



# TRAVEL BANS NOW HARDER TO IMPOSE



Lawyer and Associate  
**Hasan Al Ajooz**, Al Jabal  
Consultancy, explains how  
the revised laws help bring  
more justice and order to  
Bahrain's court procedures.

Discovering that you have a travel ban, in addition to the understandable trauma it causes can also be quite an embarrassment, especially when you've packed your bags, made your way to the airport, waved goodbye, gone through check-in and waited in line at immigration just to find out that you can't leave the country. And the reason may be simply because you were still being charged monthly administrative fees for a bank account you thought you closed years ago.

This is the plight of just one person we heard from last year, a former resident of Bahrain, who decided to break her trip and stopover in Bahrain after several years away to catch up with some old friends. But sadly was unable to leave when she went to catch her flight home and ended up paying BD600 to cover years of accumulated charges to a bank for an inoperative account that she thought had been closed for years, as well as for extended hotel accommodation, taxi fares to go around solving the issue, and huge amounts of frustration and stress.

Lawyer Hasan Al Ajooz explains that prior to the changes in laws that came into effect in October, it was easy for companies and plaintiffs to impose a travel ban on a foreigner. Defendants had no legal protection since they usually discovered they are banned from travelling when they step in front of an immigration officer.

"Anyone who intended to charge a foreign defendant could take an order from a judge to impose a travel ban on him or her within two days. Regardless of how serious or minor the reason, you could travel ban a person forever unless they pay the full amount," he said. "To balance this, the Bahrain Civil and Commercial Procedures Act (CCP) have

reconsidered legal regulations."

The amendments aim to avoid causing harm to a person and giving him the chance to defend himself. The new legislation gives the court the right to order a travel ban, but it also requires the plaintiff to notify the defendant about his/her travel ban within eight days (through

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express-post), otherwise the ban will be abolished. The defendant then has eight days to pay his debt or submit a grievance to the same court to remove the ban. They can submit an acceptable guarantor or cash deposit. The judge possesses full discretion either to dismiss or accept the claim and abolish the travel ban based on valid reasons provided by the defendant.

"In the latest amendments, one of the restrictions imposed is that the travel is abolished after one year of issuing. The judge can cancel a travel ban order if it has been proved that the debtor has no assets inside or outside the country to pay his dues," Hasan explained.

He pointed out that this a major concern for banks and creditors since it means that a foreign defendant who proves he has no hidden assets can leave Bahrain after a year. It is most likely he or

she won't return to the country to pay off their debt, even if they go elsewhere and start to work and earn again.

"In the end, even if the defendant offers a settlement that doesn't satisfy the claimant, the court still has the upper hand in passing judgment on the matter. The new online service is also a great way of letting anyone with a valid CPR to check their travel ban status. The legal modifications are helping the honest defendant but at the same time, there might be some who will take advantage of the system," Hasan commented.

*At the time of this report, there were reportedly a total of 4,500 expatriates banned from leaving the country due to pending payment of debts.*

## Online Travel Ban Services

- The Ministry of Justice, Islamic Affairs and Endowments has launched an online service in cooperation with the Informatics and eGovernment Authority to assist citizens and residents with information concerning their legal status in relation to travel bans before traveling abroad.

- Using their valid CPR, citizens and residents have access to a highly secured and regularly updated centralized system to confirm that they are not banned from travelling by any court order starting from July 2008.

- Individuals can settle outstanding financial claims online without resorting to a court order in order to lift the travel ban, effectively streamlining the process and reducing procedural costs.

- Once all dues are settled online, a text message is immediately sent to the individual confirming that the travel ban has been lifted.

- The Travel Ban Service is available on [www.bahrain.bh](http://www.bahrain.bh) and is currently only accessible in Arabic, with the English language version coming soon. 📱