon payment of the deposit referred to in subsection (a) of this section, the status of the application shall be changed from "Work Permit Application" to "Pending Arrival" and Work Permit Entry Pass shall be issued in favor of the prospective foreign employee in accordance with section 4 of this Guideline to enable his or her entry to Maldives.
		(c)	Work Permit application shall be cancelled if the employer fails to pay the deposit within 60 (sixty) days after the payment has been required pursuant to subsection (a) of this section.
Validity period of the Work Permit Entry Pass	11		The validity period of the Work Permit Entry Pass is stipulated in section 17 of this Regulation.
Revocation of Work Permit Entry Pass	12	(a)	The Ministry may revoke the Work Permit Entry Pass issued to an employer during its validity period prescribed in section 11 of this Guideline, if the Ministry finds that the Work Permit Entry Pass was issued based on false information supplied to the Ministry, or if the employer failed to carry out a responsibility under this Regulation, or if the employer was found to have acted unlawfully.
		(b)	The Ministry shall inform the employer if a Work Permit Entry Pass is revoked under subsection (a) of this section.
Obtaining Work Permit after the foreign employee arrives in Maldives	13	(a)	The employer shall obtain the Work Permit within 15 (fifteen) days after the arrival of the foreign employee by completing the Work Permit application in the "Pending Arrival" status referred to in section 15 of this Guideline.
		(b)	Employers and the foreign employees shall be dealt in accordance with section 14 of this Guideline upon failure to obtain the Work Permit within 15 days after the arrival of the foreign employee.
Foreign employees failing to obtain Work Permit within 15 (fifteen) days of arrival	14	(a)	The employer shall be subjected to the following measures if the employer's foreign employee fails to obtain the work Permit within 15 days after arriving in Maldives as indicated in section 13 of this Guideline.

		(1)	Employer shall be suspended at level 8 of Employer Suspension Tier 1, pursuant to sections 8 and 11 of Annex 7 of this Regulation.
		(2)	Revoking the Work Permit Entry Passes issued to an employer referred to in section 6(b)(3) of Annex 7 of this Regulation if the foreign employees named in the Work Permit Entry Passes have not entered Maldives.
		(3)	In addition to implementing the penalties in subsection(a) (1) and (2) of this section, the employer shall be given a further opportunity to obtain the Work Permit within 30 (thirty) days after the foreign employee arrives in Maldives. Furthermore, a fine of MVR 50 (fifty Rufiyaa) per day shall be imposed on the employer from the date of the arrival of the foreign employee to the date of obtaining the Work Permit within the said 30 (thirty) days.
		(b)	The information of any foreign employee without a Work Permit beyond the period stated in subsection (a)(3) of this section shall be shared with the relevant authorities and shall be sent back to his or her country.
		(c)	Employers who obtained Work Permit Entry Passes for foreign employees shall be subjected to the following actions if the foreign employees are living in Maldives without a Work Permit beyond the period stated in subsection (a)(3) of this section.
		(1)	To suspend employers at level 2 of Employer Suspension Tier 1 under sections 8 and 11 of Annex 7.
		(2)	To impose a fine of MVR2000 (two thousand Rufiyaa) for each foreign employee under that employer living without a Work Permit.
		(d)	If the fine imposed under subsection (c)(2) of this section, is not duly paid within the period prescribed and in accordance with the instructions of the Ministry, the suspension imposed under subsection(c) (1) will continue to be in effect until the fine is paid.
Completing the "Pending Arrival" Work Permit application	15		Work Permit shall be issued pursuant to section 13 of this Guideline to foreign employees subject to the employer fulfilling the following requirements which are needed to complete the Work Permit applications in "Pending Arrival" status.
		(a)	Draw up an employment contract between the employer and the foreign employee.
		(b)	Submit the Work Permit medical to the Ministry.
		(c)	Submit Work Permit Health Cover / insurance to the Ministry.
		(d)	Ensure the foreign employee's accommodation.
		(e)	Share with the Ministry, the mobile phone number under the foreign employee's name.
		(f)	Verify the foreign employee in accordance with the Ministry's instructions.
		(g)	Pay the work Permit Fee in accordance with section 23 of this Guideline.

Entering into employment contract	16		To obtain Work Permit under this Guideline, the employer shall inform the Ministry through the Expat System after drawing up and signing an employment contract which conforms to the Employment Act, between the employer and the foreign employee.
Obtaining Work Permit Medical	17	(a)	To obtain Work Permit under this Guideline, the “medical investigations”, conditioned on foreign employees by the Ministry of Health for the purpose of obtaining the Work Permit, shall be carried out through a Health Service registered at the Ministry of Health and a document from a registered health professional affirming that the foreigner is fit to work shall be submitted to the Ministry.
		(b)	Ministry may or may not issue Work Permit on the advice of the Health Protection Agency (HPA), if the foreigner who applied for the Work Permit was declared by a health professional or Health Protection Agency, to be unfit to work by reason of poor health, or if a health professional or Health Protection Agency (HPA) was unable to conclude whether the foreign employee is fit to work or not within the prescribed period to obtain Work Permit.
		(c)	The Ministry shall inform the employer of the foreign employee whose Work Permit cannot be issued subject to subsection (b) of this section, that the Work Permit has been rejected and the reason why the Work Permit cannot be issued.
		(d)	If an employer is informed that the Work Permit cannot be issued for a foreign employee under that employer, pursuant to subsection (c) of this section, the employer shall arrange, under instruction from the Health Protection Agency (HPA), for the return of the foreign employee to his or her country.
		(e)	Pursuant to subsection (d) of this section, employers who do not follow the instructions of the Health Protection Agency regarding a foreign employee, shall be subjected to suspension at level 8 of Employer Suspension Tier 2 under sections 8 and 11 of Annex 7, in addition to taking action against the employer under section 7 of the Guideline in Annex 7.
Obtaining Work Permit Health Cover / Insurance	18		To obtain work Permit under this Guideline, a document affirming that the health coverage or insurance which fits the requirements of the Ministry for foreign employees’ health coverage, shall be obtained from a service provider registered at the Ministry and submitted to the Ministry as instructed by the Ministry.
Ensuring the accommodation for the foreign employee	19		To obtain work Permit under this Guideline, foreign employees’ accommodation shall be arranged conforming to the standard in Annex 6 of this Regulation, and “Expatriate Worker Accommodation Declaration Form” shall be submitted to declare the same.
Sharing the phone number of the foreign employee	20	(a)	The employer shall provide the foreign employee for whom Work Permit is to be issued, a mobile number registered under the foreign employee’s name to enable the foreign employee to check the status of his or her permits and to enable an arrangement by which the Government can at any time enquire the foreign employee for information.

		(b)	To issue work Permit under this Guideline, the phone number referred to in subsection (a) of this section shall be shared with the Ministry via the Expat System.
Verification of the foreign employee	21	(a)	To obtain work Permit under this Guideline, the foreign employee shall be verified in accordance with subsections (b) and (c) of this section.
		(b)	To verify the foreign employee as required under subsection (a), the employer shall be informed through the Expat System to present the foreign employee to the Ministry for verification.
		(c)	The foreign employee shall be verified by the Ministry by using the information and documents submitted with the Work Permit application and the biometric data and records collected by Government authorities.
Resolving the matter of foreign employees who cannot be verified	22	(a)	In the event, the foreign employee was not verified as indicated in section 21 of this Guideline, within the period prescribed in section 13 of this Guideline, the Ministry shall issue a Work Permit subject to conditions set by the Ministry and inform the employer of the issued Work Permit while continuing the verification process of that foreign employee in association with other relevant Government authorities.
		(b)	After completion of the verification process pursuant to subsection (a) of this section, if the Ministry, depending on the outcome of the verification, concludes that the Work Permit issued to the foreign employee shall be revoked, the Ministry shall inform the employer of the reason of revocation and require the foreign employee to be returned to his or her country.
Payment of Work Permit Fee	23	(a)	Work Permit Fee is MVR350(three hundred and fifty Rufiyaa) per month.
		(b)	To obtain work Permit under this Guideline, the Work Permit Fee of at least 1 (one) month from the date of entry of the foreign employee into Maldives shall be paid.
		(c)	Work Permit Fee shall be paid to an institute determined by the Ministry and in a manner instructed by the Ministry.
		(d)	Work Permit Fee for at least one month in advance shall be paid prior to the expiration of the period for which Work Permit Fee was paid.
		(e)	Payment of Work Permit Fee shall be allowed for a period for which the following criteria is satisfied.
		(1)	The period for which Work Permit Fee is payable shall be covered by the validity period of the medical of the foreigner.
		(2)	The period for which Work Permit Fee is payable shall be covered by validity period of the insurance taken for the foreigner.
		(3)	The period for which Work Permit Fee is payable shall be covered by the validity period of the passport of the foreigner.
		(4)	The period for which Work Permit Fee is payable shall be covered by the validity period of the employment contract executed between the employer and the employee.

		(5)	The period for which Work Permit Fee is payable shall be covered by the validity period of the registration or license issued by the Government where such registration or license is required to issue a Work Permit for that occupation.
		(6)	The period for which Work Permit Fee is payable shall be covered by the validity period of the quota for which the Work Permit was issued.
	(f)		Payments of Work Permit Fee are non-refundable upon making the payment.
	(g)		Employers will be subject to the following measures upon failure to pay Work Permit Fees within the period prescribed in this section.
		(1)	Suspension of the employer at level 8 of Employer Suspension Tier 1 as prescribed under sections 8 and 11 of Annex 7.
		(2)	Out of the Work Permit Entry Passes issued to an employer referred to in section 6(b)(3) of Annex 7, revocation of Work Permit Entry Pass in the name of the foreign employee and the Work Permit Entry Passes for which no foreign employees have entered.
		(3)	In addition to implementing the measures in clauses (1) and (2) of this subsection, work Permit Fee for a period of 6 months shall be accepted along with a fine of MVR10(ten Rufiyaa) per day of delay in making the payment.
	(h)		If the employer defaults on making Work Permit Fee in a timely manner under this section, the Ministry shall afford the employer the opportunity to make payments by executing an agreement, prior to the expiry of the period prescribed in this section, between the Ministry and the employer to enable payment of dues.
	(i)		Where an agreement is not reached as stated in this section, the following measures shall be implemented against such employers and the foreign employees after revoking their Work Permits.
		(1)	Suspension of the employer at level 4 of Employer Suspension Tier 2 under sections 8 and 11 of Annex 7 of this Regulation.
		(2)	The foreign employees shall be dealt with in the following manner
		(2.1)	Foreign employees who wish to return to his or her country, shall be sent off at their own expense or using the deposit money.
		(2.2)	Foreign employees who wish to take up employment under another employer, shall be assigned to a new employer through regularization and issued a Work Permit under the new employer within 60 (sixty) days.
		(2.3)	Foreign employees who fail to secure an employment within the period prescribed in (2.2) above, shall be returned to their country at their own expense or by using the deposit money according to (2.1).
	(j)		The Ministry reserves the right to extend the suspension period of the employer referred to in clause (1) of subsection (i) of this section,

			considering the number of foreign employees whose Work Permit Fee was not paid by that employer.
		(k)	Where Work Permits are revoked under this section, the deposits made in lieu of the said Work Permits shall not be refunded.
Mechanism to recognize foreign employees working with Work Permits	24	(a)	The Ministry shall establish a mechanism by which foreign employees working in Maldives with duly issued work Permits can be recognized through the means of a card or other effect.
		(b)	The card or other effect referred to in subsection (a) of this section shall be a means that the foreign employee can always carry on him or herself and has access to it, in a manner that it can be displayed and used for the verification of the foreigner on demand as and when required by any Government authority.
		(c)	It is the duty of the captain of the aircraft or seafaring vessel to ensure that any foreign employee on board from one island to another is in possession of the said card or other means of verification referred to in subsection (a) of this section. It shall be unlawful to carry a foreigner aboard without such verification.
		(d)	Notwithstanding subsection (c) of this section, a foreigner shall be carried aboard any inter-island transportation means without any identification pursuant to subsection (a), if the foreigner is in a life-threatening situation.
		(e)	If the Ministry decides that the verification means shall be a card pursuant to subsections (a) and (b) of this section, the employer shall pay a fee of MVR150 (one hundred and fifty Rufiyaa), to the Ministry.
		(f)	If the foreign employee fails to provide the identification as and when requested by Government authorities, the foreign employer shall be dealt with in the following manner after he or she is removed to a detention facility and verified.
		(1)	Reinstate with the employer if it is found that the foreign employee is duly permitted to be employed and has been on conducting in a manner consistent with this Regulation.
		(2)	If it is found that the employee is not duly permitted to be employed in Maldives or otherwise engaged in unlawful conduct even if a permit is in effect, the foreign employee shall be returned to his or her country after revoking his or her Work Permit or Work Permit Entry Pass if issued as the case may be, and imposing a suspension at level 3 of Employee Suspension Tier 1 under sections 8 and 11 of Annex 7.
Extending the validity period of the Work Permit	25	(a)	The employer shall duly extend the validity period of the Work Permit prior to its expiry, during the time the foreign employer is in employment in Maldives, by fulfilling the requirements in accordance with this Guideline.
		(b)	The validity period of the Work Permit shall be extended upon its expiry if all the requirements for obtaining a Work Permit pursuant

			to section 15 of this Guideline, and the requirements set out below are fulfilled without exception.	
			(1)	If the duration of employment contract signed between the employer and the foreign employee holding the Work Permit has expired, a new employment contract shall be executed, and the Ministry shall be informed of the renewal in accordance with section 16 of this Guideline.
			(2)	If the validity period of the medical report of the foreign employee holding the Work Permit has expired, a new medical report shall be obtained and submitted in accordance with section 17 of this Guideline.
			(3)	If the validity period of insurance or health cover obtained for the foreign employee holding the Work Permit has expired, the insurance shall be renewed and submitted to the Ministry in accordance with section 18 of this Guideline.
			(4)	If the accommodation of the foreign employee has changed, the "Accommodation Declaration Form" shall be submitted in accordance with section 19 of this Regulation.
			(5)	If the mobile phone number referred to in section 20 of this Guideline has changed, the current phone number shall be shared with the Ministry.
			(6)	Work Permit Fee shall be paid in accordance with section 23 of this Guideline.
		(c)	Employers shall be subjected to the following measures upon failure to extend the Work Permits.	
			(1)	Suspension of the employer at level 8 of tier 1 pursuant to sections 8 and 11 of Annex 7 of this Regulation.
			(2)	Of the Work Permit Entry Passes in the name of an employer described under section 6(b)(3) of Annex 7, revocation of the Work Permit Entry Passes for which no foreign employees have entered.
			(3)	In addition to implementing the measures in clauses (1) and (2) of this subsection, the Ministry shall afford the employer a period of 3 (three) months from the date of expiry of the Work Permit to extend the validity period of Work Permit through an agreement between the Ministry and the employer.
		(d)	Where an agreement is not reached as stated in subsection (c)(3) of this section, the following measures shall be implemented against such employers and the foreign employees after revoking their Work Permit.	
			(1)	Suspension of the employer at level 4 of Employer Suspension Tier 2 under sections 8 and 11 of Annex 7 of this Regulation.
			(2)	The foreign employee shall be dealt with in the following manner
			(2.1)	If the foreign employee wishes to return to his or her country, he or she shall be sent off at his or her own expense or using the deposit money.

				(2.2)	If the foreign employee wishes to take up employment under another employer, he or she shall be assigned to a new employer through regularization and issued a Work Permit under the new employer within 60 (sixty) days.
				(2.3)	If the foreign employee fails to secure an employment within the period prescribed in (2.2) above, he or she shall be returned to his or her country at his or her own expense or by using the deposit money according to (2.1).
		(e)	The Ministry reserves the right to extend the suspension period of the employer referred to in clause (1) of subsection (d) of this section, considering the number of foreign employees whose Work Permit was not extended by that employer.		
		(f)	Where Work Permits are revoked under this section, the deposits made in lieu of the said Work Permits shall not be refunded.		
Expiry of Work Permit of the foreign employee while abroad	26	A foreign employee whose Work Permit expired while he or she was away from Maldives, may re-enter Maldives after the Work Permit is extended in accordance with section 25 of this Guideline.			
Changing the employer	27	(a)	Where a foreign employee wishes to work for an employer other than the employer for whom the Work Permit was issued, the new employer shall obtain a Work Permit for that foreign employer.		
		(b)	To change the employer, “Employer Change Request” shall be submitted via the Expat System.		
		(c)	“Employer Change Request” shall be complete upon the new employer paying the deposit and obtaining the Work Permit for that foreign employer in accordance with section 25 of this Guideline.		
		(d)	The employer of a foreign employee can be changed in accordance with this section, upon completion of the following and submitting the documents set out below.		
			(1)	If the Work Permit Fee of the foreign employee who wishes to change the employer, has been duly paid without defaulting by the employer for whom the Work Permit was issued, a written no-objection from that employer shall be submitted.	
			(2)	Letter of Appointment by the prospective new employer.	
			(3)	The quota issued to the prospective new employer for the occupation for which the foreign employee is going to fill.	
			(4)	In addition to clauses (1), (2) and (3) of this subsection, any requirement which is incomplete pursuant to section 15 of this Guideline shall be completed to obtain Work Permit.	
		(e)	When the process of changing the employer is completed and the Work Permit is obtained under the new employer, an employment contract conforming to the requirements in Employment Act shall be signed between the new employer and the foreign employee and inform to the Ministry via the Expat System.		
Changing	28	(a)	Where a foreign employee wishes to change occupation, “Site and		

Occupation			Occupation Change Request” shall be submitted via the Expat System.
		(b)	Changing occupation pursuant to subsection (a) of this section is to change to an occupation for which the employer has been issued a quota.
		(c)	Changing Occupation pursuant to subsections (a) and (b) shall be allowed if the Work Permit Fee has been paid for that period.
Changing Worksite	29	(a)	Where a foreign employee’s worksite indicated in the Work Permit needs to change to another worksite of the same employer, “Site and Occupation Change Request” shall be submitted via the Expat System.
		(b)	Worksite authorized through work Permit of a foreign employee shall be changed after submitting “Site and Occupation Change Request” via the Expat System during a period for which Work Permit Fee has been paid.
		(c)	To Change worksite pursuant to subsection (a) of this section, the employer shall possess a quota for that occupation at the new worksite.
Passport renewal	30	(a)	If a foreign employee in Maldives renews his or her passport, the employer of that foreign employee shall submit “Passport Add Request” via the expat System to update the passport information on the Work Permit.
		(b)	If the passport of a foreign employee is renewed, the Work Permit information of that foreign employee shall be updated on the Expat System according to subsection (a) of this section.
Missing or absconding foreign employees	31		If a foreign employee holding a Work Permit flees from the employer or has gone missing, the employer is required to follow Annex 8 of this Regulation.
Revoking the Work Permit	32		Work Permit shall be revoked in accordance with section 23 of this Regulation.
Obtaining Work Permits for foreign employees who have been working under an employment approval prior to this Regulation	33	(a)	Foreign employees working in Maldives under an Employment Approval issued prior to the commencement of this Regulation, fall into the following 2(two) categories, based on the permits issued to them.
		(1)	Foreign employees holding a valid Employment Approval
		(2)	Foreign employees who do not have a valid Employment Approval.
		(b)	Foreign employees holding a valid Employment Approval as stated in subsection (a)(1), categorize into the following 2 sub-categories.
		(1)	Foreign employees holding a valid Employment Approval and Work Visa
		(2)	Foreign employees holding a valid Employment Approval but do not have a Work Visa.
		(c)	Work Permit for foreign employees stated in subsection (b)(1) can be obtained in the following manner.
		(1)	Create “Work Permit Application” on the Expat System 30 days ahead of the date of expiry of their Work Visa.

		(2)	Fulfill the requirements necessary to obtain a Work Permit provided in section 15 of this Guideline and submit the Application within 20 days of its creation. Work Permit shall be obtained prior to the expiry of the Work Visa and within the period for which Work Visa Fee has been paid.
		(d)	Employers who fail to submit the Application within the given period in accordance with subsection (c)(2), shall be suspended at level 8 of Employer Suspension Tier 1 pursuant to sections 8 and 11 of Annex 7 of this Regulation and the opportunity to complete the process of obtaining a Work Permit prior to the expiry of the term for which Work Visa Fee was paid will be given.
		(e)	The following measures shall be implemented against employers and foreign employees upon failure to obtain Work Permit prior to expiry of the paid term of the work Visa.
		(1)	Suspension of the employer at level 4 of Employer Suspension Tier 2 under sections 8 and 11 of Annex 7 of this Regulation.
		(2)	The foreign employee shall be dealt with in the following manner.
		(2.1)	If the foreign employee wishes to return to his or her country, he or she shall be sent off at his or her own expense or using the deposit money.
		(2.2)	If the foreign employee wishes to take up employment under another employer, he or she shall be assigned to a new employer through regularization and issued a Work Permit under the new employer within 60 (sixty) days.
		(2.3)	If the foreign employee fails to secure an employment within the period prescribed in (2.2) above, he or she shall be returned to his or her country at his or her own expense or by using the deposit money according to (2.1).
		(f)	The Ministry reserves the right to extend the suspension period of the employer referred to in clause (1) of subsection (e) of this section, considering the number of foreign employees whose Work Permit was not obtained by that employer.
		(g)	Where measures are taken under subsection (e) of this section, the deposits made towards the foreign employee shall not be refunded.
		(h)	Foreign employees in referred to in subsection (a)(2) and subsection (b)(2) of this section, shall be issued a Work Permit upon applying for Work Permit with an assurance to pay Work Visa Fee for the period they have worked in Maldives (even if they did not possess a valid permit for that period).
Employing foreigners without Work Permit	34	(a)	It shall be unlawful pursuant to section 24 of this Regulation to employ or get work done through a foreigner without a Work Permit in contravention of this Guideline.
		(b)	Pursuant to subsection (a) of this section, the following measures shall be implemented against employers for employing or getting

			work done through foreigners without obtaining the permits and the foreigners who are working illegally.
		(1)	Employers referred to in subsection (a) of this section, shall be subjected to section 7 of Annex 7 for employing or getting work done through foreigners without obtaining the permits. Additionally, the employer shall be suspended between levels 4 and 7 of Employer Suspension Tier 2 under sections 8 and 11 of Annex 7 of this Regulation.
		(2)	Foreign employees found to be working in Maldives illegally, , shall be returned to his or her country after imposing a suspension at level 3 of Employee Suspension Tier 1 under sections 8 and 11 of Annex 7 pursuant to subsection (a) of this section.
Work Permit issued based on false information	35	(a)	Ministry has the discretion to revoke Work Permits or any other related permits if it is deemed that the permits were obtained by submitting false information.
		(b)	Anyone who commits the act stated in subsection (a) of this section, shall be held liable under Annex 7 of this Regulation.
Annex 5			
Guideline on Paying and Refunding Deposit			
Introduction	1		This Guideline is formulated pursuant to section 25 of this Regulation.
Title	2		The Guideline shall be titled, “Guideline on paying and refunding deposit” .
Objective of the deposit paid to authorize foreign employees	3	(a)	The deposit collected prior to allowing entry of foreign employees is the deposit referred to in section 25 of this Regulation.
		(b)	The money payable as deposit shall be used by the Government in the event the Government concludes that the foreign employee who entered Maldives under a Work Permit or Employment Approval shall be returned to his or her country or to spend on carrying out a responsibility of the employer under this Regulation in the event the employer has failed to do so.
Circumstances in which deposit is payable	4	(a)	Deposit shall be paid under the following 3(three) circumstances.
		(1)	Deposit shall be paid to obtain Work Permit Entry Pass pursuant to section 17 of this Regulation for Foreign employees for whom Work Permit has been requested as instructed in section 15 of this Regulation.
		(2)	Deposit shall be paid to enable “employer change” pursuant to section 22 of this Regulation.
		(3)	Deposit shall be paid to regularize a foreign employer pursuant to section 40 of this Regulation.
Amount payable as deposit	5	(a)	The amount of deposit money shall be determined considering the cost of airfare to the foreign employee’s country and other costs the Government may have to undertake in relation to a foreign

			employee brought to Maldives.	
		(b)	The Ministry shall publish “Deposit Rates” in tabulate form stating the respective amounts of deposit payable for foreign employees from different countries.	
		(c)	The tabulated “Deposit Rates” referred to in subsection (b) is subject to changes in ticket fares and shall be revised accordingly.	
Paying deposit	6	Deposit money shall be paid according to the Ministry’s instructions through Expat System.		
Circumstances for using the deposit by the Government	7	(a)	Minister has the discretion to spend the deposit money on behalf of the Government under the following circumstances.	
			(1)	To bear the expenses of returning a foreign employee brought to Maldives by an employer, upon the Government deciding to return the foreign employee back to his or her country (this includes, price of airfare, passport expenses, expenses incurred at the detention center and other related expenses).
			(2)	To reimburse the expense which the Government had to incur in providing health care for a foreign employee brought to Maldives by an employer.
			(3)	Where the employer had failed to pay any dues towards Quota Fee, Work Permit Fee, or any other Fee or fine payable under this Regulation.
			(4)	To reimburse any expense which the Government had to incur upon death of a foreign employee brought to Maldives by an employer.
		(b)	The deposit money shall not be refundable under the circumstances stated in subsection (a) of this section.	
		(c)	In the event the Government spends the deposit money under the circumstances stated in subsection (a)(2), (3) and (4) of this section, on a foreign employee in Maldives, the employer shall reimburse the deposit in accordance with instructions from the Ministry.	
		(d)	The employer shall be liable to reimburse to the Ministry, if the Government incurred any amount exceeding the deposit made by the employer on account of a failure of the employer to carry out a responsibility due under this Regulation or for any other reason.	
		(e)	Employers who do not comply with subsections (c) and (d) of this section, shall be subjected to section 7 of Annex 7 and in addition, the employer shall be suspended at level 8 of Employer Suspension Tier 2, under sections 8 and 11 of Annex 7 of this Regulation.	
Refunding of deposit money	8	(a)	The deposit money shall be refundable under the following circumstances and except in the circumstances expressly identified in this Guideline to be non-refundable circumstances.	
			(1)	Cancellation of Work Permit Entry Pass, Work Permit or Employment Approval.
			(2)	Employer change.
		(b)	Deposit money shall be transferred to an account in the employer’s	

			name upon refunding.	
		(c)	Notwithstanding subsection (b) of this section, deposit money may be refunded by a party other than the employer in the circumstances stated below.	
		(1)		Where a court order requires the money to be refunded to a party other than the employer.
		(2)		Where the deposit money is refunded in favor of an authority of the State on account of a payment due from the employer to that authority.
		(3)		Where a legal entity is in the process of liquidation, the deposit money paid for foreign employees recruited by that entity shall be handed over to the liquidator.
		(4)		Refunding the deposit upon death of an employer.
		(d)	Pursuant to subsection (c)(3), if a legal entity has been dissolved, the deposit money paid for their foreign employees shall be released to the court under a court order.	
		(e)	Pursuant to subsection (c)(4), upon death of the employer, the deposit money shall be disbursed in accordance with a court order.	
		(f)	In the event an employer wishes to use a refundable deposit to pay for a new foreign employee of the same employer, without processing the refunding, the adjustment shall be made according to a mechanism provided by the Ministry.	
Documents required for the deposit	9	A bank account verification slip not more than 6 (six) months from the date of application to refund the deposit shall be submitted via the Expat System (a bank account verification slip shall bear the account name, account number and date). The following documents shall be deemed as bank account verification slips.		
		(1)	A check in the name of the company if it is a legal entity; or	
		(2)	Bank statement;	
		(3)	A deposit slip or withdrawal slip;	
		(4)	A document issued by the bank;	
Circumstances where deposit is Non-refundable	10	Deposit shall not be refunded in circumstances identified in this Guideline as non-refundable circumstances.		
Annex 6				
Guideline on Providing Accommodation by Employers for Foreigners Employed in Maldives				
introduction	1	This is the Guideline pertaining to section 30 (a) of this Regulation.		
Title	2	This Guideline shall be titled “Guideline on providing accommodation by employers for foreigners employed in Maldives”.		
Permitted Accommodation Arrangements	3	Employers shall provide accommodation to foreign employees in one of the following ways.		
		(a)	Employers may provide accommodation to their foreign employees through a service provider, who as a business, provides accommodation services specific to foreign employees employed in Maldives.	
		(b)	Employers may arrange for their foreign employees’ accommodation	

			in buildings under their authority.
		(c)	Foreign employees in the professional category, may arrange accommodation on their own.
Registration of accommodation service providers	4		Businesses providing accommodation services as referred to in subsection 3(a), shall register their business activity at the Ministry pursuant to Regulation No. 2020/R-103 (Regulation on Registering the Business activity of providing accommodation services to Foreign Employees).
Registration of accommodation facilities and obtaining permission to use it.	5	(a)	Employers of foreign employees stated in subsection 3(b) and (c) of this Guideline, shall register the places of accommodation at the Ministry and obtain permission to use the places as accommodation facilities.
		(b)	Registration of and permission to use the accommodation facilities pursuant to subsection (a) of this section, shall be issued after inspection of the place pursuant to section 12 of this Guideline to ensure that the place conforms to the general standards stated in section 10 of this Guideline.
Submission of information on accommodation when applying for Work Permit	6	(a)	To obtain Work Permit for a foreign employee pursuant to subsection 15(a) of Annex 4 of this Regulation, the information of the place where his or her accommodation has been arranged shall be shared with the Ministry.
		(b)	The place of accommodation referred to in subsection (a) of this section shall be registered and authorized to use as an accommodation for foreign employees in accordance with section 5 of this Guideline.
Giving and operating accommodation services or placing foreigners in unregistered and unauthorized places	7	(a)	It shall be unlawful to give accommodation services or operate accommodation facilities in unregistered and / unauthorized places for the purpose of placing foreigners in them.
		(b)	Employers who do not comply with subsection (a) of this section, shall be subjected to section 7 of Annex 7.
Taking responsibility for foreign employees in accommodations provided through service providers in the business	8		The employer shall take responsibility to dispose of all the duties and responsibilities of the employer arising under this Regulation and the employment contract towards their foreign employees, and to regularly attend to them when they are residing in accommodation facilities of service providers.
Keeping record of places rented as	9		Where the accommodation facility is a place leased to use as an accommodation facility for foreign employees, the lessor of the place shall

accommodation of foreigners		ensure that the place is used for the purpose for which it was rented and keep record of the foreign employees residing there and inform the employer or the service provider who has rented the place from the lessor and the Ministry, if the place is used by unauthorized persons.
General standards required of places used as accommodation for foreign employees	10	Accommodation facilities, provided for foreign employees employed in Maldives in accordance with this Regulation, shall conform to the standards prescribed in Regulation no: 2021/R-15 (Regulation on the General Standards Required in Accommodations Provided by employers to their Foreign Employees)
Providing Accommodations better than the normal standards	11	This Regulation does not bar employers from providing their foreign employees with accommodations which give them better rights and benefits than accommodations which conform to the standards referred to in section 10 of this Guideline.
Inspection of the place	12	(a) Registration and authorization of use of accommodation facility via the Expat System shall be subject to inspection by the Ministry, to ensure that the place conforms to the standards referred to in this Guideline.
		(b) Ministry shall inspect accommodations provided to foreign employees and other related places at least once a year to ensure that the accommodation facilities are operated in a manner consistent with the standards prescribed in this Guideline.
		(c) In an inspection pursuant to subsection (a) of this section, if any place used as accommodation for foreign employees is found to be inconsistent with the standards referred to in this Guideline, the employer shall be notified through the Expat System and given time to rectify the inconsistencies.
		(d) In the event the accommodation service provider or the employer fails to rectify the inconsistencies within the time given in accordance with subsection (c) of this section, action will be taken against the employer and the service provider pursuant to section 7 of Annex 7. Additionally, the employer shall be suspended at level 8 of Employer Suspension Tier 1 and the accommodation service provider shall be suspended at level 8 of Accommodation Service Provider Suspension Tier 1 given under sections 8 and 11 of Annex 7.
Penalty	13	Action will be taken under Annex 7 of this Regulation, against those who fail to comply with this Guideline.
Reporting	14	Non-compliance or suspected non-compliance by anyone, of the standards referred to in section 10 or any other term prescribed in this Guideline, shall be reported to the Ministry without delay.
Annex 7		
Guideline on Imposing Penalties		
Introduction	1	This Guideline is formulated pursuant to section 43 of this Regulation.
Title	2	This Guideline shall be titled, <i>"Guideline on Imposing Penalties"</i> .
Penalties	3	The following penalties may be imposed for non-compliance of this Regulation.

		(a)	Revocation of permits issued under this Regulation;
		(b)	Imposing fines;
		(c)	Suspension (barring access to services provided under this Regulation);
		(d)	Blacklisting;
Parties who may be held liable	4	The parties named hereunder may be subjected to penalties for non-compliance of this Regulation.	
		(a)	Employers. (Employer includes parties holding quotas or the parties who have Work permits in their favor issued to foreign employees or parties who employ or get work done by foreigners without any permits).
		(b)	The Representatives, appointed under section 8 of this Regulation.
		(c)	Employees.
		(d)	Those who are in the business of providing foreign employees' accommodation services to employers.
		(e)	Health service providers who carry out the medical services required to issue Work Permits in accordance with this Regulation.
		(f)	Insurance service providers who provide health insurance or health cover required to issue Work Permits in accordance with this Regulation.
Actionable situations	5	Action shall be taken under this Guideline for the following situations of non-compliance.	
		(a)	Through Expat System or otherwise, holding communications which are alleged to relate to human trafficking.
		(b)	Submission of false information in relation to a transaction within the ambit of this Regulation via Expat System or otherwise.
		(c)	Submission of dubious information via Expat System or otherwise in a transaction relating to this Regulation.
		(d)	Allegation of a criminal offence in a transaction done via Expat System or otherwise.
		(e)	Misuse of Expat System.
		(f)	Non-cooperation with the Ministry in the implementation of this Regulation and non-compliance of instructions from the Ministry.
		(g)	Criminal indictment or conviction on a criminal charge.
		(h)	Non-payment of a Fee or other payable due to the Ministry or any other authority under this Regulation
		(i)	Suspending or blacklisting by any State authority investigating a matter under this Regulation.
		(j)	Apart from those listed above, any other matter identified as actionable under this Regulation.
Revocation of permits issued under this Regulation	6	(a)	After due consideration to the nature and severity of the non-compliance, the Ministry have the power to order to revoke permits and return foreign employees under the revoked permits back to their countries.
		(b)	Below are the permits that may be revoked pursuant to subsection (a) of this section.
		(1)	Quotas issued to employers to bring foreign employees to

				work in Maldives.
			(2)	Work Permit issued to foreign employees.
			(3)	Work Permit Entry Pass or Employment Approval issued to allow entry of foreign employees into Maldives.
Imposing of fines	7	(a)		Fines not more than MVR 2000(two thousand Rufiyaa) may be imposed against those who contravene this Regulation.
		(b)		The fines imposed under subsection (a) shall be duly paid in a timely manner as instructed by the Ministry.
		(c)		The fines imposed under subsection (a) shall be paid to the Ministry or to any other office indicated by the Ministry.
		(d)		If fines imposed under subsection (a) is not paid within the given period, the fined party shall be subjected to measures prescribed in sections 6 and 8 of this Regulation.
Suspension (withholding services)	8	(a)		Services rendered under this Regulation may be withheld from those who contravene this Regulation.
		(b)		Pursuant to subsection (a) of this section, section 11 of this Guideline states the degrees of suspension that may be imposed in relation to situations identified in this Regulation.
		(c)		Pertaining to subsection (b) of this section, suspensions shall be executed for the time frames stated below.
			(1)	60 (sixty) days
			(2)	90 (ninety) days
			(3)	180 (one hundred and eighty) days
			(4)	1 (one) year
			(5)	2 (two) years
			(6)	5 (five) years
			(7)	10 (ten) years
			(8)	Until a matter under investigation is over.
		(d)		Suspension periods shall be decided with due consideration to the circumstances and severity of the wrongful act.
		(e)		The Minister shall have the discretion to remove or reduce or change the degree of suspension of a party suspended under this Regulation, with due consideration to the circumstances relating to suspension or based on the outcome of an investigation done on the circumstances that led to suspension.
Blacklisting	9	(a)		Ministry may blacklist a party for contravening this Regulation after giving due consideration to the nature and severity of the matter.
		(b)		Ministry may decide to impose the following penalties severally or in combinations, against a party blacklisted under subsection (a) of this section.
			(1)	Imposition of penalties stated in section 3(a), (b) and (c) of this Guideline.
			(2)	Suspending the backlisted party from the services given under this Regulation.
			(3)	Publicizing the information of the blacklisted party.
Penalties for	10			In circumstances which amount to unlawfulness, but this Regulation is

unlawful matters which have not been addressed.		silent on the penalties applicable to that circumstance, a fine shall be imposed on the wrongdoer in accordance with section 7 of this Regulation.
Imposing suspensions	11	This Guideline provides for the suspension of those who are liable to suspension pursuant to section 8 of this Guideline.
Penalties applicable to unlawful circumstances	12	This Guideline provides in tabulated form the penalties applicable to circumstances identified in this Regulation to be actionable.

EMPLOYER										
Tier	Services to be barred through Expat System	Suspension Level								
		1	2	3	4	5	6	7	8	
1	<ul style="list-style-type: none"> Issue of new quotas and increasing number of quota (inclusive of R Quota) Issue of new Work Permits Issue of new Work Permit Entry Pass 	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved	
2	<ul style="list-style-type: none"> Issue of new quotas and increasing number of quota (inclusive of R Quota) Issue of new Work Permits Issue of new Work Permit Entry Pass Refunding of deposit 	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved	
3	<ul style="list-style-type: none"> Issue of new quotas and increasing number of quota (inclusive of R Quota) Issue of new Work Permits Issue of new Work Permit Entry Pass Refunding of deposit Occupation/Worksite change of a Work Permit holder 	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved	
4	<ul style="list-style-type: none"> Issue of new quotas and increasing number of quota (inclusive of R Quota) Issue of new Work Permits Issue of new Work Permit Entry Pass Refunding of deposit Occupation/Worksite change of a Work Permit holder Quota occupation change 	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved	
5	<ul style="list-style-type: none"> Issue of new quotas and increasing number of quota (inclusive of R Quota) Issue of new Work Permits Issue of new Work Permit Entry Pass Refunding of deposit Occupation/Worksite 	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved	

	<div>change of a Work Permit holder</div> <div><ul style="list-style-type: none">Quota occupation changeExtension of quota and Work Permit Validity period</div>								
6	<div><ul style="list-style-type: none">Issue of new quotas and increasing number of quota (inclusive of R Quota)Issue of new Work PermitsIssue of new Work Permit Entry PassRefunding of depositOccupation/Worksite change of a Work Permit holderQuota occupation changeExtension of quota and Work Permit Validity periodAppointment of Representative</div>	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved
7	<div><ul style="list-style-type: none">Bar of all services available on the System</div>	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved
FOREIGN EMPLOYEE									
Tier	Services to be barred through Expat System	Suspension Level							
		1	2	3	4	5			
1	Issue of Work Permit Entry Pass /Work Permits	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved			
2	Extension of validity period of Work Permits	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved			
3	Employer, Worksite, Occupation change	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved			
REPRESENTATIVES									
Employees of the Employer and Individuals									
Tier	Services to be barred through Expat System	Suspension Level							
		1	2	3	4	5	6	7	
1	Bar of all services available on the System	60 days	90 days	180 days	1 year	2 years	5 years	Until investigation of the case is over, or the case is resolved	
EMPLOYMENT AGENCY									
1	Appointment of a new party under Agency name	60 days	90 days	180 days	1 year	2 years	5 years	Until investigation of the case is over, or the case is resolved	
2	Registration as Representative of an Employer	60 days	90 days	180 days	1 year	2 years	5 years	Until investigation of the case is over, or the case is resolved	
3	Bar of all services available on the System	60 days	90 days	180 days	1 year	2 years	5 years	Until investigation of the case is over, or the case is resolved	
ACCOMMODATION PROVIDER									
Tier	Services to be barred through Expat System	Suspension Level							
		1	2	3	4	5	6	7	8
1	Accommodation of employees in registered accommodation facilities	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation

	(Booking services)								of the case is over, or the case is resolved
2	Registration of new accommodation facilities and accommodation of employees in registered facilities (Booking Services)	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved
3	Bar of all Expat Services	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved
WORK PERMIT HEALTH COVER /INSURANCE SERVICE PROVIDER									
Tier	Services to be barred through Expat System	Suspension Level							
		1	2	3	4	5	6	7	8
1	Bar of all services on Expat System	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved
WORK PERMIT MEDICAL SERVICE PROVIDER									
Tier	Services to be barred through Expat System	Suspension Level							
		1	2	3	4	5	6	7	8
1	Bar of all services on Expat System	60 days	90 days	180 days	1 year	2 years	5 years	10 years	Until investigation of the case is over, or the case is resolved

Violations And Their Respective Penalties					
Circumstances Of Violations		Penalties			
		Blacklisting	Suspension of services provided under this Regulation	Fine	Revoking permits issued under this Regulation
1	Alleged human trafficking involved in a transaction over the Expat System or otherwise in relation to this Regulation.	v	v		v
2	Submission of false information via Expat System or otherwise in transaction related to this Regulation	v	v		v
3	Submission of dubious information via Expat System or otherwise in transactions related to this Regulation		v		v
4	Alleged of a criminal offence involved in a transaction over the Expat System or otherwise in relation to this Regulation.		v		v
5	Non-cooperation and non-compliance of instructions in the enforcement of this Regulation.		v		v
6	Indictment or conviction of a criminal offence	v	v		v
7	Nonpayment of a Fee or other payable to the Ministry or other Government Authority in relation to this Regulation.		v		v
8	Blacklisting by a Government authority investigating matters relating to this Regulation.	v	v		v

9	Misuse of the Expat System	v	v		v
10	Non-payment of Quota Fee		v		V
11	Failure to obtain Work Permit in the prescribed period		v	v	v
12	Failure to return a Work Permit Holder or Work Permit Entry Pass holder back to their country upon Government order to do so		v	v	
13	Non-payment of Work Permit Fee in compliance with this Regulation		v	v	v
14	Failure to extend the validity period of the Work Permit in compliance with this Regulation		V		v
15	Employing or getting work done through a foreign employee in contravention of this Regulation		v	v	V
16	Non-payment of deposits linked to foreign employees when required by the Government to top up on the deposit amount or to reimburse for additional expenses incurred by the Ministry under this Regulation		v	v	
17	Arranging or providing accommodation to foreign employees in places which have not been duly approved for the purpose or do not conform to the standards required under this Regulation.		v	v	
18	Gone missing or absconding of a foreign employee holding Work Permit or Work Permit Entry Pass	v	v	v	V
19	Failure to register foreign employees on the Ministry's Registry of foreign employees, the "Haraheeri Portal", as required under this Regulation.			V	
Apart from the above listed violations, action will be taken pertaining to this Regulation, in any instance where this Regulation indicates a violation. The ministry reserves the right to suspend in relation to matters under investigation, at the level of suspension stipulated for suspension until investigation of the case is over or case is resolved.					

Annex8					
Guideline on Foreign Employees Gone Missing or Absconding					
Introduction	1	This is a Guideline formulated under section 33 of this Regulation relating to the cases of foreign employees gone missing or absconding from their employers in Maldives while issued with a Work Permit or Employment Approval.			
Title	2	This Guideline shall be titled "Guideline on Foreign Employees gone missing or absconding" .			
Reporting missing and absconding foreign employees	3	(a)	Where upon a foreign employee (inclusive of those who were issued Work Permits and those who entered with Work Permit Entry Passes) working in Maldives, runs away from his or her employer, the Ministry shall be informed via the "Missing Report" Request on the Expat System.		
		(b)	The employer shall supply the following information and documents through the Expat System when sending the "Missing Report".		
		(1)	Copy of a valid employment contract between the employer and employee.		
		(2)	A bank document as supporting evidence that the salary of the past 3 (three) months were given to the employee.		
		(c)	When a complete "Missing Report" Request is submitted along with the documents referred to in subsection (b), Ministry shall record the foreign employees to be "Reported Missing" on the Expat System. Furthermore, Ministry shall move onto the process of ascertaining the responsible party in accordance with section 4 of this Guideline.		
Ascertaining liability with either employer or employee in missing or absconding cases	4	(a)	To ascertain whether the employer or the employee is liable for the incidence of missing or absconded foreign employee, the following factors shall be considered.		
		(1)	The documents submitted by the employer under subsection 3(b)		

				of this Guideline.
			(2)	Whether Labor Relations Authority has investigated or is investigating any matter relating to the missing foreign employee or any other employee of the same employer.
			(3)	Whether Maldives Police Service has investigated or is investigating any matter relating to the missing foreign employee or any other employee of the same employer.
			(4)	Whether Maldives Immigration has investigated or is investigating any matter relating to the missing foreign employee or any other employee of the same employer.
			(5)	Whether any other concerned Government authority has investigated or is investigating any matter relating to the missing foreign employee or any other employee of the same employer.
			(6)	Number of missing reports lying from the same employer.
		(b)		Considering the factors stated above, the employer shall be informed via the Expat System whether the employer was found to be liable or not in the matter of the foreign employee gone missing or absconding and the reason for that decision.
		(c)		Where it is not clear which party is responsible for the absconding of the foreign employee or the foreign employee gone missing, the information shall be lodged in the system stating that liability was not determined.
Resolving absconding or missing cases where employer's liability is not established	5	(a)		If it is not established that the employer is liable for the foreign employee going missing or absconding, the foreign employee shall be subjected to the following procedure.
			(1)	Revoke the Work Permit or Work Permit Entry Pass pursuant to section 6 of Annex 7 of this Regulation from the date of the missing report.
			(2)	Suspending the foreign employee at level 3 of tier 1 of the Employee Suspension Tier provided under section 8 and 11 of Annex 7 of this Regulation.
		(b)		If a foreign employee suspended under this Regulation is identified in an inspection conducted by a Government authority or otherwise, the Expat System shall be updated to record "Found" and the foreign employee shall be sent back to his or her country.
		(c)		If a foreign employee within the scope of this section was identified while at the departure to return to his or her country, he or she shall be informed of the suspension and the reason and length of suspension, prior to allowing him or her to embark.
		(d)		Pursuant to this section the Work Permit or the Work Permit Entry Pass issued to the foreign employee shall be revoked. However, the deposit paid by the employer shall not be refunded.
		(e)		Notwithstanding that the employer's liability was not established but considering the number of foreign employees under the same employer who are absconding or going missing, the employer may be suspended at levels between 4 and 7 of tiers between 1 and 3 of the Employer Suspension Tiers referred to in sections 8 and 11 of Annex 7 of this Regulation.
Resolving absconding or missing cases where	6	(a)		If it is established that the employer is liable for the foreign employee to be missing or absconding, the employer shall be subjected to the following procedure.

employer's liability is established			
		(1)	Suspending the employer at level 4 of tier 2 of the Employer Suspension Tier provided under section 8 and 11 of Annex 7 of this Regulation
		(2)	Revoking the Work Permit Entry Passes issued in the name of the employer in accordance with section 6(b)(3) of Annex 7 and which have not been used for entry of new foreign employees.
		(3)	Imposing a fine of MVR 2000 (two thousand Rufiyaa) per missing report filed, pursuant to section 7 of Annex 7 of this Regulation.
		(b)	If it is established that the employer is liable under section 4 of this Guideline for the absconding or going missing of the foreign employee, the Expat System shall be updated to record the foreign employee as "Missing".
		(c)	If a foreign employee referred to in subsection (b) of this section, is identified in an inspection conducted by a Government authority or otherwise, the Expat System shall be updated to record "Found". The foreign employee shall then be removed to a detention facility or accommodation facility of the Government and the below given procedure shall be followed.
		(1)	If the foreign employee prefers to return to his or her country, send him or her back at his or her own expense or using the deposit money.
		(2)	If the foreign employee wishes to be employed with a new employer, attach the foreigner with a new employer through regularization and issue Work Permits under the new employer within a maximum of 60 (sixty) days.
		(3)	If the foreign employee referred to in clause (2) of this subsection failed to secure employment with a new employer within the given period, pursuant to clause (1) of this subsection, he or she shall return to his or her own country at own expense or using the deposit money.
		(d)	Pursuant to subsection (c) of this section, the Work Permit or the Work Permit Entry Pass issued to the foreign employee shall be revoked upon the foreign employee returning to his or her own country or due to getting employed with the new employer. However, the quota linked to the said Work Permit or Work Permit Entry Pass shall not be released.
		(e)	Pursuant to subsection (c) of this section, the Work Permit or the Work Permit Entry Pass issued to the foreign employee shall be revoked. However, the deposit money linked to the said Work Permit or Work Permit Entry Pass shall not be refunded.
Employers who report numerous cases of foreign employees gone missing.	7		If the number of cases of missing foreign employees reported by an employer exceeds a 100 (hundred), the employer shall be held liable in the following manner, notwithstanding that the employer's neglect or liability is not established.
		(a)	Suspending the employer between level 4 and 7 of tier 4 of the Employer Suspension Tier provided under section 8 and 11 of Annex 7 of this Regulation.
		(b)	Revoking the Work Permits and Work Permit Entry Passes issued in the name of the employer in accordance with section 6(b)(3) of Annex 7 and sending the foreign employees to their countries.

		(c)	Imposing a fine of MVR 2000 (two thousand Rufiyaa) per missing report filed, pursuant to section 7 of Annex 7 of this Regulation.
		(d)	Taking action pursuant to section 9 of Annex 7 of this Regulation.
Missing Reports submitted prior to commencement of this Regulation	8		Foreign employees who were reported missing prior to this Regulation shall be subjected to the procedure in section 5 of this Guideline.
Liability of those contravening this Guideline	9		If a Government authority finds that the employer has not reported a missing or absconding foreign employee, action will be taken against the employer under section 7 of Annex 7.
Annex 9			
Guideline on Regularization			
Introduction	1		This is a Guideline formulated under section 40 of this Regulation, to regularize or to allow foreign employees working in Maldives without the permits required under this Regulation or former regulations to conform to the legal requirements in force.
Title	2		This Guideline shall be titled <i>“Guideline on Regularization”</i> .
Foreigners who may be regularized	3	(a)	Except where this Regulation stipulates otherwise, foreign employees who may be regularized are those who are working in Maldives without a valid permit to be employed, after having entered Maldives upon an Employment Approval issued to them under the former regulations and which have expired prior to the commencement of this Regulation.
		(b)	Notwithstanding subsection (a) of this section, foreign employees who were regularized through a regularization program conducted prior to the commencement of this Regulation shall not be regularized under this Guideline.
Employers who may regularize foreign employees	4		Under this Guideline, a foreign employee eligible for regularization under this Guideline may be regularized only by an employer other than the employer under whose name the Employment Approval was issued for that foreign employee.
Registration of foreign employees who wish to regularize	5	(a)	Foreign employees who are eligible for regularization under section 3 of this Guideline and wish to regularize (even if they are not able to get themselves employed), shall register themselves at the Ministry according to the instructions published by the Ministry.
		(b)	Ministry shall publish the duration and the mechanism by which foreign employees who wish to register may do so.
Employers may regularize foreign employees	6	(a)	A foreign employee who may be regularized under this Guideline shall be regularized prior to keeping him or her in employment or getting work done by him or her.
		(b)	To regularize a foreign employee in accordance with this section, the permits conditioned under this Regulation shall be obtained.
		(c)	The employer who wishes to regularize a foreign employee may apply for regularization after the said employer has been issued a quota in accordance with section 11 of this Regulation for the occupation for which the foreign employee is hired.
		(d)	If the employer who wishes to regularize a foreign employee does not possess a quota under section 11 of this Regulation for the occupation for which the foreign employee is regularized, the employer may apply for a “regularization quota” (or R Quota) and then proceed to apply for regularization under the R Quota.
		(e)	Foreign employees who are regularized under this section, shall be issued with Work Permits under this Regulation.

Regularization Quota (R Quota)	7	Regularization Quota (R Quota) is a quota issued subject to the conditions stipulated in section 11 and Annex 2 of this Regulation, specifically to regularize foreign employees under this Regulation.	
Issuing Work Permits to regularized foreign employees	8	(a)	Work Permit shall be issued to regularized foreign employees, after their employers submit "Regularization Application" through the Expat System.
		(b)	The following documents shall be submitted with the "Regularization Application"
		(1)	Copy of the Letter of Appointment"
		(2)	A color scan of the data page of the passport of the regularized foreign employee. Additionally, if the new passport contains the passport number of the old passport, a copy of that page, a color scan copy of the previous passport and the document issued by the respective country's immigration regarding the history of the employee's passports, if such a document was issued, shall be submitted.
		(3)	If the foreign employee does not possess his or her passport, a copy of a personal identification document of that foreign employee shall be submitted.
		(c)	The following documents shall be accepted as personal identification documents under subsection (b)(3) of this section.
		(1)	Copy of the Employment Approval issued to the foreign employee who wishes to be regularized.
		(2)	Original or a copy of the work Visa Card issued to the foreign employee who wishes to be regularized.
		(3)	Original or copy of a vehicle license issued to the foreign employee who wishes to regularize.
		(4)	Original or copy of the National Identity Card of the foreign employee who wishes to regularize.
		(d)	Regularization applications of foreign employees pursuant to subsection (a) of this section, shall be processed after verifying the foreign employees through their biometrics to ensure their identity.
		(e)	Pursuant to subsection (d) of this section, The Ministry shall inform the foreign employee and the employer after making the arrangement to collect the biometrics of the foreign employee who wishes to be regularized.
		(f)	After considering the information obtained through verification process and the status of the employer who applied for regularization under subsection (e) of this section, and the personal identification documents with the foreign employee who is subjected to identification, if it is decided that the foreign employee is eligible for regularization and to hold a Work Permit, the employer shall be notified via the Expat System of the same and require to make the deposit payment pursuant to section 25 of this Regulation.
		(g)	Upon paying the deposit referred to in subsection (f) of this section, the foreign employee shall be issued with a Work Permit in accordance with the rules of issuing Work Permits to those who entered Maldives under an Employment Approval, prior to the Guideline in Annex 4 became enforceable.
Verification to ensure the personal identity of the	9	(a)	Foreign employees shall be regularized subject to verification of their personal identities in accordance with this section.

foreign employee			
		(b)	In or der to verify the foreign employee as required under subsection (a), the employer shall be informed through the Expat System to present the foreign employee to the Ministry for verification.
		(c)	The foreign employee to be regularized shall be verified by the Ministry by using the information and documents submitted with the regularization application and the biometric data and records of the foreign employee, collected by government authorities.
		(d)	After completion of the verification process, if the Ministry, depending on the outcome of the verification, concludes that the foreign employee shall not be regularized, the ministry shall inform the employer of the reason to cease regularization and require the foreign employee to be returned to his or her country.
Employer who applies to regularize the foreign employee	10	(a)	In allowing regularization of a foreign employee under this Regulation, the status of the employer who has made the application to regularize (the new employer) shall be given due consideration.
		(b)	The Ministry may decide not to regularize a foreign employee under an employer, if the employer's record shows that the employer has been penalized under Annex 7 or have a non-compliance recorded against the employer without a penalty.
Personal identification documents of the foreign employee seeking to regularize	11	(a)	A foreign employee's regularization shall be processed if the foreign employee holds a valid passport.
		(b)	If the foreign employee about to be regularized does not possess a valid passport, a "Conditional Work Permit", shall be issued to the foreign employee until a new passport is issued.
		(c)	The "Conditional Work Permit" referred to in subsection (b) shall be issued for a maximum period of 6 (six) months.
		(d)	The "Conditional Work Permit" referred to in subsection (b) of this section, shall be issued after the Work Permit Fee referred to in Annex 4 of this Regulation is paid.
		(e)	Prior to the expiry of the Conditional Work Permit referred to in this section, the new passport shall be submitted to the Ministry and the Work Permit referred to in section 15 of this Regulation shall be obtained.
		(f)	If the new passport is not submitted to the Ministry within the period stipulated in subsection (c) of this section, the Work Permit Application linked to the foreign employee shall be cancelled.
Foreign employees who may not be regularized.	12		The following foreign employees shall not be regularized.
		(a)	Foreign employees who entered Maldives using a visa other than Work Visa.
		(b)	Foreign employees who entered Maldives through a Work Visa, but their Employment Approvals have been revoked.
		(c)	Foreign employees who entered via a Work Visa and possess valid Employment Approvals.
Post regularization of the foreign employee	13		Where a foreign employee has been regularized pursuant to section 40 of this Regulation, so that the foreign employee conforms to the legal framework herein, the foreign employee and his or her employer shall continue to act in

		accordance with this Regulation.
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Annex 10

Template of Letter of appointment

Company letterhead
Letter of appointment

1- Details of Employer

- Name
- Address
- Contact details / email address
- Country of origin

Registration Number / ID Card

2- Details of Employee

- Name
- Permanent Address
- Nationality
- Date of Birth
- Passport Number

Emergency Contact Details

3- Details of Employment

- Job Title
- Work type
- Basic salary
- Date of Salary payment
- Work Site
- Date of Commencement
- Job Description
- Working Hours
- Work Status (permanent /contract)

Contract Duration (if Contract employee)

4- Details of Signatory

Name

Designation

Signature

Date

Company Seal