

Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers

Issued by virtue of the Provisions of Article (4) of the Employment Permits Fees Regulation for Non- Jordanian Workers

No. (36) of the Year 1997 & its Amendments

Article (1): These instructions are called (Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers), and shall be effective from the date of being published in the official gazette.

Article (2): The following terms and phrases stated in this law shall have the meaning assigned against each of them, unless the context indicates otherwise:

Ministry	Ministry of Labour
Minister	Minister of Labour
Directorate	The concerned directorate of labour
Director	The director of the concerned directorate of labour
The Employed Worker	The non- Jordanian worker residing in the Kingdom
The Brought Worker	The non- Jordanian worker who entered the Kingdom by virtue of a work contract

Article (3): A committee shall be formed from the Ministry officials and shall be called (Employment Committee) which shall have jurisdiction over looking into the applications of bringing workers from outside the Kingdom as well as the applications of employing the non-Jordanian workers inside the Kingdom in the cases instructed by the Minister.

Article (4): Any employer who wants to bring or employ a non-J Jordanian worker should do the following:

A- Fill in the used form of bringing and employment, including the following:

1. The name of the establishment, name of its owner or in charge director, its address, work nature and branches, if any.
2. The name of the worker as in his/her passport, his/her nationality and the profession that he/she will practice.

B- The employment application should be enclosed with the following documents:

1. Two copies of the work contract.
2. Presentation of a valid vocational license of the establishment with a copy attached, or submitting a public works license and a land registration deed with an attached copy in case the employed worker is a cleaner in a building or villa, or submitting a recommendation from the concerned directorate of agriculture if he/she is an agricultural worker.
3. A copy of the worker's passport provided that it shall be valid.
4. A list issued by the General Social Security Corporation, indicating that all the employer's workers are subscribed in the social security and that all the subscriptions are paid by the date of submitting the application.
5. A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer.
6. A valid medical checkup certificate from one of the health centers that is approved by the Ministry of Health.
7. A photo of the worker.
8. The establishment form number (1) or a copy of the notification of its delivery to the directorate.

C- The bringing application should be enclosed with the following documents:

- 1- Presentation of a valid vocational license of the establishment with a copy attached. Or submitting a recommendation issued by the concerned directorate of agriculture if the worker intended to be brought will be working in the agricultural sector.
- 2- A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer.
- 3- A copy of the worker's passport that is valid for not less than six months.
- 4- Two copies of the work contract which will be submitted when the application is approved.
- 5- The required documents shall be submitted when the worker enters the Kingdom territories in accordance with the above-mentioned item (B), in

addition to a duly authenticated certificate of non-conviction issued by the competent authorities of the worker's country.

6- Once the application is approved, the fees of employment permits shall be paid in advance.

7- The employer shall submit a judicial or bank guarantee in the agricultural sector and a bank guarantee for all other sectors according to the wording that is endorsed by the Ministry. The guarantee shall be used according to a decision of the competent court, if the employer violates any of the obligations arising from the law, the regulations that were issued accordingly, or these instructions, and to ensure the worker's rights and the value of the ticket needed to repatriate the worker to his/her country. This is accomplished as follows:

A- A guarantee for the workers of the nationalities that are restricted in the Law of Residence. The value of the guarantee is (300) JDs for each of these workers intended to be brought or employed.

B- A guarantee for workers whose nationalities are not restricted in the Law of Residence. The value of the guarantee is:

- 1000 JDs if the number of the brought or employed workers is between three and ten.
- 2000 JDs if the number of the brought or employed workers is between eleven and twenty.
- 5000 JDs if the number of the brought or employed workers is between twenty one and fifty.
- 10000 JDs if the number of the brought or employed workers is between fifty one and one hundred.
- 20000 JDs if the number of the brought or employed workers is between 101 and 200.
- 30000 JDs if the number of the brought or employed workers is between 201 and 300.
- 400000 JDs if the number of the brought or employed workers is more than 300.

C- The governmental departments and universities, Amman Great Municipality, municipalities and regional offices are excluded from these guarantees.

Article (5): To be exempted from the provisions of item (7) of paragraph (C) of article (4) of these instructions, the rules of the golden list approved by a decision issued by the Minister will be applied.

Article (6):

A- The employer may appoint one or more of good conduct persons to represent him in following-up his/her applications before the Ministry. This could be done through an annual card issued by the Ministry. It is stipulated that the representative should not be a representative for more than one employer.

B- In order to issue or renew the representative authorization card, the following documents shall be submitted:

1- An application presented by the employer.

2- A certificate of non-conviction.

3- A security approval issued by the competent authorities.

C- The Ministry shall receive an annual fee of ten JDs for the issuance or renewal of the card.

D- The Ministry has the right to cancel the representative's card at any time if it becomes obvious that he/she has not complied with laws, regulations and these instructions.

Article (7): The approval of the bringing application is valid for two months as of the date of obtaining it and the employer should complete the procedure needed for the worker to enter the country during this period, as well as the procedures needed to obtain the employment permit. The validity of the employment permit starts from the date in which the worker entered the country.

Article (8): The employer or the approved representative should refer to the competent directorate in case he/she wants to renew the employment permit of the non-Jordanian worker one month before its expiry. He/she should also inform the directorate if he/she did not wish to renew the permit, so that the worker's name will be eliminated from the establishment records.

Article (9):

A- The employment permit of the non- Jordanian worker shall be issued after obtaining the approval of the Minister or whoever he authorizes, according to a special form that includes the following:

- 1- The name of the worker according to his/her passport, his/her date of birth, nationality and the profession which he/she is allowed to practice and whether he/she is brought from outside the Kingdom or employed from inside.
- 2- The name of the employer, establishment or the farm in which the worker works.
- 3- The date in which the employment permit becomes valid and the date of its expiry.
- 4- The numbers and dates of the receipts.
- 5- The stamp and the signature of the director of the concerned directorate of labour.

B- The Ministry shall receive ten JDs from the employer for each worker for the application of bringing or employment or for the renewal of the employment permit needed for the approved worker.

Article (10):

The provisions of these instructions are implemented for all sectors, except for the sector of the domestic workers or those working in the qualified industrial zones and pursuant to the following bases:-

- 1- Bringing, employing or renewing the employment permits of the non- Jordanian workers is carried out according to the needs of the work market sectors, taking into consideration the list of closed professions, providing that the Ministry will define the percentage of the non- Jordanian labour in any of the economical sectors in order to serve the policy of the gradual replacement of the non- Jordanian labour with the Jordanian.
- 2- The employment permit shall not be given to a non-Jordanian individual who has entered the Kingdom for a purpose other than work or has obtained his/her social security due payments in order to leave the Kingdom completely.

- 3- The employment permits for the nationalities that are restricted to the annual residence which is conditioned by one year are renewed after addressing the Ministry of Interior about them in accordance with the specific rules indicated in these instructions.
- 4- If the employer has failed to renew the employment permit for any worker of the restricted or non restricted nationalities, the Ministry shall receive a fee for the permit in a retroactive effect from the day on which the previous permit has expired.
- 5- If the worker of restricted or non-restricted nationalities has changed his/her employer, the Ministry shall receive a fee from the new employer for the period of failing to obtain the employment permit not exceeding one year.
- 6- The employment permit shall not be given or renewed to a non- Jordanian worker against whom a decision to expel was made, unless the decision was cancelled.
- 7- It is not allowed for a worker of the restricted nationalities, who was employed or brought from outside the Kingdom, to be transferred from one employer to another, unless it was approved by the Employment Committee.
- 8- It is not permitted for any worker of the restricted or non- restricted nationalities to be transferred from Aqaba Economic Zone to any sector or guarantor outside that zone.
- 9- The non- Jordanian worker is given a no-objection to pay out his/her due amounts of the social security as he /she wishes to leave the country completely, on the condition that he/she shall submit an application of this within a period not exceeding three months of the date in which his/her employment permit has expired. Otherwise, the employment permit fees shall be collected in order to grant him/her a no-objection.
- 10- The employer shall inform the directorate which issued the employment permit about the abandonment of the non- Jordanian worker of his/her work during the period in which the work permit is valid.
- 11- The worker of non-restricted nationalities should inform the Directorate of Labour which issued his/her employment permit once he/she leaves work for any reason during the period in which the permit is valid. Otherwise, he/she shall not be given a permit to work for any other employer.
- 12- The regional office will be granted the required number of labour within the professions that are permissible for non-Jordanians, based on a letter issued

by the Ministry of Industry and Trade, on the condition that the number of the Jordanian employees is not less than the half, without including the office director and his representative.

- 13- It is not permitted for the brought worker of non restricted nationalities to be transferred from one employer to another during the period in which the employment permit is valid. However, the worker of such nationalities can be transferred during the period in which the employment permit is valid, stipulated that he/she shall obtain a quittance from his/her employer and after the employment permit is cancelled by the competent directorate. But, it is allowed to be transferred to another employer after expiry of the employment permit without the approval of the former employer.
- 14- It is not permissible for the agricultural worker who is brought or employed to be transferred to another sector, whether he/she was of a restricted or non restricted nationalities. It is also not allowed for any worker of other sectors to be transferred to the agricultural sector. Moreover, it is not allowed for the brought worker to be transferred from one employer to another within the agricultural sector except after two years of being brought.

Article (11):

Regardless of what have been stated in these instruction about the workers of non restricted nationalities, the following rules apply to workers of the Egyptian nationality:

1. Any employer who intends to bring a non- Jordanian worker of the Egyptian nationality should submit the following documents:-
 - A- A bringing application and he/she must fill the form approved by the Ministry.
 - B- Presentation of a valid vocational license of the establishment with a copy attached. Or submitting a recommendation from the competent directorate of agriculture if the worker intended to be brought will be working in the agricultural sector.
 - C- A recommendation from the farmers' association or union or from the institution that represents the economic activity sector which is practiced by the employer. The recommendation should indicate the actual need of the applicant for the workers.

- D- A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer.
- E- The establishment form number (1) or a copy of the notification of its delivery to the directorate.
- F- A list issued by the Social Security Corporation, indicating that all the employer's workers are subscribed in the social security and that all subscriptions are paid by the date of submitting the application.
- G- All the other required documents shall be submitted when the worker enters the Kingdom territories, these are:
 - 1- A copy of the work contract which is approved by the Egyptian Ministry of Manpower.
 - 2- The worker's passport and a copy of it.
 - 3- A valid medical checkup certificate from one of the health centers that is approved by the Ministry of Health, a certificate of non-conviction and the certificate of the professional classification which is issued by the Egyptian authorities concerned.
 - 4- A photo of the worker.
- 2- The approval of the bringing application is considered valid for two months after the date of being obtained and the employer should select the worker who is intended to be brought through the workers data which is available in the website. Also, the employer has to pay the employment permit fee and sign the computerized employment contract which is available in the concerned directorate of labour.
- 3- The employer is allowed to change the worker by another in the case of bringing, with the previously paid fees and according to the following conditions:
 - A- If the worker did not sign the work contract within two weeks of the date in which the employer paid the employment permit fees.
 - B- If the worker signed the work contract and his/her passport was stamped with the guarantor's data and the sector in which he/she will work, but did not enter the Kingdom within (30) days of the date of signing the contract.

- 4- The worker is not permitted to enter the Kingdom after (30) days of signing the work contract.
- 5- The validity of the employment permit of the Egyptian worker is valid from the date in which he/she entered the Kingdom.
- 6- The brought worker should pay (250) USD or its equivalent of the Jordanian Dinar when he/she enters the Kingdom through Aqaba borderline passage as an insurance for commitment to join the employer who has brought him/her. The worker will get back the value of the insurance when he/she abided by joining the employer and when he/she obtains an employment permit during (30) days after he/she enters the Kingdom. Otherwise, the amount of insurance will be considered an income for the treasury and may not be refunded.
- 7- It is not allowed for the brought or employed worker to be transferred from one sector to another.
- 8- A- The brought worker is not permitted to be transferred from one employer to another of the same sector, unless two yeas passed after being brought, except for the conditions that requires so, as well as in the conditions related to the privacy of some sectors, such as the agriculture and the constructions sectors, in which the approval of the Minister based on a recommendation from the Employment Committee is required.

B- The brought worker in the agriculture and constructions sectors is allowed to be transferred from one employer to another in the same sector before the expiry of the contract if both parties agreed to terminate the contract under the supervision of the concerned directorate of labor, on the condition that the worker will join the employer immediately after termination of the contract and cancellation of the permit and obtaining a new employment permit with new fees. These procedures are carried out in coordination with the farmers' association or union or with the institution or association that represents this sector.
- 9- It is not permissible for the employer who cancelled valid employment permits of Egyptian labour to obtain approval for new bringing.

Article (12):

The Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers published in the official gazette No. 4785 on 1/10/2006 are considered cancelled.