

Cabinet Resolution No. (43) of 2024

Concerning the Treatment of Non-Resident Foreigners Arrested at UAE Ports with Narcotic Drugs or Psychotropic Substances in their Possession

The Cabinet,

- Having reviewed:
- The Constitution; and
- Federal Decree-Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended; and
- Federal Decree-Law No. (29) of 2021 on the Entry and Residence of Foreigners; and
- Federal Decree-Law No. (30) of 2021 on Combating Narcotic Drugs and Psychotropic Substances, as amended; and
- Federal Decree-Law No. (38) of 2022 Promulgating the Code of Criminal Procedure, as amended; and
- Based on the proposal submitted by the Deputy Prime Minister and the Minister of Interior, and the Cabinet's approval thereof,

Hereby resolves as follows:

Article (1)

Scope of Application

1. For the purposes of applying the provisions of Article (42-*bis*) of Federal Decree-Law No. (30) of 2021, referred to hereinabove, the provisions of this Resolution shall apply to any foreigner who is not resident in the State and who is arrested, when entering the State from any land, sea or airport, with any narcotic or psychotropic substance set out in the Schedule attached to this Resolution; provided that their weight does not exceed the weight shown next to each in the Schedule, for the purpose of abuse or personal use in conditions other than the legally permitted medical ones.

2. If the seized quantity of the narcotic drugs or psychotropic substances set out in the Schedule attached to this Resolution exceeds the weight shown next to each in the Schedule, or are established to be in possession for the benefit of third parties, the legal procedures and the penalties set forth in Federal Decree-Law No. (30) of 2021, referred to hereinabove, shall be applied to the accused.
3. In case of multiple narcotic drugs and psychotropic substances seized, as set forth in Clauses (1, 2 and 3) of the attached Schedule, the weight of each one separately does not exceed the weights assigned thereto in the Schedule attached to this Resolution, the seized narcotic drugs and psychotropic substances shall be treated as one type for the purpose of determining the seized quantity; provided that the total weight of the quantity does not exceed (100) one hundred grams.

Article (2)

Procedures for Dealing with Seizures

When arresting a person who is addressed by the provisions of this Resolution, judicial officers shall take any of the following actions:

1. Draw up a seizure report identifying the type and weight of the narcotic or psychotropic substance.
2. Record data of the person who is arrested in the Unified Criminal System.
3. Confiscate the seized substances and deliver them to the competent authority to be destroyed, pursuant to the provisions of Federal Law No. (30) of 2021, referred to hereinabove; and
4. Refer the accused, the report, and the seized substances to the Public Prosecution for instituting legal proceedings in this regard.

Article (3)

Penalties

1. A non-resident foreigner who is arrested, while entering the State from any land, sea or airport, with any narcotic or psychotropic substance set out in Clauses (1, 2 and 3) of the Schedule attached to this Resolution; provided that their weight does not exceed the weight shown next to each in the Schedule, for the purpose of abuse or personal use in conditions other than the legally permitted medical ones, shall be subject to the following penalties:
 - a. A fine of not less than (AED 5,000) five thousand dirhams and not more than (AED 20,000) twenty thousand dirhams for a person arrested for the first time. Moreover, this person shall be allowed to enter the State only after paying the fine.
 - b. A fine of not less than (AED 10,000) ten thousand dirhams and not more than (AED 30,000) thirty thousand dirhams for a person arrested for the second time. Moreover, this person shall be deported from the State and temporarily deprived of entry into the State for (3) three years, as of the day following the deportation date. He shall not be allowed to enter the State, except after paying the fine and execute the deprivation penalty.
 - c. A fine of not less than (AED 50,000) fifty thousand dirhams and not more than (AED 100,000) one hundred thousand dirhams for a person arrested for the third time. Moreover, this person shall be deported from the State and listed on the list of persons permanently banned from entering the State.
2. A non-resident foreigner who is arrested, while entering the State from any land, sea or airport, with any narcotic or psychotropic substance set out in Clause (4) of the Schedule attached to this Resolution; provided that their weight does not exceed the weight shown next to each in the Schedule, for the purpose of abuse or personal use shall be subject to a fine not less than (AED 50,000) fifty thousand dirhams and not

more than (AED 100,000) one hundred thousand dirhams, and shall be deported from the State and listed on the list of persons permanently banned from entering the State.

3. In case of multiple narcotic drugs and psychotropic substances seized, including any narcotic or psychotropic substance set out in Clause (4) of the Schedule attached to this Resolution, the penalty prescribed in Clause (2) of this Article shall be applied.
4. Without prejudice to the periods of deprivation of entering the State, as set out in this Resolution, a person who fails to pay the fine shall be listed on the list of persons permanently banned from entering the State after departure, and the deprivation shall remain in place until the payment of the fine.

Article (4)

Listing on the List of Persons Banned from Entering the State

The competent Public Prosecution shall order that a person against whom a decision has been issued to deprive him of entering the State to be listed on the list of persons banned from entering the State in the Unified Criminal System upon departure, and on the administrative list of the Federal Authority for Identity, Citizenship, Customs and Port Security, as per the deprivation periods set forth in this Resolution.

Article (5)

Applying for Exemption from the Deprivation Decision

In all cases, a person against whom a decision of deprivation of entering the State may apply, in person or through his legal representative, for exemption from the decision of deprivation of entering the State before the competent authority after it is proved that he has paid the fine, in accordance with the rules and procedures applicable in the legislation in force in the State.

Article (6)

Executive Resolutions

Attorneys general, each within his respective area of competence, may issue the necessary resolutions and instructions to implement the provisions of this Resolution.

Article (7)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette and shall enter into force after (30) thirty days from the publication date thereof.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us

Dated: 15th Shawwal 1445 A.H.

Corresponding to: 24th April 2024 AD

**Schedule Attached to Cabinet Resolution No. (43) of 2024
Concerning the Treatment of Non-Resident Foreigners Arrested at UAE
Ports with Narcotic Drugs and Psychotropic Substances in their
Possession**

S.N	Narcotic Drug/ Psychotropic Substance Type	Weigh/gm
1	<p>a. Cannabis, cannabis resin and cannabis extracts and color, as set forth in Clause (29) of Schedule (1), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p> <p>b. Male or female cannabis with all different names, such as Hashish, marijuana, violin, Banjo (cannabinoids) or other names given to cannabis, as set forth in Clause (8) of Section II of Schedule (4), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p> <p>c. Tetrahydrocannabinol, as set forth in Clause (34) of Schedule (5), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p> <p>d. Dronabinol and Delta 9-Tetrahydrocannabinol and its alternative chemicals, as set forth in Clause (4) of Schedule (6), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p>	Less than (100) grams
2	<p>a. Catha edulis of all the types and names, as set forth in Clause (9) of Section II of Schedule (4),</p>	

	<p>attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p> <p>b. Catha edulis leaves, as set forth in Clause (5) of Section I of Schedule (4), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove.</p>	<p>Less than (100) grams</p>
3	<p>The narcotic drugs and psychotropic substances set forth in Schedules (3), (6), (7) and (8), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove, excluding the ones mentioned in Clause (1) of this Schedule.</p>	<p>Less than (50) grams or (60) tablets, whichever is lesser</p>
4	<p>The narcotic drugs and psychotropic substances set forth in Schedules (1), (2) and (4) of (Sections I & II) and Schedule (5), attached to Federal Decree-Law No. (30) of 2021, referred to hereinabove, excluding the ones mentioned in Clauses (1) and (2) of this Schedule.</p>	<p>Less than (20) grams</p>