



Gulf Research Centre Cambridge
Knowledge for All

Workshop 4

The Role of Legislation, Policies and Practices in Irregular Migration to the Gulf – With Support from Qatar University

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Abstract

Migration is defined to be “irregular” as soon as entry, stay, or employment is unauthorized. Recent data from some GCC countries suggests that the magnitude of irregular migration in countries such as Saudi Arabia exists at a fairly large scale, and may be substantial in the other countries. In addition to illegal entry, at least three other types of irregular migration may occur as a result of overstaying a work, tourist, dependent, or specific purpose (e.g., Haj or Umrah pilgrimage) visa, irregular employment situation emerging from visa trading or other factors, and running away from employer. Irregular migration is problematic for all parties including the sending and receiving countries as well as the migrant himself/herself both in terms of labor market inefficiencies and the possible risks for the migrant worker. The objective of this workshop is to document the role of legislation, policies, and practices in enabling and sustaining irregular migration in the Gulf. The workshop will focus on all the six GCC countries through case studies of each, along with major sending countries such as India, Egypt, Philippines, Indonesia, Bangladesh, and Pakistan.

Description and Rationale

Background

Migration is defined to be “irregular” as soon as entry, stay, or employment is unauthorized. It occurs not only when migrants violate regulations on the movement, settlement, and access to labor of their host countries, but also when a change in regulations affects the migrants’ situation, sometimes without them knowing that they are infringing the law (Fargues 2012).

Relatively little published data are available on the number, types, or trends of irregular migrants to the GCC countries. However, compilations from occasional newspaper articles and reports about the response by irregular migrants to amnesty programs provide some indication of the prevalence of this phenomenon in the Gulf. Relatively recent data from Kuwait show that the country was home to about 124,000 irregular migrants who had overstayed their valid visa duration in February 2011, with the largest percentages of overstayers from Bangladesh, Egypt, and India (Table 1). During its last six month amnesty from April 3 to November 3, 2013, Saudi Arabia carried out about 5.3 million regularizations, either by renewing the residence visas or adjusting the employer or occupation status of migrant workers (De Bel-Air 2014). Thus, the problem of irregular migration in these two countries exists on a very large scale, and is probably substantial in the other GCC countries also.

In most Western countries, irregular migration occurs as a result of illegal entry or overstay of a valid visa. Occasionally, previously regular migrants may be rendered irregular if the laws or regulations of the host country regarding such persons change. Sometimes previously irregular migrants may be turned into regular migrants as a result of regularization or amnesty.

Irregular migration in the Gulf countries may occur due to reasons similar to those of the Western countries. While illegal entry is generally not considered to be large in most GCC countries, records from Saudi Arabia show that a total of 609,332 infiltrators were arrested from January to December in 2012 (www.gulfmigration.eu). Similar data are not available for the other GCC countries. In addition to illegal entry, at least three other types of irregular migration may be identified as follows: Overstaying a work, tourist, dependent, or specific purpose (e.g., Haj or Umrah pilgrimage) visa; irregular employment situation emerging from visa trading or other factors; and running away from employer (Kapiszewski 2001; Shah 2009).

Irregular migration is problematic for all parties including the sending and receiving countries as well as the migrant himself/herself. Such migration eludes measurement, is difficult to regulate and manage, and hinders the protection of those in irregular situations. It may have social and economic consequences that are not fully understood. It is likely to put the migrant in a legally precarious situation where he/she may be forced to hide and work in low paid and unregistered jobs in the informal sector of the economy. In some cases, irregular status may result in economic, psychosocial, or sexual exploitation of the migrant worker by a variety of agents.

During the last four decades, with the increase in demand for migrant workers, the GCC countries have formulated laws, regulations, and policies to manage the migration process in an orderly manner. At the same time, each of the major sending countries has established an extensive set of laws, rules, regulations, and mechanisms generally designed to promote migration of their workers. Specific guidelines to prevent and minimize irregular migration have been put in place as part of the above processes. Despite such efforts, many types of irregular migrants are present in the GCC countries, as mentioned previously. The linkages between the persistence of irregular migration and the various rules and policies meant to regulate migration are not well understood.

Objectives

The objective of this workshop is to document the role of legislation, policies, and practices in enabling and sustaining irregular migration in the Gulf. We will focus on all the six GCC countries through case studies of each country designed to fulfill the above objective. Also, we will focus on the legislation, policies, and practices that initiate, and perpetuate irregular migration to the Gulf from the major sending countries such as India, Egypt, Philippines, Indonesia, Bangladesh, and Pakistan.

Applicants are invited to submit proposals addressing irregular migration in either a GCC country or a major sending country. They should briefly document the legal framework, as well as major policies and practices that are likely to enable and sustain irregular migration in their chosen country, using specific examples. Applicants who have had experience with researching and writing about irregular migration in the Gulf region will be given preference. The workshop may also include a few invited papers.

Table 1

Residency law violators from the top ten countries in Kuwait according to the number who departed, regularized their status, or remained in the country as of July 1, 2011

Nationality	Residency law violators as of February 28, 2011	Regularized cases		Remaining irregular persons as of July 1, 2011 %			
		Departure			Regularization of status		
		N	(%)		N	(%)	
Bangladesh	26,019	4,891	(18.8)	1,271	(4.9)	19,857	(76.3)
Egypt	24,433	9,585	(39.2)	2,664	(10.9)	12,184	(49.9)
India	16,267	4,969	(30.5)	916	(5.6)	10,382	(63.8)
Indonesia	9,338	2,532	(27.2)	2,740	(29.3)	4,066	(43.5)
Nepal	9,199	2,116	(23.0)	399	(4.3)	6,684	(72.7)
Pakistan	7,498	2,055	(27.4)	1,006	(13.4)	4,437	(59.2)
Philippines	5,225	1,366	(26.1)	1,051	(20.1)	2,808	(53.8)
Sri Lanka	4,117	131	(3.2)	72	(1.7)	3,914	(95.1)
Syria	3,788	2,035	(53.7)	487	(12.9)	1,266	(33.4)
USA	3,442	477	(13.8)	873	(25.4)	2,092	(60.8)
TOTAL (Number from top 10 countries)	109,326	30,157	(27.6)	11,479	(10.5)	67,690	(61.9)
Total number from all countries	124,142	32,036	(25.8)	13,653	(11.0)	78,453	(63.2)

Source: GLMM, Demographic-Economic Database, Kuwait, Table IRR 1.2. ([click here](#)) also in (Shah, 2014).

Anticipated Participants

The workshop directors in particular seek contributions on the following themes:

- Defining and measuring irregular migration in the Gulf
- Conceptual and theoretical explanations for understanding irregular migration
- Challenges and opportunities for protection of irregular migrants
- Root causes, policies and mechanisms that generate and sustain irregular migration from sending countries to the Gulf
- Legislative and policy elements that enable and sustain irregular migration

- Practices that generate and perpetuate irregular migration
- Commonalities and differences in irregular migration in Gulf countries
- Successes and failures of efforts to curb and manage irregular migration
- Can international cooperation help to curb irregular migration?
- Irregular migration as a by-product of laws
- Case and comparative analysis of countries of origin
- Case and comparative analysis of countries of destination
- Comparative analysis of irregular migration at world level: Is the Gulf specific?

Workshop Director Profiles

Nasra M. Shah is Professor of Demography at the Department of Community Medicine and Behavioral Sciences at the Faculty of Medicine, Kuwait University. She is a Scientific Director of the Gulf Labor Market and Migration (GLMM) Programme of the Gulf Research Center and European University Institute. She received her doctoral degree in Population Dynamics from the Johns Hopkins University, School of Public Health, Baltimore, USA. Before joining Kuwait University she worked in Hawaii, USA and Pakistan. Her research has focused on various themes including the role of social factors in infant and child mortality; predictors of fertility and contraceptive use; women's role and status; utilization of health services; and psychosocial and physical health of older persons. Labor migration, especially from Asian to oil-rich Gulf countries, has been a consistent theme in her research. During the 1990s, she participated in the IOM/UNFPA global project on emigration dynamics, chairing the South Asia region. Her migration related research includes analyses of socioeconomic profiles and economic progress of migrant workers, domestic worker migration, violence against women migrants, increasingly restrictive policies of host countries, the role of social networks in migration, second generation non-nationals in the Gulf, and irregular migration. She was a member of the International Advisory Board of the *2010 World Migration Report* by IOM. She serves as a member of the Editorial Boards of *Asian and Pacific Migration Journal*; *Migration and Development*; and *International Perspectives on Sexual and Reproductive Health*. Her many publications include books such as *Asian Labor Migration: Pipeline to the Middle East*; *Pakistani Women; Basic Needs, Women and Development*; and *Population of Kuwait: Structure and Dynamics*.

Philippe Fargues is a sociologist and demographer. He is currently the Director of the Migration Policy Centre at the European University Institute, the founding Director of the Consortium for Applied Research on International Migration (CARIM) and Director of the Migration Summer School. He has been Director of the Center for Migration and Refugee Studies at the American University in Cairo, a senior researcher at the French National Institute for Demographic Studies in Paris, a visiting professor at Harvard, and the Director of the Centre for Economic Legal and Social Studies (CEDEJ) in Cairo. His research interests include migration and refugee movements, population and politics in Muslim countries, family building, and demography and development. He has extensively published on these topics and lectured in a number of universities in Europe, US, Africa, and the Middle East. Fargues' most recent publications include: "International Migration and the Nation State in Arab Countries" (*Middle East Law and Governance*, Toronto, 2013); "Demography, Migration and Revolt in the South of the Mediterranean" (in *Arab Society in Revolt*, Brookings, Washington, 2012); "Immigration without Inclusion: Non-Nationals in Nation-Building in the Gulf States" (*Asian and Pacific Migration Journal* 2011); "International Migration and the Demographic Transition: a Two-Way Interaction" (*International Migration Review*, 2011).

Selected Readings

De Bel-Air, Françoise. "Demography, Migration and Labour Market in Saudi Arabia," Explanatory Note No. 1/2014, Gulf Labour Markets and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC), 2014, <http://gulfmigration.eu>.

Fargues, Philippe. "Work, Refuge, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean," in *International Migration Review*, Vol. 43, No. 3 (Fall 2009): pp. 544-577.

Kapiszewski, A. *Nationals and Expatriates: Population and Labour Dilemmas of the Gulf Cooperation Council States*. Garnet Publishing Limited, 2001.

Shah, Nasra M. "The Management of Irregular Migration and its Consequence for Development: Gulf Cooperation Council." ILO Asian Regional Programme on Governance and Labour Migration. Working Paper No. 19, 2009.

Shah, Nasra M. "Recent Amnesty Programs for Irregular Migrants in Kuwait and Saudi Arabia: Some Successes and Failures," Explanatory Note No. 9/2014, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC), 2014, <http://gulfmigration.eu>.