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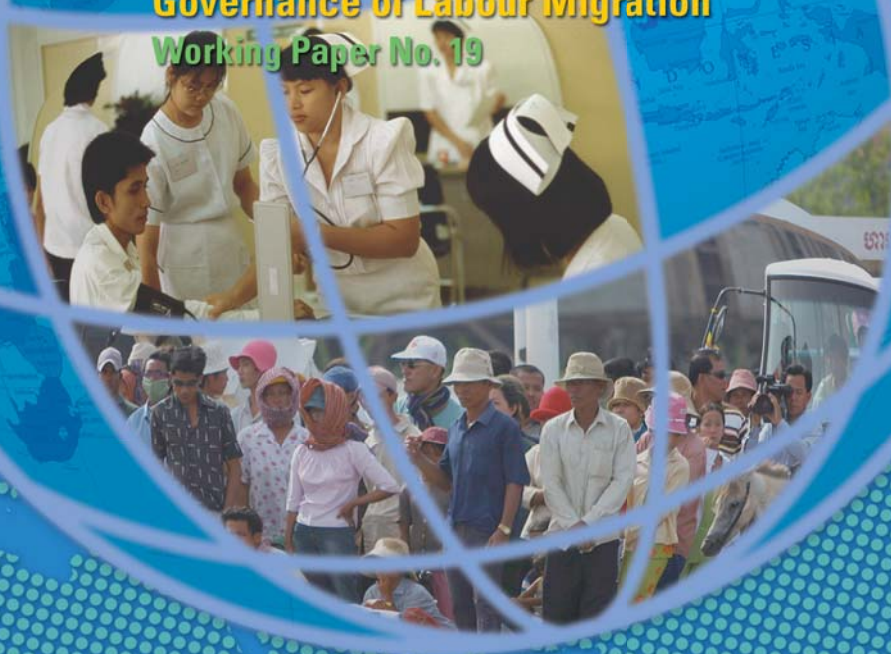
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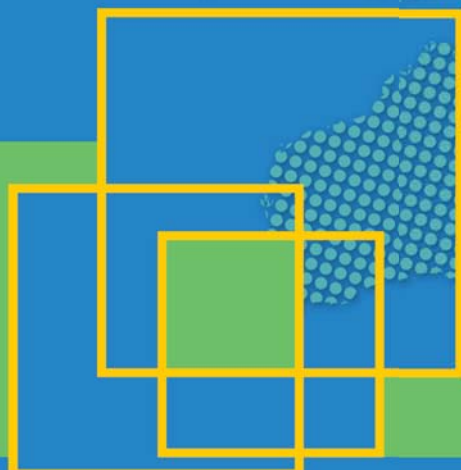


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The Management of Irregular Migration and its Consequence for Development: Gulf Cooperation Council

Nasra Shah



**Regional Office for Asia and the Pacific
March 2009**

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The Management of Irregular Migration and its Consequence for Development: Gulf Cooperation Council

By Nasra M. Shah

Abstract

The paper reviews the forms of irregular migration in the GCC countries and their magnitude. It discusses the consequences of such irregular migration on the migrants themselves and to the Gulf countries. The paper details important legislation undertaken in sending and host countries to minimize irregular migration and to prevent the abuse of migrant workers in general.

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IRREGULAR MIGRATION AND SOME NEGATIVE CONSEQUENCES FOR DEVELOPMENT: ASIA-GCC CONTEXT¹

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1. Introduction

The six oil-rich Gulf Cooperation Council (GCC) countries represent an area of very high migration inflows, originating in many parts of the world. In 2005, these countries had about 12.8 million non-nationals, comprising 36 percent of their population (Table 1). Migration to these countries consists typically of contract workers, some of whom are accompanied by their families. As a percentage of the labour force, non-nationals composed about 70 percent, and are as high as 90 percent in the United Arab Emirates and 85 percent in Kuwait. Being contractual in nature, such movements are usually temporary but may extend for many years in any migrant's life. While limited labour migration to this region was present in the first half of the 20th century, a big boost in numbers occurred in the 1970s, owing to a hike in oil prices and the consequent expansion in development plans of the Gulf countries. Countries in South and Southeast Asia have been the major sources, and the leading ones among these are India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia. Among Arab countries, Egypt and Jordan have been predominant, with the participation of several others.

¹ Background paper for the 2nd Global Forum on Migration and Development in Manila on 27-30 October 2008.

In the early phases of contract labour outflows, part of the migration from Asian countries was arranged by government to government requests through offices especially established for the purpose. As demand for workers grew, sending countries could not handle the recruitment without private sector involvement, and so a system of licensed recruitment emerged. At the same time, existing emigration rules were revised in almost all the major sending countries during the 1970s and 1980s, and administrative machinery was put in place to regulate the outflows in an orderly manner. Sending countries created specially designated bureaus within the relevant Ministries to supervise recruitment agents, review and approve the contracts received from GCC countries, register migrants, provide guidelines for minimum wages and living and working conditions, and ensure migrants' protection and welfare. Clear rules and guidelines were provided for the prevention of fraudulent and illegal practices, and punishments were specified in cases where migrants or any of the intermediaries engaged in such practices (Arnold & Shah, 1986; Shah, 1998). Thus, concern with unregulated movement has been an essential part of the management mechanisms of sending countries. At the same time, rules and regulations to ensure the orderly entry and work participation of foreign workers were instituted by GCC countries, as elaborated later.

Defining irregular migration has been the subject of considerable debate (Battistella & Asis, 2003). Terms such as illegal, undocumented, non-documented, and unauthorized migration have been variously used to describe the situation of persons who enter a country in an unlawful manner, are staying in a country in that manner, or are in any other situation that may be considered unlawful according to the rules of the

given sending or receiving country. Persons may enter a country through smuggling or trafficking, or they may enter legally with valid documentation but later become irregular through overstaying the duration of their valid permit. A large proportion of all irregular migrants in the GCC countries belong to the latter category. In addition to illegal entry and overstay, a more subtle irregularity may exist whereby a migrant worker ends up working for an employer other than the one who sponsored him/her. The latter is likely to be a result of the process of visa trading through which nationals may sell work visas to prospective migrants but may not have any jobs for them. In theory, the above is illegal but is fairly widespread in many of the Gulf countries. Finally, a migrant may become illegal by running away from his/her employer. While smuggling and trafficking are likely to represent extreme forms of irregular mobility that could put migrants in the relatively most vulnerable positions, other situations can also seriously compromise the welfare of migrant workers and their families, if present in the Gulf.

The objective of this paper is to address the four types of irregular mobility mentioned above, resulting from (i) trafficking and smuggling, (ii) over-stay, (iii) visa-trading, and (iv) running away from employer. It provides estimates of irregular migrants in each situation, discusses the policies of selected sending and receiving countries for each type, and examines the possible development impacts of each.

2. Estimated number of irregular migrants

No firm estimate of the number of irregular migrants in the GCC countries is available. Reliable public use data on the numbers of irregular migrants are almost non-

existent. Newspaper reports and newsletters compiled by various international agencies (e.g., Migrant News at University of California, Davis; Asian Migration News (AMN) of the Scalabrini Migration Center in the Philippines; Center for Immigration Studies in Washington D.C. etc.) provide useful information. However, no routine publication is available within the sending or receiving countries on the extent of the problem. Interior Ministries within the receiving countries are likely to have estimates of deportees but are less likely to have an accurate idea of the irregular migrant workers who may be in the country as a consequence of overstay or employment by a person other than the sponsor. Similarly, sending countries are unlikely to have such data. This paper provides estimates of workers in such situations in various countries and discusses some implications for receiving and sending countries.

Kapiszewski (2001) contends that irregular migration has constituted a substantial proportion of all labour movements to the Gulf countries since the beginning of the oil era. He estimates that in recent years, “illegal immigrants in each GCC country made up at least 10 percent of the total population or 15 percent of the workforce”. Based largely on newspaper reports, he estimated the number of irregular migrants during the late 1990s in all the GCC countries, and found the highest number to be in Saudi Arabia (700,000). (See Table 2). During the initial phases, the GCC countries did not take much action to curb irregular migration even though the rulers were aware of the practice and probably the scale, perhaps because they needed large numbers of workers for their development. Thus, the presence of irregular workers was tolerated since it was beneficial for the economy and was very profitable for employers

and middlemen (Kapiszewski, 2001). Beginning in the mid-1990s, however, several concrete steps at reducing the number of non-nationals were taken, including serious attempts to curb irregular entry and stay (Shah, 2007) .

An indirect estimate of the number of irregular migrants living in the GCC countries can also be derived from the repeated amnesty, according to which irregular migrant workers can leave the country within a specified period without paying any fine or facing any other punishment. Starting in the mid-1990s, all six GCC countries have held repeated periods of amnesty, which was availed by thousands of people, as shown in Table 3. Between October 1997 and July 2000, more than 2 million irregular migrants left Saudi Arabia as a result of amnesty, while about 350,000 persons either regularized their stay or left the UAE in 2007.

The last amnesty period in Kuwait was held from 1 May to 30 June 2007 (Kuwait Times, 25 April 2007, p. 1), while the previous amnesty was held in 2004. According to the Indian and Filipino embassies, the response to that amnesty from illegal residents wishing to leave was “overwhelming” (Kuwait Times, 22 November 2004). Oman announced an amnesty period that was extended to 31 December 2005 to enable overstayers to leave the country after paying a fine. An overstayer had to come up with Omani Riyal (RO) 250 (US\$649) for the fine and RO150 (US\$ 390) for the airfare (AMN, 15 September 2005).

Information from the sending country occasionally provides information on deportations. According to a representative of the concerned Ministry in India, it was

recently reported that the Gulf states deported 81,000 Indians in 2007, about half of them from the UAE, 28,904 from Saudi Arabia and 8,234 from Kuwait (Kuwait Times, 30 November 2007, p. 8). Information on the number of deportees is not part of the routine statistics of the sending country databases, however.

Amnesty declarations represent a humane response by the host country governments to deal with the persistent irregular migration problem. However, the amnesty program is likely to simply scratch the surface of the problem. While they clearly show that huge numbers of people are residing in the Gulf in an irregular situation, it is still difficult to judge the percentage of irregular migrants who actually avail of the amnesties. Several are likely to remain in the Gulf despite the risks they face as irregular workers. In Bahrain, it is estimated that despite government action towards regularizing the migrant workforce, about 60,000 unauthorized migrant workers were still present in the country in April 2008 (AMN, April 2008).

3. Regulatory Policies in the Gulf

In order to better describe the mechanisms that may result in a person becoming an irregular migrant, a brief description of the usual regulatory policies within GCC countries is given in this section. Foreign workers in the Gulf are considered primarily as temporary contract workers, not eligible for permanent residency status or citizenship. A majority of regulatory policies therefore focus on orderly management of entry and stay of contract workers and their dependents. Elaborate administrative mechanisms exist to regulate the inflow and residence of contract workers to GCC countries. All contract

workers and their dependents (if eligible) are issued a resident visa for the number of years stipulated in the work contract. All such visas are issued under the authority of a sponsor (*kafil*) who wishes to hire the foreign worker. The above rule applies to those hired to work in the public as well as private sector. In case of the public sector, the concerned Government agency (e.g. Kuwait University) is the sponsor. In case of the private sector, a company that has the license for the business or service enterprise that employs the worker acts as the sponsor. The migrant worker is legally allowed to take up employment only with the sponsor and cannot easily transfer from one employer to another without permission of the initial sponsor.

In some countries, such as Kuwait, the policy of family re-unification is conditional upon the salary level of the migrant worker. In many cases, the worker is not accompanied by his family, since a minimum income level is required in order for such permission to be granted. Prior to 2004, the salary cap for family visas was KD 450 for government employees and KD 650 for private sector employees.² In December 2004, the Interior Ministry lowered the minimum income required for granting family visas to KD 250 for both sectors (Kuwait Times, 9 December 2004). A majority of the migrants earn less than the specified income and therefore leave their families in the home country. In some cases, they may bring in their families by obtaining a fraudulent certificate reporting an income that meets the criteria.

² In 2004, the exchange rate was at KD 0.295 per US dollar.

Contract workers in the GCC countries are generally awarded renewable contracts, usually spanning about 2 years at a time. Contracts for the majority of workers, however, continue to be renewed for several years, thus providing a certain degree of permanence of workers in the labour market. In all of the GCC countries, some Asian residents are, in fact, second generation migrants who were born in the country and have lived there all their lives. Data from Kuwait show that 16.3 percent of all non-nationals in 2007 were in fact born in Kuwait (PACI, 2007). Birth in a GCC country does not entitle the resident to citizenship or permanent residence. Children are allowed to stay with the parents under the father's (or mother's, if employed) sponsorship. In case of male children who reach 21 years of age, the father can no longer act as the sponsor to obtain a residence permit (or *iqama*). A male child can remain in the country if he is a student or is employed, in which case his employer is the sponsor. Female children can remain under the sponsorship of the father until they are married.

Violation of any of the above rules and regulations can result in an irregular status for the temporary contract worker. The four types of migration addressed in this paper are elaborated below.

4. Forms of Irregular Migration and Related Policies

4.1. Trafficking and Smuggling

As in the case of other forms of irregular migration, smuggling and trafficking do not lend themselves to easy measurement. One source of information consists of sporadic newspaper reports, which are likely to seriously underestimate the extent of

such migration. The practice of smuggling people into the Gulf goes back to the early phases of the oil era. This practice declined when air travel replaced the dhow (traditional boats) as the major form of transportation. However, some Indians, Pakistanis and Bangladeshis are still brought to Oman and the UAE by sea in remote coastal regions. Also, several Yemenis are known to cross the sandy border into Saudi Arabia: during a three month period in the summer of 1997, about 20,000 Yemenis were caught while trying to enter Saudi Arabia illegally (Kapiszewski, 2001). Some networks that bring in workers illegally to Saudi Arabia through pilgrimage have recently been reported. In 2007, the Ministry of Haj discovered 20 dirt roads that provided cover for illegal and unlicensed pilgrims to sneak into Makkah. The Government has decided to impose a fine of 10,000 Saudi riyals (US \$ 2,670) for each person smuggled in by a Saudi smuggler. A non-Saudi smuggler would be deported after paying the fine (AMN, 1-31 December 2007).

One group of migrant workers that has been the victim of trafficking consists of women from certain Asian countries brought into the Gulf by recruitment agents in the guise of domestic helpers and then used as prostitutes. Newspapers in the Gulf countries sometimes publish stories about women who have been trafficked by recruitment agents in the sending and/or receiving country/ies. If considered as victims according to a human rights framework, such women would be entitled to protection, assistance and redress. If they are considered as illegal migrants, however, they are likely to be summarily deported by countries of destination (Theuermann, 2005). The latter is the more typical response when migrant women who may have been forced into prostitution

are caught in police raids. Newspapers often publish articles of police raids and arrests of prostitutes and pimps, along with photographs of those involved. Once caught, such persons are often jailed and then deported.

Forgery of documents, such as passports and visa stamps, is a mechanism likely to be intrinsically tied up with smuggling and trafficking. Recruitment agents, especially in sending countries, have often played a pivotal role in arranging fraudulent visas. Entry into a GCC country on a fake visa or fake passport puts the prospective migrant at the risk of deportation upon arrival, if caught. Some Asian countries, such as Pakistan, have taken steps to avoid the fraudulent issuance of visas (IOM, 2005). The Philippines recognizes that workers without proper documentation are usually the most vulnerable. They are not entitled to the same package of benefits that government authorities provide lawfully deployed workers who have contributed to the welfare fund, as required by law. In 2003, the Philippine government handled 1,219 cases of illegal migration, and noted that the number of such cases has been rising. The Philippines president has therefore created a Task Force on Illegal Recruitment. Sri Lanka is also trying to prevent its workers from moving without first registering with government (IOM, 2005).

4.2. Overstaying

A legal migrant may become illegal by overstaying a valid visa for several reasons, such as through the inability to extend a valid work visa, by entering on a tourist visa and overstaying, or by running away from an employer who usually have the worker's passport. Becoming irregular through overstay puts the migrant worker in

a vulnerable situation in several ways. If caught, the worker may face jail or deportation. Such a worker is less likely to have a formal work contract than a regular worker. Also, the amount of leverage such a worker would have for negotiating for fair salary and working condition would be less than a regular worker's.

Estimates of this type of illegal migration are substantial, judging from repeated amnesty declaration by various countries to allow overstayers to leave without paying substantial fines, as shown in Table 3 earlier, and as discussed elsewhere (Shah, 2004; Shah, 2006). In Kuwait, overstay accounts for a substantial percentage of illegal residents, the precise number of whom is not known but has sometimes been estimated to be more than 80,000 (Kuwait Times, 8 April 2007).

Vigorous efforts have been made in Saudi Arabia in recent years to nab and deport those who have overstayed their visas and those with illegal visa status. In June 2005, Saudi authorities arrested more than 2,700 visa violators in certain areas of Jeddah, most of whom were from Arab and African countries. The arrests resulted in the closure of 45 illegal clothing factories, several prostitution dens, and factories producing alcoholic beverages (AMN, 1-15 June 2005). One of the consequences of overstay has been the presence of homeless persons on the streets of Saudi Arabia, trying to survive in makeshift shelters. The Human Rights Association estimates that despite the efforts at removing and deporting such people, there are between 600-800 homeless people in the country, mostly women, children and the elderly (AMN, 1-15 October 2005). The problem of pilgrim over-stayers is a long-standing one since some of those who travel to Saudi Arabia for Umrah (a smaller pilgrimage than Haj) try to stay there until the

Haj. In November 2007, the concerned authorities nabbed about 1800 overstayers in three days in Makkah (AMN, 15 November 2008). About 2.45 million Muslims went to Saudi Arabia to perform the Haj in December 2007. It has been reported that every year some of them stay back in the country in search of job opportunities, while some end up as beggars.

4.3. Visa Trading

The third type of irregular stay occurs when a migrant worker takes up employment for a person other than the sponsor. This type of irregular stay is again quite substantial but no systematic or reliable information on this is available from routinely collected data. The main reason for the occurrence of this type of irregular migration may be described as follows. Nationals of GCC countries may obtain business licenses and concomitant permission to bring in a given number of workers, and are given work visas for this purpose. They may, however, sell the visas to persons looking for such visas instead of starting a business or using all the visas for the approved business. This type of visa trading has become fairly widespread in GCC countries. The person who buys the visa may find a job with an employer other than the one who initially sponsored him/her or may remain unemployed in some cases. This puts the migrant worker in an illegal status since he is not allowed to work, legally, for any person other than the sponsor. Media reports indicate that visa trading is recognized as an important problem in the orderly management of labour migration but remains an area where the statistical database is very weak.

In the UAE it is estimated that the number of workers sponsored by fictitious companies in 2004 was 600,000 or 27 percent of the total workforce (UAE-Gulf News, 13 April 2004). As part of its efforts to curb the hiring of illegal workers, 11,600 bans were issued against violating sponsors and companies during 2004 in the UAE (Gulf News Online (UAE), 22 February 2005). The Saudi Minister of Labour stated that 70 percent of visas issued by the government are sold on the black market and the government was determined to crack down on this (Arab News Saudi Arabia, 29 April 2004). Similar statements are repeatedly made by authorities in other GCC countries. The Bahrain Minister of Labour and Social Affairs lamented the practice that he said has plagued the Bahraini job market for the last 20 years. In August 2004, the government was undertaking a process of investigating 43 businesses found to engage in this practice (The Arab News, 4 August 2004). In 2007, the concerned authorities reported that visa trading was prevalent in 20,000 small establishments. A similar concern has been expressed in Qatar about small companies selling work visas (AMN, 1-31 December 2007).

Acknowledging that visa trading was one of the factors that promoted the influx of irregular foreign workers to Kuwait, the Kuwait Human Development Report of 1997 advocated steps to curb this practice (Ministry of Planning Kuwait, 1997). Some legal experts in Kuwait have bemoaned the lack of action being taken against the offices and fake companies that were recruiting labourers in exchange for exorbitant sums without providing them jobs (Kuwait Times, 2 December 2007, p. 2). In December 2007, the Ministry of Social Affairs and Labour sent a proposal to the Cabinet to allow the

transfer of expatriates to another sponsor regardless of the number of years in service with the current sponsor, the aim being to eradicate the rampant trading of visas (AMN, December 1-31, 2007). The above proposal does not seem to have been accepted or implemented to date, however. The National Assembly has asked its Human Rights Committee to investigate the prevalence of visa trading in the country, especially in the context of allegations about the involvement of some current and former members of parliament. The Committee has been asked to investigate the matter in liaison with the Ministry of Social Affairs and Labour (Kuwait Times, June 30, 2008). All the above actions seem to highlight the increased willingness of the concerned authorities to recognize and deal with the problem.

The scale of the problem clearly illustrates that visa trading is a multi-million dollar industry. In the UAE, for example, a work visa for two years for an Indian is sold for Dh 7,500 (US\$ 2,042) and for an Iranian for Dh 15,000 (US \$ 4,084). The visa fee is not limited to the initial sponsorship. A fee, which has been increasing over time, is charged for each two-year renewal. A fundamental difficulty in the implementation of any policies aimed at curbing visa trading is the ease with which an ordinary local sponsor can have a continuous source of income by selling visas to an eager market in countries of origin. Potential migrants in Asian countries are willing to contract large debts and take extraordinary risks to buy visa that may provide them jobs in the Gulf countries. There are several instances where migrants end up selling their land, jewelry, or other assets to buy work visa for the Gulf (Willoughby, 2005).

While visa trading may result in an irregular situation for a migrant worker, money is often charged for a visa even in situations where the person is actually employed by the sponsoring company and his/her status is legal. A survey of Asian male migrants in Kuwait held in November-December 1995 indicated that almost all the workers who moved through recruitment agents had to pay some money for their work visa, in addition to the required fee for air ticket and routine visa processing. The average amount paid for the visa was US\$ 1,158. Furthermore, about 15 percent said they came on a “free” visa meaning that they had an agreement from their sponsor to work for another employer, although the above is illegal (Shah, 1998).

In addition to the high financial cost, there may be fairly high psychosocial cost to living in the host country in an irregular situation on a visa where the *kafil* is not the employer. Such migrants live with a constant fear of being nabbed, jailed, fined, and deported. Needless to say, the migrant’s irregular status is likely to reduce the benefits of migration for the individual worker and his/her family. Once in the host country, the cost of renewing the visa continues to create a dent in the overall earning of the migrant, reducing his or her potential remittances.

GCC countries, including Bahrain, Kuwait, and Qatar, are trying to improve the current system of sponsorship (Dito, 2007). Officials at the Ministry of Social Affairs and Labour in Kuwait are working on devising strategies to abolish the current sponsorship system, and to facilitate the transfer of a worker from one employer to another (Kuwait Times, 17 September 2007). Devising better strategies for sponsorship has been the subject of active debates at recent international meetings dealing with

migration to the Gulf. A suggestion has been made by some human resource experts in the region that the government, rather than individuals, should act as the sponsors of workers to the Gulf (The Peninsula, 18 April 2007). Saudi authorities are also looking into a new sponsorship system where private companies, instead of individuals, bring in foreign workers, as reported by the Human Rights Commission President Turki Al-Sudairi (AMN, 30 November 2007). In Dubai, the first manpower supply company, Sawaeed Employment, was inaugurated recently. The company intends to bring in workers on its own sponsorship and hire them out to government and private businesses in various sectors. Sawaeed would be responsible for the employment visa, medical insurance, air ticket, accommodation, transportation, salaries and benefits, and annual leaves. It would also pay salaries to workers who are forced to be unemployed due to reasons beyond their control (AMN, 16-28 February 2007).

4.4. Running Away

Notices about absconding workers are often found in local newspapers, saying that a specified worker is no longer working with a given company and that any dealing with him/her is at the person's own risk. Information on the number of such workers is usually not a part of the routinely published statistics. During 2003-2007, a total of 128,593 absconding cases were recorded in the UAE (AMN, April 2008). Female domestic workers have been especially prone to running away from their employer. Since such workers are confined to private homes, the main means by which they could escape undesirable working situations is by running away. During the last three decades, the stock of domestic workers in the Gulf has increased rapidly. The custom of hiring

domestic workers has become widespread in all the Gulf countries, even among nationals who may not be able to actually afford one financially. In Kuwait, for example, the number of domestic workers increased from 81,573 in 1985 to 409,126 in 2007, constituting 4.8 percent and 12.3 percent of the total population of the country, respectively (CSO, 1990; PACI, 2007). The UAE had about 268,000 domestic workers in 2007, constituting 5 percent of the country's population (AMN, 15 November 2007).

While the majority of the domestic workers probably find the employment situation to be satisfactory, there are many who face difficulties and some end up running away from the employer's home. In a few cases, domestic workers have escaped from intolerable working conditions by jumping from multiple-story buildings, sometimes ending up badly injured or dead. Stories of mistreatment, harassment, verbal and physical abuse, and non-payment of wages are routinely featured in newspapers. After running away, several of the domestic workers seek refuge at their embassies. One response by countries of origin has been to establish shelters, either within the embassy premises or other buildings acquired for this purpose. Sri Lanka, Philippines and India all have shelters to house runaway housemaids in Kuwait. There is a general reluctance on the part of embassies to reveal information on the number of runaway housemaids in their shelters. In a study conducted in Kuwait in 1996, we found that the embassies of Sri Lanka, India and the Philippines were housing about 600 runaway housemaids, constituting about 0.4 percent of the total 140,000 such workers in the country at that time (Shah & Menon, 1997).

Recently, the Kuwait government has recognized the problem as a human rights issue and has opened a shelter for runaway maids which can house 50 persons. The Ministry of Social Affairs and Labour is in the process of constructing a shelter that can house 700 such persons (Kuwait Times, 27 September 2007). The objective of this shelter is to provide legal as well as other assistance to victims of abuse. The Bahrain government has also decided to open a shelter for distressed female migrant workers, a move that has been welcomed by Human Rights advocates (AMN, 30 November 2007). The Abu Dhabi government in UAE has allocated eight million dirhams for a shelter to be built for victims of human trafficking. The shelter is designed to provide trafficked women and children shelter, safety, health care, and social support (AMN, April 2008). As a means of preventing potential abuse, some countries, such as Pakistan, have legislated to forbid the migration of women as domestic helpers, except for those aged 35 or older. Recently, the Indian government also set a minimum age of 30 years for departing domestic workers, which is seen as a means to curb sex trafficking (AMN, February 2008).

Once a domestic worker runs away from her employer, she usually leaves behind the few possessions she may have, including her passport or other travel documents, which are typically kept by the employer as security. The migrant worker is thus placed in an irregular situation. The embassy usually intervenes with the employer on her behalf to reach an amicable solution. In cases where this is not possible, the embassy assists with the repatriation of such workers. In the case of some countries, such as India, non-

governmental organizations have also played a role in the repatriation of domestic workers.

5. Implications of irregular migration for development

Irregular migration has significant implications for sending as well as receiving countries that may be considered as positive or negative, depending on the context and viewpoint. The receiving country can have short-term financial gains with the availability of a pool of irregular workers who may be ready to work at lower wages than regular workers, thus benefitting the employer. Also, the process of visa trading is now well entrenched, widespread, and fairly lucrative for the sponsors. They are able to maintain a steady source of income for providing as well as renewing work visas. Any curb on this process has been hard to implement, and is likely to remain so. Alternative systems of sponsorship have been suggested but none has so far been launched on a wide scale.

A possible negative impact on the development of the receiving country of the abundant supply of migrant labour force, some of whom are irregular, is the segmentation of the labour market, with several types of work being defined as “foreigners’ work”. Jobs that may be considered dirty, dangerous, and demanding (3D jobs) are considered fit only for non-nationals and spurned by nationals. Thus, recent years have seen a high increase in the unemployment of nationals, especially the youth. Unemployment among males has been reported to range from about one percent in Kuwait to about 14 percent in Oman (Shah, 2007). A major reason for the high rate of

unemployment is the preference of nationals for work in government rather than in the private sector, and their reluctance to work in manual occupations. The above situation poses a serious challenge and highlights the need to diversify the skills of the national manpower if future dependency on non-national workforce is to be reduced, and if participation in the private sector is to be increased.

For the sending countries, irregular migration poses several challenges discussed in the previous sections. Irregular migrants are harder to manage and protect. If traveling on a fake passport or visa, the migrant may face jail or deportation if caught. In case of migrants who buy the visa, a substantial cost is incurred which may put the migrant in debt prior to the move; renewing such a visa will take away from the migrant's earnings as well as potential savings and remittances. Irregular migrants are faced with a constant fear of serious consequences if caught by security personnel carrying out routine checks of documents, or in a raid.

In addition to the above consequences, irregular migrants are less likely to seek legal help when their rights are violated, such as in cases of non-payment of wages, which is a frequent complaint of contract workers. While strikes are usually not permitted and are considered illegal, the incidents of protests by workers from different countries have been increasing. In November 2007, Chinese workers protested outside their Embassy against the non-payment of wages by their Kuwaiti employer. At the end of April 2008, a strike was held by Bangladeshis employed by a cleaning company who claimed they have not been paid for five months and some of whom had expired residence permits. The Interior Ministry considered the action as illegal and responded

by deporting a dozen persons it considered as instigators of the strike (Kuwait Times, 4 May 2008, p. 1). Strikes also took place in Dubai in March 2006 and October 2007. The strikes resulted in the deportation of some workers, but also led to the implementation of some protective measures. The government paid the workers from the company's bank guarantee and refused it permission to bring in more workers. A reform was also instituted to provide workers a summer sun break from 12 to 4 pm during July and August and to increase the number of labour inspectors from 100 to 1,000 (Migration News, October 2007). In UAE, about 150 contracting companies have raised the workers' salaries by up to 20 percent to compensate for the increasing cost of living and for the depreciation of the currency (AMN, 30 November 2007).

6. Concluding Remarks

Better management of contract worker migration, including its irregular aspects, has been echoed at several meetings held by policy makers in the region. At a symposium on foreign workers held in Doha in April 2007, the GCC countries agreed to take steps towards evolving a common strategy for dealing with various issues, such as overcoming all obstacles that limit labour movement within GCC countries. They agreed on the need to set up and enhance the integrated social policies on population, labour market, and employment, while linking the above to socio-economic policy as well as economic growth rates, mainly in the non-oil sector (Planning Council Qatar, 2007). At the same time, the need for combating human trafficking is increasingly being recognized in these countries. One response expressed by several of the GCC countries is a marked increase in the amount of fines on traffickers and smugglers, as well as visa

traders. For example, a Yemeni smuggler was recently sentenced and fined 1.5 million dirhams in the UAE for bringing in and sheltering 15 foreigners, the highest such fine ever imposed (AMN, April 2008). It seems that the receiving countries are now implementing trafficking laws with greater seriousness, perhaps as a result of international pressure outlined below.

GCC countries have received considerable criticism from the international community for their treatment of foreign workers, especially female domestic workers. In its latest report on Human Trafficking, the United States of America State Department kept four of the six GCC countries on a blacklist of countries trafficking in people in 2008, but removed Bahrain and UAE since they had made significant improvements in their record (Kuwait Times, 5 June 2008). The Gulf countries responded to the above report by dismissing it as unjustified, political, and based on wrong information. They called on the US State Department to “revise its policies towards GCC countries” (Kuwait Times, 11 June 2008). However, the Human Rights Committee of Kuwait’s National Assembly met US embassy officials to discuss the ranking of the country in the third, or black listed, tier (Kuwait Times, 30 June 2008).

In recent years, there has been increasing recognition that benefits of contract worker mobility can be maximized through developing an effective partnership between the governments of sending and receiving countries. It is believed they need to cooperate in order to prevent the exploitation and abuse of workers by recruitment agents in the home as well as host country. In this regard, Memoranda of Agreement have been signed by the UAE with six Asian countries, including Bangladesh, China,

India, Pakistan, Sri Lanka, and the Philippines to protect the rights of contract workers. Workers would be brought in through the public labour agency, Sawaeed, to avoid private agents charging exorbitant fees from job seekers (AMN, November 30, 2007). India also signed agreements with some other GCC countries.

A regional consultative process for the management of overseas employment and contractual labour for Asian countries of origin, known as the Colombo Process, was initiated with the assistance of IOM at Colombo in April 2003. Following the Colombo meeting, subsequent meetings were held under this process in Manila, Philippines in 2004 and Bali, Indonesia in 2005 (www.colomboprocess.org). The last meeting under this process was hosted by a receiving GCC country (UAE) in Abu Dhabi on 21-22 January 2008. This was the first ever meeting where representatives of sending Asian countries and receiving GCC countries came together. The conference aimed to highlight the potential of contractual labour mobility to benefit overseas workers and origin and destination countries in Asia through the setting up of key action-oriented partnerships. One of the agreed upon partnerships focused on “preventing illegal recruitment practices and promoting welfare and protection measures for contractual workers, supportive of their well being and preventing their exploitation at origin and destination” (Abu Dhabi declaration, 2008). Initiatives such as the Colombo Process, if followed up by implementation of the proposed actions, can play a useful role in reducing the negative impact of irregular migration and enhancing the benefits for the migrants as well as the countries involved.

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Table 1. Percentage of nationals and expatriates in the population and labour force of GCC countries, 2005

Country	Population ^a		Labour force	
	Total (000s)	% expatriates	Total (000s)	% expatriates
BAHRAIN	727	40.7	272 ^c	61.9
KUWAIT (2005) ^b	2,867	66.1	1,727 ^d	81.8
(2007) ^b	3,328	68.8	2,048	84.8
OMAN	2,567	24.4	859 ^d	64.3
QATAR	813	78.3	120 ^c	81.6
SAUDI ARABIA	24,573	25.9	7,176 ^d	55.8
UAE	4,496	71.4	1,356 ^d	89.8
2006 ^e	5,600	84.6	f	f
All GCC countries	35,862	35.7	11,103	About 70.0

Sources:^a (United Nations, 2006)^b PACI 2005 and 2007^c (Kapiszewski, 2001)^d (ESCWA, 2001); labour force as assessed in 2000^e (AMN, February 2008)^f The expatriate labour force was estimated in April 2008 to be 3.11 million (AMN, April 2008). Assuming the expatriate component to be 90 percent, the total labour force would be estimated to be about 3.45 million.

Table 2. Estimated Irregular Migrants in GCC Countries, late 1990s

Country	Year	Estimated irregular migrants
Bahrain	1997	8,300
Kuwait	1979/80 1997 ^a	100,000 15,000 ^a
Oman	1998	40,000
Qatar ^b	1997 – 98	100,000
Saudi Arabia	1997	700,000
UAE	Early 1990s	300,000

^a Illegally employed 'Filipino' housemaids

Source:

(Kapiszewski, 2001), p. 92

^b (Battistella & Asis, 2003), p.58

Table 3. Amnesty returnees from six GCC countries

Country	Amnesty started	Repatriation/Regularization
Bahrain	1995	32,365 in 1995 and 52,000 in 1997 either left or regularized their papers; 23,632 in 2000; In August-December 2008, 110,000 regularized their status and 11,053 were deported
Kuwait	November, 1997 ^a	11,502 left in December 1997; 15842 regularized and 4,458 repatriated in 1998; 9000 left in 2002
Oman	January, 1998	24,000 left in March-April 1998; 13,000 in 2001
Qatar	November, 1997	10,000 regularized or repatriated between January-April 1998
Saudi Arabia	1995	2-2.3 million between October 1997-July 2000; about 700,00 deported per year
United Arab Emirates	August, 1996	200,000 left during August-December, 1996; Another 300,000 expected to have left by March 2003; 176,000 regularized and more than 174,000 repatriated in 2007

Sources:

Saudi Arabia: Migration News, January 7, 2003; The Associated Press, 3 July 2000.

UAE: Kuwait Times, December 1996, p4; Gulf News (UAE) 26 Dec 2002; Asian Migrant news, 30 Nov 2007

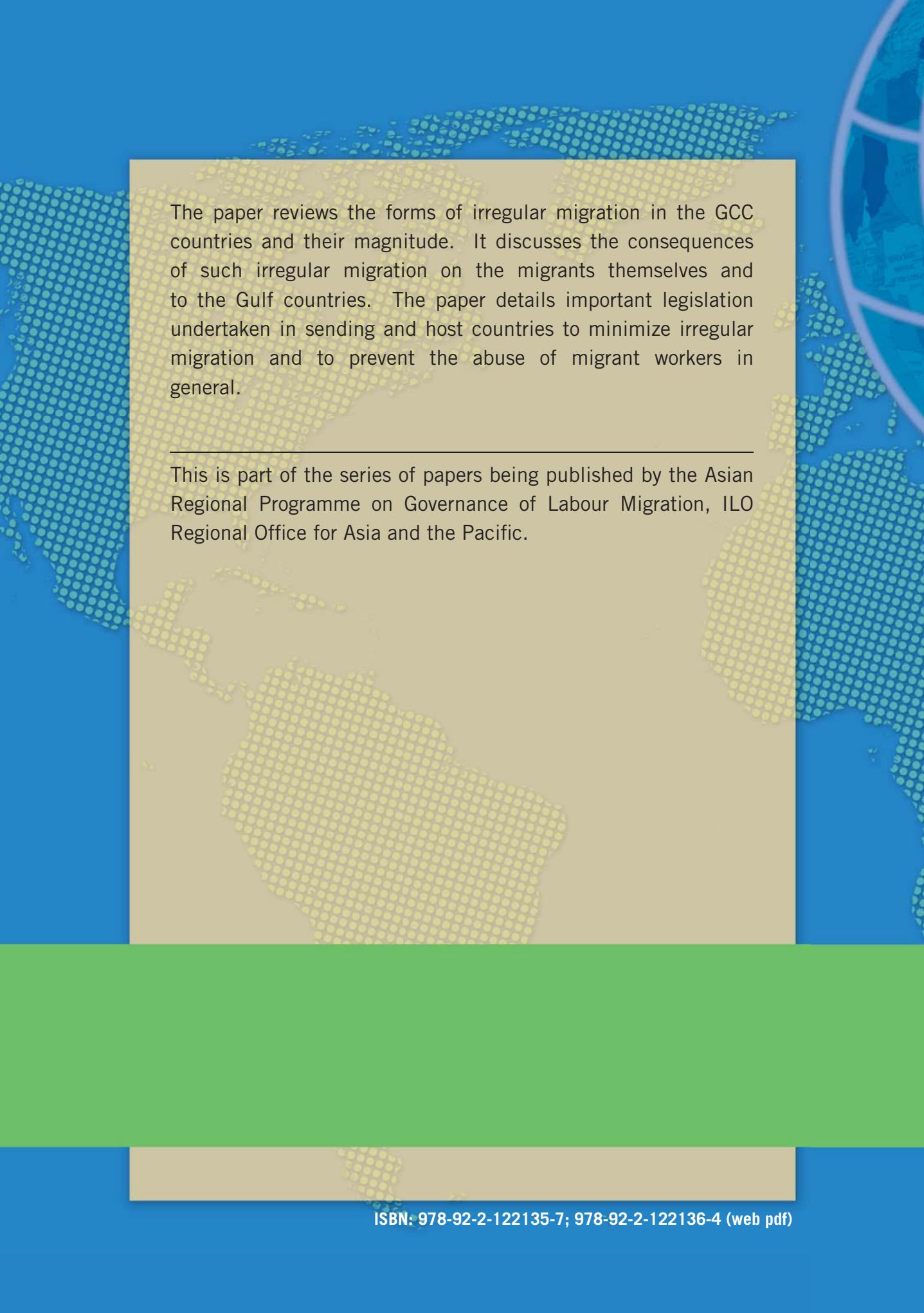
Bahrain: Bahrain Tribune, 28 Dec 2000

Oman: CISNEWS, June 1998; Times of India, 30 Oct 2002

Kuwait: Kuwait Times, Saturday, 20 Dec 1997, p1.; Al Bawaba (via COMTEX), 21 August 2002; Batistella and Asis, 2003

Qatar: Overseas Migration News, August 1998.

^a The latest amnesty period in Kuwait was held from 1 May to 30 June 2007



The paper reviews the forms of irregular migration in the GCC countries and their magnitude. It discusses the consequences of such irregular migration on the migrants themselves and to the Gulf countries. The paper details important legislation undertaken in sending and host countries to minimize irregular migration and to prevent the abuse of migrant workers in general.

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