

inBrief

**Deportation in the UAE: General overview and the impact of Dubai Resolution No. (1) of 2025**

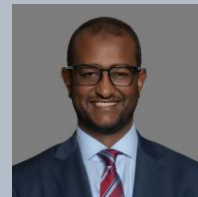
By Nazim Hashim and Elmukashfi Mohamed | 16 April 2025

Deportation refers to the formal removal of an individual or group from a state's sovereign territory by order of the competent authorities. While definitions may vary by jurisdiction, deportation generally serves as a state mechanism to protect public welfare, safety, or national interests. The term "deportee" typically refers to a person who has been subjected to a deportation order. Though deportation is not unique to the United Arab Emirates (UAE)—as it is also widely implemented in jurisdictions such as the United States (US) and the United Kingdom (UK)—its practice in the UAE follows a distinct legal framework. This article explores the classifications of deportation in the UAE, whether it is mandatory or discretionary, and the mechanisms for its removal. It also assesses the implications of the recently enacted **Dubai Resolution No. (1) of 2025** issued by Dubai Ruler, which reestablishes and expands the jurisdiction of the **Tribunal for the Review of the Execution of Deportation Judgments and Travel Ban Orders**, applicable exclusively within the Emirate of Dubai.

Legal Classifications of Deportation in the UAE

Deportation in the UAE is categorised as either **judicial** or **administrative**:

- **Judicial Deportation:** Ordered by courts under various laws, most notably *Federal Decree Law No. (31) of 2021* (the Penal Code) and *Federal Decree Law No. (30) of 2021* on Narcotic Drugs and Psychotropic Substances (the Drug Law). Judicial deportation can be:
 - **Mandatory:** Required by law in specific cases. For example, Article 126(1) of the Penal Code mandates the deportation of any foreigner sentenced to a custodial penalty for a felony. Similarly, the Drug Law mandates deportation for foreigners convicted under its provisions.
 - **Discretionary:** Permitted but not required. Article 126(2) of the Penal Code allows courts to order deportation for misdemeanour convictions or as an alternative penalty. Article 75 of the Drug Law also permits discretionary deportation in cases involving personal drug use or possession.
- **Administrative Deportation:** Enforced by the Federal Authority for Identity and Citizenship (ICP), this type of deportation may be ordered on grounds of public interest, national security, or public morals. It does not require a court conviction.

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Removal of Deportation Orders

Whether judicial or administrative, deportation orders can be subject to cancellation or suspension under certain conditions:

- **Administrative Deportation** may be revoked through an application submitted to the General Directorate of Residency and Foreigners Affairs (GDRFA) in the related Emirate. The application must include compelling legal grounds and supporting documentation.
- **Judicial Deportation** requires a separate application submitted via the public prosecution portal.

In both cases, the reviewing authority will assess factors such as the risk of human rights violations in the deportee's home country or other humanitarian concerns.

The Tribunal for the Review of Deportation and Travel Ban Orders

Dubai originally established a specialised tribunal under **Resolution No. (7) of 2007**, which allowed for the temporary suspension of final deportation and travel ban orders. However, that resolution was repealed and replaced by **Resolution No. (1) of 2025**, which not only reinstates the Tribunal but significantly expands its powers.

The Tribunal retains jurisdiction only in cases involving **both a final deportation judgment and order and a travel ban**. If no travel ban exists, the Tribunal lacks jurisdiction, as outlined in *Article (2)* of the 2007 Resolution and *Article (3)* of the 2025 Resolution.

Key differences between the two resolutions include:

- Under Resolution No. (7), the Tribunal was authorised solely to **suspend** deportation orders for a fixed period.
- Resolution No. (1), by contrast, allows for **indefinite or extended suspension**, since *Article (4) (A/1)* does not impose a strict time limit.
- The 2025 Resolution **empowers the Tribunal to cancel travel bans and authorise temporary release** of deportees with appropriate guarantees.

These expanded powers represent a notable shift toward broader judicial discretion in managing deportation and travel ban enforcement.

Balancing Public and Private Interests

The underlying rationale for both Resolutions is to strike a balance between **individual rights, creditors' interests, and public safety**. In many cases, individuals subject to deportation are also under travel bans due to outstanding debts or legal claims. Enforcing deportation without resolving these claims could result in significant financial harm to creditors. Conversely, indefinite delay in deportation could compromise public safety.

The Tribunal plays a mediating role by ensuring deportees can fulfil their financial obligations before removal—through temporary release or suspension of deportation—without jeopardising public interest. These measures help uphold principles of **fairness, due process, and proportionality** in enforcement decisions.

Conclusion

Deportation remains a powerful tool available to states to uphold public order and national interest. In the UAE, this measure is governed by a structured legal framework distinguishing between mandatory and discretionary deportation, as well as judicial and administrative procedures for its removal.

The enactment of **Resolution No. (1) of 2025** marks a significant evolution in Dubai's approach to deportation, offering more flexible judicial oversight through the Tribunal. This development reflects a broader commitment to safeguarding individual rights while maintaining community safety and ensuring that deportation orders do not undermine the legitimate interests of creditors.

Ultimately, by introducing avenues for judicial review and expanding the scope of the Tribunal's authority, the Resolution enhances legal certainty and fairness in deportation proceedings and reaffirms the UAE's commitment to a balanced, rights-respecting legal system. ■

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