99445 - Ruling on selling a visa to a worker with his consent

the question

I hope that you can give me the shar'i ruling on selling a visa to a worker so that he can use it. Please note that I want to open a store for this worker, and the sale will be done with the consent of both parties, and there is no pressure on him.
The second thing is that if selling the visa is haraam, is it haraam to make him pay the cost of the visa, which is 2000 riyals and the costs of the person who does the paperwork?.

Detailed answer

Praise be to Allah.

If this worker is sponsored by you and is going to work for you, then it is not permissible for you to sell the visa to him, and it is also not permissible for you to make him pay the costs, because that is contrary to the state system which dictates that these costs should be paid by the business owner, not the worker.

Our scholars have ruled that it is haraam to sell visas in all cases, because that involves lying and cheating the state.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) was asked: Some people obtain a visa that costs nearly three thousand riyals, then they sell it for eight or ten thousand to another person so that he can bring his brother. What is the ruling on that?

He replied: The visa is a kind of permission, i.e., he is taking permission from the ministry to bring in a worker, then he sells this permission to someone else so that he can bring in a worker. This is haraam and is not permissible, because we say that if you need this worker, the visa is in your hand, and if you do not need the worker, then give the visa back to the one from whom you took it. It is not permissible for you to sell it. If we were to do that, then everyone would be buying visas and making money from them. Moreover, this is lying, because if a person takes a visa on the

basis that he is going to bring in a worker, then he sells it, he is a liar. But tell me: if he has no need of a worker, such as a man who takes a visa on the basis that he is going to bring in a worker, but he has no need of him, can he sell it? The answer is no, rather he should return it, because it was granted to him on the basis that he himself was going to bring in a worker, then he has no need of him. So he should return it, because there may be other people who are waiting for a visa. End quote from Liqa' al-Baab il-Maftooh (170/15).

The scholars of the Standing Committee for Issuing Fatwas were asked: I am a young man, 33 years old, and I am not well off. One day one of the brothers who are resident in the Kingdom, who is of Pakistani nationality (Muslim), came to me and asked me to get some visas for him so that he could bring some of his relatives from Pakistan, and he would pay me seven thousand riyals for each visa. I did that, because of my financial situation and because I needed the money, and I took from him the price of four visas, and I brought in the people for whom he had bought the visas. Now they have been in the Kingdom for four years and they are working independently. My question is: is this money that I took from them halaal or haraam? Please note that the people in question have gotten many times more than the money they paid me, and they are happy with their situation and what they paid in order to come and live and work in the Kingdom.

They replied:

This money is haraam, because it was paid in return for sponsorship, which is a contract that represents a kind of favour or charity, and it is also lying, because it is going against the system that the state has set up in the public interest. End quote.

Fataawa al-Lajnah al-Daa'imah (14/189).

And Allaah knows best.