

MIGRATION
POLICY CENTRE



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES



Gulf Research Centre Cambridge
Knowledge for All



GLMM
Gulf Labour Markets and Migration

Irregular Migration in Bahrain: Legislations, Policies, and Practices

Hasan Alhasan

Chapter in the volume:
Skilful Survivals: Irregular Migration to the Gulf
edited by Philippe Fargues and Nasra M. Shah

BOOK CHAPTER

This is a chapter in the volume: Philippe Fargues and Nasra M. Shah (eds.), *Skilful Survivals: Irregular Migration to the Gulf*, Gulf Labour Markets and Migration (GLMM) Programme, Gulf Research Center Cambridge, 2017. For other chapters and the entire volume, please refer to www.gulfmigration.eu.

Terms of use: By using any information from Gulf Labour Markets and Migration programme publications, the user: (a) acknowledges having read the legal notices concerning copyright, terms of use and disclaimers and agrees to comply with them in full; (b) agrees to assure himself/herself whether and to what extent copyrights exist on information published by the GLMM prior to using this information; (c) agrees not to use information published by GLMM in any way that would result in the infringement of existing copyrights; (d) agrees to always follow precisely and fully the citation instructions provided by the GLMM. GLMM publications may be copied and distributed only in their entirety and together with any copyright statements they may contain, as long as they are properly attributed and used for non-commercial, educational, or public policy purposes. Photographs, logos, graphs, tables or any other images from the GLMM publications may not be used separately.

Copyright: © European University Institute (EUI) and Gulf Research Center (GRC), 2017. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of European University Institute and Gulf Research Center.

Disclaimer: The Gulf Labour Markets and Migration (GLMM) programme cannot be held responsible in any way for the correctness and accuracy of the information and data published on its website, on paper and in other forms, including the database and its publications. The GLMM strongly encourages users to verify the correctness and accuracy of the information and data with the source, which is always indicated with the greatest accuracy and detail possible. Any opinions expressed in any GLMM publication are those of the author(s) alone and do not necessarily state or reflect the opinions or position of the Migration Policy Centre, the European University Institute or the Gulf Research Center.

Support: The Gulf Labour Markets and Migration Programme receives support from the International Migration Initiative (IMI) of the Open Society Foundations (OSF); the National Priority Research Program (NPRP) of the Qatar National Research Fund (QNRF); and the Swiss Agency for Development and Cooperation (SDC); and relies on the institutional resources of the GLMM partners.



Gulf Research Center

Knowledge for All

E-mail: info@grc.net

Website: www.grc.net



GLMM
Gulf Labour Markets and Migration

Gulf Labour Markets and Migration Programme

E-mail: info.glmm@grc.net

Website: gulfmigration.eu

Gulf Research Center

E-mail: info@grc.net

Website: www.grc.net

Jeddah

Gulf Research Center
19 Rayat Al-Itehad St.
P.O. Box 2134
Jeddah 21451
Kingdom of Saudi Arabia

Geneva

Gulf Research Center
Foundation
WMO Building - 2nd Floor
Avenue de la Paix, 7bis
CH-1211 Geneva
Switzerland

Cambridge

Gulf Research Centre
Cambridge
Centre of Islamic Studies
University of Cambridge
Sidgwick Avenue
Cambridge CB3 9DA, UK



First published 2017

Cover Photo: Imco Brouwer

About the Gulf Research Center



The Gulf Research Center (GRC) is an independent research institute founded in July 2000 by Dr. Abdulaziz Sager, a Saudi businessman, who realised, in a world of rapid political, social and economic change, the importance of pursuing politically neutral and academically sound research about the Gulf region and disseminating the knowledge obtained as widely as possible. The Center is a non-partisan think-tank, education service provider and consultancy specializing in the Gulf region. The GRC seeks to provide a better understanding of the challenges and prospects of the Gulf region.

About the Gulf Labour Markets and Migration (GLMM) Programme



The Gulf Labour Markets and Migration (GLMM) programme (<http://gulfmigration.eu>) is an independent, non-partisan, non-profit joint initiative of a major Gulf think tank, the Gulf Research Center (GRC - Jeddah, Geneva, Cambridge), and a globally renowned university, the European University Institute (EUI - Florence). GLMM provides data, analyses, and recommendations contributing to the understanding and management of labour migration in countries of the Gulf Cooperation Council, engaging with all stakeholders.

V

Irregular Migration in Bahrain: Legislations, Policies, and Practices

*Hasan Alhasan**

Abstract: Irregular migration is a phenomenon widely observable in the six member states of the Gulf Cooperation Council (GCC), although information concerning its size, causes and the success of policy measures designed to address it remains scarce. This chapter attempts to close part of the knowledge gap that exists on the topic in Bahrain through an in-depth review of publicly available information and interviews. While irregular migration is naturally difficult to quantify, the task of doing so is even more daunting in the Gulf where a lack of transparency has created a shortage of reliable and official data on both the population and the workforce. Inevitably, this complicates any attempt at evaluating the effectiveness of policy measures implemented by the GCC states in order to address the issue. This is the case even in Bahrain where data tends to be more readily available by comparison. By compiling estimates produced by a variety of sources such as government officials, embassies of sending countries, local NGOs, international organisations and others, this chapter will seek to provide some understanding as to the size and composition of the cohort of irregular migrants. Like other GCC states, Bahrain has deployed a host of policy instruments aimed at identifying irregular migrants and more often deporting them. Amnesties, in which up

* Hasan Alhasan is manager at the Economic Development Board (EDB) in Bahrain.

to hundreds of irregular migrants at a time may be identified and deported without facing criminal prosecution, have occasionally been announced. Laws have been amended to include tougher penalties against visa traders. There is little evidence however to suggest that any of these policies had any significant impact on curbing the problem. This chapter will seek to trace the evolution of the legislative framework that addresses irregular migration. It will also attempt to evaluate the effectiveness of the reforms to the labour market in preventing individuals from becoming irregular migrants in the first place. Moreover, it will critically discuss the national framework put in place to protect irregular migrants from human trafficking and physical abuse and will explore whether channels for regularisation exist and their accessibility. Ultimately, the overall objective of this chapter is to better define the phenomenon in terms of its size, trends, and causes and trace the evolution and effectiveness of the legislative and policy framework adopted by the state to address it.

Introduction

Irregular migration has been a persistent feature of Bahrain's labour market since at least the 1970s. The pool of irregular migrants – South Asian workers, for the most part – has expanded hand-in-hand with the growth of the economy. The government estimated early on that irregular migration has had a negative impact on the employment of Bahrainis within the labour market.¹ While the government has implemented several measures to separate irregular migrants from the local population and limit the stock of irregular migrants residing in the country, it has done little to curb their flow into the black market. Although the government enjoys the legal prerogatives necessary to crack down on visa traders and employers of irregular migrants, seldom has it exercised its right to do so.

Several factors can be said to account for the government's reluctance to bring about structural change in the irregular labour market. First, the government is not under significant pressure from the citizenry to crackdown on the practice. Citizens

1. "Wazîr al-'amal al-Bahraini: na/hnu bi-/hâja li-binâ' al-thiqa bayn al-'ummâl wa al-qi/tâ' al-khâ/s li-/hal mushkilat al-ba/tâla," *Asharq Al-Awsat*, February 3, 2003, <http://archive.aawsat.com/details.asp?section=6&article=150425&issueno=8833#.VZf7vEaFGro>; Shah suggests that GCC states began to put policies in place to restrict irregular migration in the 1990s (see Shah 2008). These restrictive policies were not motivated by economic considerations alone; however, as the overall discourse on migration refers to perceptions of cultural and political threat too, see Louer 2008.

do not perceive irregular migrants to be a threat to their livelihoods due to Bahrain's dual labour market: citizens prefer employment in the public sector, which tends to be largely reserved for them, while migrants take on blue-collar jobs that attract only a relatively small portion of the citizenry (Shah 2009: 4).²

Second, citizens are often the biggest beneficiaries of irregular migration. Consumers rely on such migrants to bring down the prices of services, while employers often view them as a source of cheap, temporary labour. A sizeable number of Bahrainis are implicated in illegal visa trading, charging irregular migrants a certain amount of money in return for allowing them to continue to reside in the country under their sponsorship. Collectively, these factors inform the political context within which the government has chosen to mobilise its policy instruments to address the phenomenon of irregular migration.

In order to assess government policy, we first need to quantify and draw up a profile of irregular migration in Bahrain, including the main channels through which migrants cross over into irregularity. Then, it is important to summarise the legal framework surrounding irregular migration and survey the legal instruments at the government's disposal. Finally, we can begin to conceptualise government policy toward the issue, including measures to separate irregular migrants from local residents in response to popular demand, tools to control and limit the stock of irregular migrants, and initiatives to curb the flow of migrant workers into the black market.

Irregular Migration in Bahrain: A Profile

Stock Size and Composition

By its very nature, irregular migration is a phenomenon that is difficult to quantify with much precision. Neither the Labour Market Regulatory Authority (LMRA) nor the Ministry of Labour publish readily available data on the size and composition of the stock. Data released by the LMRA through a handful of press releases over the past decade provide very little insight into the trends and patterns that characterise the phenomenon.

2. For an expanded discussion of labour market segmentation in the GCC, see Hertog 2012.

Table 5.1: Estimated population of irregular migrant workers relative to the total population of migrant workers in Bahrain, 2010–2014

	Irregular Migrant Workers Population³	Total Migrant Workers Population⁴	%
2010	34,000 ⁵	458,709	7.4
2011	40,000 ⁶	458,060	8.7
2012	44,000 ⁷	488,978	9.0
2013	51,000 ⁸	514,156	9.9
2014	60,700 ⁹	530,809	11.8

These figures likely represent a lower bound. While the LMRA is able to account for irregular migrants whose employers have reported them as escaped or have had their visas expire or cancelled by their sponsors without them leaving the country, it is very difficult for the LMRA to account for the “free visa” workers, i.e., those whose sponsors continue to pay their visa fees on time, but are in fact working in violation of their work permits. That is because unless they are caught in an inspection or a raid, “free visa” workers appear to have a regular or legitimate status on the books. The LMRA therefore only provides an estimate of their numbers based on its inspections.¹⁰

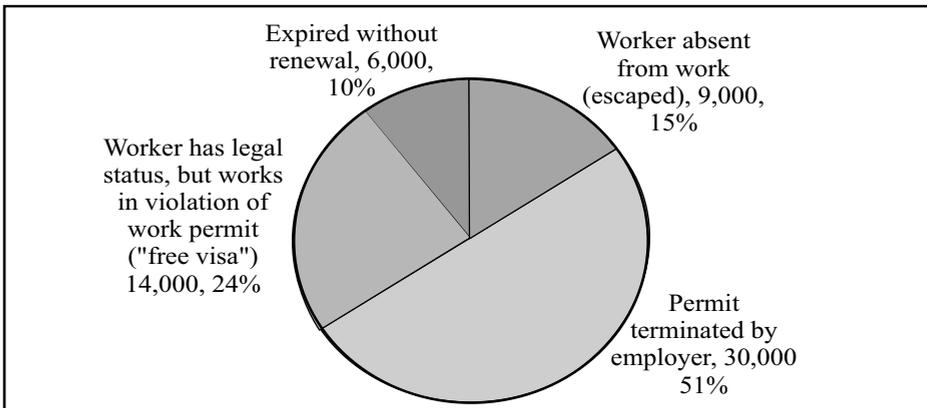
The majority of irregular migrants would be nationals of Bangladesh, India, and Pakistan, although there is a minority of Arab nationals, primarily from Egypt and Syria.¹¹ Bangladeshis constitute 66% of all irregular migrants in the

-
3. Figures quoted were collected from statements and press articles made towards the end of the year where possible.
 4. Q4 data was quoted. Source: Bahrain Labour Market Indicators, Table A. Estimated total employment by citizenship and sector: 2004–2015, http://blmi.lmra.bh/2015/03/data/lmr/Table_A.pdf.
 5. “Number of Illegal Workers Drops to 34,000,” *Daily Tribune*, August 18, 2010. <http://blog.lmra.bh/en/2010/08/18/number-of-illegal-workers-drops-to-34000/>
 6. Safi, *Al-Bilad*, November 22, 2011.
 7. Al-Sabbagh, *Al-Ayam*, August 10, 2012.
 8. Al-Wasati, *Al-Wasat*, March 4, 2015.
 9. *Al-Wasat*, March 4, 2015.
 10. Safi, *Al-Bilad*, November 22, 2011.
 11. This is more or less reflective of the broader migration patterns to Bahrain, although Bangladeshis are significantly overrepresented. For an expanded discussion of the broader trends, see De Bel-Air 2015. For a broader discussion of the prevalence of Arab vs. Asian migrant workers in GCC labour markets, see Kapiszewski 2006.

country.¹² While many of them perform a range of jobs including as cleaners, electricians, and so on, many of them tend to be concentrated within the construction sector.

*Avenues to Irregular Migration*¹³

Figure 5.1. Irregular migrants, breakdown by type¹⁴



- *Illegal entry* – This involves smuggling people illicitly across the border. Illegal entry accounts for a negligible portion of irregular migrants in Bahrain, unlike in Saudi Arabia, which sees Yemenis illicitly cross the land border, and Oman and the UAE, where South Asians attempt to arrive by boat (Shah 2009: 9). Bahrain, an island, shares no land borders with the exception of a bridge connecting it to Saudi Arabia and is sufficiently far inside the Gulf to prevent South Asians from attempting to access it by sea.
- *“Free visa”* – The main method of visa trading, the “free visa” practice involves sponsors bringing migrant workers into the country on a valid visa and work permit. Once inside, sponsors – in violation of the work permit – fail to provide the migrant workers with employment or remuneration,

12. Bangladeshis make up roughly 39,000 of 59,000 irregular migrants, as of July 1, 2015. Source: Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015. By contrast, the Bangladeshi ambassador to Bahrain put the figure at 80%, although how he arrived at this estimate is unclear. See Grewal, *Gulf Daily News*, April 26, 2015.

13. For a further discussion on the definition of irregular migration, see Shah 2009, 3.

14. Figures approximate, as of July 1, 2015. Source: Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015.

leaving them to their own devices to find work and generate income. Sponsors continue to renew their migrant workers' visas and work permits and pay any fees that are due to the LMRA. In return, migrant workers pay their sponsors an annual sum. The fact that "free visa" workers have valid visas that are legitimate "on the books" makes them much harder to detect. In the past, sponsors paid BD200 once every two years to renew their sponsored workers' visas and received BD1,000-1,200 once every two years from the latter to uphold their end of the bargain. In 2008, however, the LMRA raised the two-year cost of sponsoring a foreigner to BD440 via a BD10 monthly levy. As a result, the black market rate payable by the "free visa" workers to their sponsors shot up to BD1,800-BD2,000, rendering the model largely unfeasible.¹⁵ Whereas the "free visa" arrangement was responsible for the majority of irregular migrants before these reforms, it now accounts for only a quarter of them.

- *Termination of work permit* – This practice has taken over as the most popular method of visa trading. Migrant workers pay their sponsors a fee through intermediaries to bring them into the country in a legal manner. Once inside, the sponsor cancels the permit and visa in order to avoid paying visa renewal and labour fees. According to Bahraini law, unless the migrant worker can find employment elsewhere within a month, he or she must leave the country or become an irregular migrant. Many migrant workers continue to reside in the country irregularly with no valid visa or work permit, however. Visa cancellation accounts for roughly 51% of all irregular migration, as migrants fail to leave.¹⁶ Visa cancellation has gained in popularity since 2008 as the main method of visa trading as a result of the LMRA's raising of visa renewal fees and imposition of monthly labour fees. Visa cancellation is presumably used by sponsors to circumvent the law; once they cancel their sponsored workers' visas, they presumably can no longer be held accountable for their actions. To combat this phenomenon, Law No. 40 of 2014 amending certain provisions of Law No. 19 of 2006 Regulating the Labour Market was passed, making it illegal for sponsors to bring migrant workers into the country and have work permits issued for them without an actual need for doing so.¹⁷

15. Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015.

16. "60 alf 'amil "free visa" fi al-Bahrain," *Al-Ayam*, March 4, 2015.

17. See Table 5.2.

- *Expiry of work permit* – Employers often neglect or choose not to pay the annual fees required to renew their workers’ permits and visas, allowing them to expire. When this happens, the status of the migrant worker automatically becomes irregular, sometimes without the migrant’s knowledge.
- *Workers absent from work (“escaped”)* – By law, this includes workers who fail to show up for work for a period of at least 15 days with no legitimate cause. Their employers report them to the LMRA as “escaped.” The LMRA publishes their names and allows them a 30-day grace period to dispute the claim. Failure to do so renders them irregular.¹⁸ According to LMRA data, escaped workers account for roughly 15% of all irregular migrants in the country.¹⁹

Legislation and Policy

Legal Framework for Irregular Migration

Bahraini legislation outlines a number of prohibitions and penalties in relation to irregular migration. These affect the migrants, their employers, and visa traders.

Three main pieces of legislation, in particular, are noteworthy:

- *Aliens Immigration and Residence Act of 1965* – This is the main piece of legislation that governs the entry, exit, and residence of foreign nationals into Bahrain. In the context of irregular migration, the act criminalises clandestine entry and residence of foreign nationals without a valid visa.
- *Law No. 19 of 2006 Regulating the Labour Market* – This law created the LMRA and invested in it many regulatory prerogatives that were hitherto invested in the Ministry of Labour. It mandates the LMRA with the management of all issues regarding foreign workers active within the labour market, including the issuance of work permits and the collection of fees and fines.
- *Law No. 36 of 2012 issuing the Labour Law for the Private Sector* – This law replaced the 1976 labour code. It sets out the legal conditions that relate to the employer-employee relationship. The law was welcomed as a

18. “Expatriate Employee Absence from Work,” http://lmra.bh/portal/en/absent_reported#.VZUcoEaFF7w.

19. Escaped workers make up approximately 9,000 of 59,176 irregular migrants, as of July 1, 2015. Source: Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015.

progressive piece of legislation for extending protection to domestic maids for the first time and prolonging maternity leave for female employees, although certain provisions relating to collective labour negotiations and strikes were a matter of concern.²⁰

The penalties can be summarised as follows:²¹

Table 5.2: Legal penalties on labour-related violations as per Bahraini law

Category	Violation	Penalty
Migrant	Illegal entry	• At least 6 months in prison and confiscation of vehicle ²²
	Overstaying visa	• No more than 6 months in prison, and no more than BD500 fine, or either one ²³
	Working without valid work permit	• Fine of no more than BD100, and permanent expulsion or temporary expulsion for at least 3 years ²⁴
Employer	Employing foreign worker without valid work permit	<ul style="list-style-type: none"> • Between 3 months and 1 year in prison, and a fine between BD1,000 and BD2,000, or either one; for repeat offenders, between 6 months and 2 years in prison, and a fine between BD2,000 and BD4,000²⁵ • Halt the commercial activity or close shop for no more than 1 year, and in case of repetition, revoke commercial registration²⁶ • Administrative closure of no more than 6 months²⁷ • Settlement²⁸

20. The new law requires employers to provide written contracts to domestic workers, stipulates that workers must be paid at least once a month, imposes financial penalties on employers for late payments, etc. See: Law no. 36 of 2012 issuing the Labour Law within the Private Sector, <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2045#.ViOFiCu-FEUI>; Alhasan 2012.

21. As of June 29, 2015. A similar summary prepared by the LMRA can be found here: <http://www.legalaffairs.gov.bh/Media/LegalPDF/RLAB7207.pdf>.

22. Decree Law No. 21 of 1980 amending the Aliens Immigration and Residence Act of 1965, Art. 1.

23. *Ibid.*

24. Law No. 19 of 2006 Regulating the Labour Market, Art. 36 (B).

25. Law No. 19 of 2006 Regulating the Labour Market, Art. 36 (A).

26. *Ibid.*

27. *Ibid.*, Art. 38.

28. Decision No. 75 of 2008 regarding the rules and procedures for settlement of crimes in violation of the provisions of the Law Regulating the Labour Market, Art. 2.

Table 5.2, continued

	Charging money from worker in exchange for issuing him a work permit	<ul style="list-style-type: none"> • Between 3 months and 1 year in prison, and a fine between BD1,000 and BD2,000, or either one; for repeat offenders, between 6 months and 2 years in prison, and a fine between BD2,000 and BD4,000²⁹ • Halt the commercial activity or close shop for no more than 1 year, and in case of repetition, revoke commercial registration³⁰ • Administrative closure of no more than 6 months³¹ • Settlement³²
	Employing worker without contract	<ul style="list-style-type: none"> • Fine between BD200 and BD500³³
Visa Trader	Obtaining or maintaining work permit without needing it ³⁴	<ul style="list-style-type: none"> • Between 3 months and 1 year in prison, and a fine between BD1,000 and BD2,000, or either one; for repeat offenders, between 6 months and 2 years, and a fine between BD2,000 and BD4,000³⁵ • Administrative closure of no more than 6 months³⁶ • Settlement³⁷

Government Policy toward Irregular Migration

Separate

If the text of the cabinet decision on February 23, 2015 to set up a ministerial committee on irregular migration is any indication of official policy, it is clear that the government’s primary focus appears to center on isolating irregular migrants from locals, particularly in residential areas.³⁸ Three of the committee’s four goals represented measures to implement the separation. Local residents, concerned in part with the downward pressure on property value that the presence of these migrants tends to generate, have repeatedly asked the government to prevent irregular migrants from relocating to their neighbourhoods.

29. Law No. 19 of 2006 Regulating the Labour Market, Art. 36 (A).

30. *Ibid.*

31. *Ibid.*, Art. 38.

32. Decision No. 75 of 2008 regarding the rules and procedures for settlement of crimes in violation of the provisions of the Law Regulating the Labour Market, Art. 2.

33. Law No. 36 of 2012 issuing the Labour Law for the Private Sector, Art. 185.

34. Law No. 40 of 2014 amending certain provisions of Law No. 19 of 2006 Regulating the Labour Market, Art. 1.

35. Law No. 19 of 2006 Regulating the Labour Market, Art. 36.

36. *Ibid.*, Art. 38.

37. Decision No. 75 of 2008 regarding the rules and procedures for settlement of crimes in violation of the provisions of the Law Regulating the Labour Market, Art. 2.

38. Bahrain News Agency, February 2015.

As it stands however, the government is far from achieving a state of social separation. One challenge is to distinguish irregular migrants from regular low-skilled workers who often live in the same areas. However, both the press and the government tend to conflate the two categories and frame the policy of social separation as being addressed toward irregular migrants alone. That said, the overwhelming majority of migrant workers live in Manama and Muharraq, which house many Bahraini nationals as well.³⁹ A new law has been put before parliament that would allow companies to build labour camps for their workers near new industrial zones, thereby isolating them from local communities.⁴⁰ The law would also impose minimum standards and safety features for labour camps.⁴¹

Due to their low incomes and poor backgrounds, many migrants tend to live in relatively large numbers in downtrodden houses and ill-adapted buildings. This often results in fire and safety hazards, in addition to poor hygiene standards. According to the Ministry of Labour, only a minority of migrant workers – 150,000 approximately – live in any of the 3,000 registered labour camps. By contrast, 80% of all accommodation used by migrant workers are unregistered and plagued with building violations, according to the Ministry of Municipalities, often with devastating consequences for the health and safety of their residents. Twenty-six Bangladeshi workers were killed between 2012 and 2014 when buildings in which they were housed caught fire on three separate occasions.⁴²

Control

Beyond a policy of social separation, the government has implemented remedial measures to limit or control the stock of irregular migrants present in the country at any given time. Measures have included

- *Biometrics* – In 2007, the LMRA introduced a biometrics system and began recording fingerprints of all migrant workers. Migrant workers' fingerprints are now recorded upon entry at the border and stored in a central database accessible to both the LMRA and the Ministry of Interior. The LMRA estimates that fingerprints for over 90 per cent of all migrant workers in the country have been recorded.⁴³

39. Al-Halwâji, *Al-Wasat*, January 16, 2013.

40. *Ibid.*

41. Townsend, *Arabian Business*, April 1, 2015.

42. *Gulf Daily News*, March 1, 2014.

43. Al-Din, *Al-Ayam*, February 19, 2011. The remaining 10% likely include irregular migrants

The use of biometric data at the border allows the authorities to detect with greater accuracy whether or not a migrant worker has entered the country before, and, more importantly, whether or not he has been expelled, especially since irregular migrants often attempt to reenter the country on a different identity. The LMRA also uses mobile fingerprint devices during its inspections, which pulls up the migrant's information on the spot. This allows inspectors to identify irregular migrants more effectively.⁴⁴

- *Amnesty schemes*⁴⁵ – In vogue since the 1990s, amnesty schemes are widely used throughout the member states of the Gulf Cooperation Council (GCC) to encourage irregular migrants to leave willingly without facing criminal prosecution or paying the entirety of outstanding fees (Shah 2008, 7-8). The prior-to-last amnesty scheme to enter into effect, called the Easy Exit scheme, took place in 2010, with up to 8,000 irregular migrants coming forward to register.

Outstanding fines on irregular migrants were waived, and irregular migrants were charged a nominal fee instead. The overwhelming majority of those who registered were Bangladeshis.⁴⁶ The most recent amnesty began on July 1, 2015 and lasted until December 31, 2015. It ended with more than 10,000 migrant workers in irregular situation leaving the country and 30,000 others regularizing their situation.⁴⁷

- *Mass expulsion campaigns* – Mass expulsion campaigns are used by the government to maintain a cap on the number of irregular migrants present in the country at any given time, particularly those that decide against taking part in the Easy Exit schemes. This was the case in January 2011 when the LMRA launched a mass expulsion campaign and promised harsh penalties directly following the end of the 2010 Easy Exit scheme, adding to the amnesty programme's attractiveness.⁴⁸ In 2013, Bahrain launched another

who have been in the country for a long time. Source: Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015.

44. *Akhbar Al-Khaleej*, November 2, 2013.

45. For a further discussion on Kuwait's and Saudi Arabia's experience with amnesty programmes, see Shah 2014.

46. *Daily Tribune*, December 31, 2010.

47. ArabianBusiness.com.

48. Grewal, *Gulf Daily News*, January 1, 2011.

crackdown against irregular migrants, whose numbers were perceived as too high.⁴⁹ These campaigns were held before the LMRA was set up.⁵⁰

Table 5.3: Number of deportations per year relative to the total population of migrant workers in Bahrain, 2011-2014

Year	Number of deportations ⁵¹	Total Migrant Workers Population ⁵²	%
2011	13,560	458,060	3.0
2012	14,077	488,978	2.9
2013	15,954	514,156	3.1
2014	19,130	530,809	3.6

- *Regular inspections* – Over the past few years, the LMRA has significantly increased its inspection capacity and has doubled the number of inspectors at its disposal from 35 in 2011 to 72 in 2014. The LMRA reported roughly 20,000 inspections in 2013 and 2014.⁵³
- *Companies' verification* – The LMRA and the Ministry of Industry and Commerce (MOIC) have cracked down on companies found to be employing irregular workers or unnecessarily maintaining work permits. In 2009, the LMRA and MOIC halted the activity of 12,000 commercial registrations out of 54,000 for failing to renew their workers' permits and visa (which puts them in an irregular situation).⁵⁴ The LMRA stated that 89 per cent of companies responsible for violations were SMEs, although this may require nuance.⁵⁵

49. Grewal, *Gulf Daily News*, June 6, 2013.

50. Mahdi, *Gulf News*, May 26, 2004.

51. Source: Ministry of Interior. Also see *Al-Wasat*, March 4, 2015.

52. Q4 data was quoted. Source: Bahrain Labour Market Indicators, Table A. Estimated total employment by citizenship and sector: 2004-2015. http://blmi.lmra.bh/2015/03/data/lmr/Table_A.pdf.

53. *Al-Ayam*, December 20, 2011; *Al-Wasat*, August 10, 2014, <http://www.alwasatnews.com/4355/news/read/910617/1.html>; *Al-Ayam*, March 4, 2015.

54. *Al-Ayam*, April 19, 2009.

55. *Al-Ayam*, March 4, 2015. Note: SMEs make up 99% of all registered companies in Bahrain, so compared to the baseline average, they are underrepresented when it comes to companies responsible for labour violations. Moreover, while SMEs may constitute the majority of violators, there is no indication as to whether they are responsible for the majority of

Prevent

While the government has mobilized a range of policy instruments aimed at controlling the stock of irregular migrants in Bahrain, it has so far failed to take meaningful steps to alter their flow.

- *Police and judicial action* – One way to do this is to enforce police and judicial action against violators, providing a disincentive against irregular migration. So far, however, it has failed to pursue “visa traders” who sponsor tens, if not hundreds of irregular migrants to enter the country and work illegally in a variety of jobs. It has also avoided targeting individuals and homeowners who, comprising a large portion of Bahraini citizens, hire irregular migrants on a temporary basis to perform a variety of tasks – doing so would prove politically challenging in practice. While the law imposes strict penalties against visa traders and employers of irregular workers, including time in prison, enforcement is difficult to assess.⁵⁶ The US State Department’s *Trafficking in Persons Report 2015* states that the Ministry of Labour handled 600 cases relating to labour law violations, although none were reported to pertain to visa trading or hiring irregular workers.⁵⁷

Several members of parliament and politicians have claimed that visa traders comprise highly influential businessmen and officials. This, they argue, explains the government’s supposed reluctance to enforce the law against them.⁵⁸ In reality, it appears as though the only category of actors within the market of irregular migration targeted by police and judicial action on any significant scale are the irregular migrants themselves.

- *Market dynamics* – Another perhaps more effective mechanism to curb the flow of irregular migrants consists of altering the feasibility of irregular migration. The introduction of the LMRA significantly altered the dynamics of the irregular labour market. As discussed, it helped decrease the popularity of the “free visa” arrangement and prompted employers to terminate their employees’ work permits instead.

violations. See “SMEs Make up 99% of Bahrain-registered Companies,” Bahrain News Agency, February 25, 2015.

56. See Table 5.2.

57. http://bahrain.usembassy.gov/news_from_washington/bahrain-trafficking-in-persons-report.html.

58. *Al-Wasat*, March 4, 2015.

Conclusion

Given the poor track record so far of separation and control policies in downsizing irregular migration in Bahrain, it becomes apparent that the government would have to deploy a serious set of preventive policies in order to curb the flows and alter the fundamentals of the market for irregular migration.

As far as visa traders, employers, and intermediaries are concerned, the government could provide a muscular disincentive against their bringing irregular migrants into the labour market, using targeted police and judicial action. When it comes to the irregular migrants themselves, the government could seek to render the arrangement financially unfeasible, mainly by raising visa fees beyond the workers' break-even point.

Some of Bahrain's top labour officials, specifically Mr. Aussamah Al-Absi, CEO of LMRA, envision fundamental changes to the labour market in the future. Emulating the model of most North American and Western European countries, Bahrain would impose strict border and entry controls, subjecting incoming migrants to stringent criteria and evaluation. Once migrants obtain legal residency and enter the country, however, they will integrate in a fully flexible labour market where they are free to switch employers and jobs, in a manner similar to nationals. Such a model, the argument goes, would eliminate migrants' dependence on their employers, afford them greater bargaining power, and decrease their level of precariousness, all key ingredients for irregular migration in Bahrain.⁵⁹ Admittedly, however, such a transformation of Bahrain's labour market remains quite farfetched.

Ultimately, the direction that government policy takes toward the labour market – and by extension irregular migration – depends on the government's interaction with private interest groups that hold a stake in the status quo. Beyond pure economic policymaking rationale, private interest groups have the ability to help shape government policy. The government's appetite to dispense the political capital necessary to manage and overcome these groups' resistance to shifts in policy could impact its ability to implement them successfully. To identify and understand these forces, and how economic gains from any policy shift would be distributed among them, it is important to analyse irregular migration and the labour market from a political economy perspective. This task is left for further research into the topic.

59. Personal interview with Mr. Aussamah Al-Absi, CEO of LMRA, October 1, 2015.

Bibliography

- Akhbar Al-Khaleej. "Al-dâkhiliyya 'akkadat 'ahammiyyat ta/tbîq al-mashrû'... majlis al-nuwwâb yab/hath ta/tbîq ni/zâm ba/smat "al-yad wa al-'ayn" 'alâ al-wafidîn," November 2, 2013. <http://www.akhbar-alkhaleej.com/13007/article/54460.html>.
- Al-Ayam*. "60 alf 'âmil "free visa" fî al-Bahrain," March 4, 2015. <http://www.alayam.com/alayam/-NA-/461403/60-%D8%A3%D9%84%D9%81-%D8%B9%D8%A7%D9%85%D9%80%D9%84-%C2%AB%D9%81%D9%80%D8%B1%D9%8A-%D9%81%D9%8A%D9%80%D8%B2%D8%A7C2%BB-%D9%81%D9%8A-%D8%A7%D9%84%D8%A8%D8%AD%D8%B1%D9%8A%D9%80%D9%86.html>.
- . "Al-/hamlât al-taftishiyya lan tatawaqqaf wa-'âzimûn 'alâ 'inhâ' al-mukhâlafât," December 20, 2011. <http://www.alayam.com/alayam/local/126047/%D8%A7%D9%84%D8%AD%D9%85%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D9%81%D8%AA%D9%8A%D8%B4%D9%8A%D8%A9-%D9%84%D9%86-%D8%AA%D8%AA%D9%88%D9%82%D9%81-%D9%88%D8%B9%D8%A7%D8%B2%D9%85%D9%88%D9%86-%D8%B9%D9%84%D9%89-%D8%A5%D9%86%D9%87%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A7%D8%AA.html>.
- . "Waqf mu'âmalât 12 alf sijil..."al-hay'a": 33 alf 'âmil 'ajnaby mukhâlifn lil-'iqâma," April 19, 2009. <http://blog.lmra.bh/ar/2009/04/19/%D9%88%D9%82%D9%81-%D9%85%D8%B9%D8%A7%D9%85%D9%84%D8%A7%D8%AA-12-%D8%A3%D9%84%D9%81-%D8%B3%D8%AC%D9%84-%D8%A7%D9%84%D9%87%D9%8A%D8%A6%D8%A9-33-%D8%A3%D9%84%D9%81-%D8%B9%D8%A7%D9%85/>.
- Al-Din, Baqer Zain. "Akthar min 90% min al-'ummâl tam ta/h/sîl bayânatihim al-biyulûjiyya," *Al-Ayam*, February 19, 2011. <http://www.alayam.com/alayam/local/447109/%D8%A3%D9%83%D8%AB%D8%B1-%D9%85%D9%86-90-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D9%85%D8%A7%D9%84-%D8%AA%D9%85-%D8%AA%D8%AD%D8%B5%D9%8A%D9%84-%D8%A8%D9%8A%D8%A7%D9%86%D8%A7%D8%AA%D9%87%D9%85-%D8%A7%D9>

%84%D8%A8%D9%8A%D9%88%D9%84%D9%88%D8%AC%D9%8A%D8%A9.html.

Alhasan, Hasan Tariq. "Bahrain's New Labour Scheme: One Step Forward, Two Steps Back?" *Open Democracy*, August 6, 2012. <https://www.opendemocracy.net/hasan-tariq-al-hasan/bahrain%E2%80%99s-new-labour-scheme-one-step-forward-two-steps-back>.

Al-Halwâji. "Al-Ka'bi: 80% min sakan al-uzzâb wa al-'ummâl fi al-Bahrain mukhâlifa," *Al-Wasat*, January 16, 2013. <http://www.alwasatnews.com/3784/news/read/730831/1.html>.

Al-Sabbagh, Ali. "44 alf /hajm al-'amâla al-sâ'iba...Al-Absi: ziyâdat ta/sâri/h al-'amal bi-nisbat 20% ya'kis inti'âsh al-sûq," *Al-Ayam*, August 10, 2012. <http://www.alayam.com/alayam/economic/177508/%D8%A7%D9%84%D8%B9%D8%A8%D8%B3%D9%8A-%D8%B2%D9%8A%D8%A7%D8%AF%D8%A9-%D8%AA%D8%B5%D8%A7%D8%B1%D9%8A%D8%AD-%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D8%A8%D9%86-%D8%B3%D8%A8%D8%A9-20-%D9%8A%D8%B9%D9%83%D8%B3-%D8%A7%D9%86%D8%AA%D8%B9%D8%A7%D8%B4-%D8%A7%D9%84%D8%B3%D9%88%D9%82.html>.

Al-Wasat. "Al-Bakri: hunâk man hum fi qalb al-/hukûma wa yastarziqûn min bay/a al-ta'shîrât...31 u/dawn yuwâfiqûn /alâ tashkîl lajnat ta/hqîq niyâbiyya fi "al-/amâla al-sâ'iba"," March 4, 2015. <http://www.alwasatnews.com/4561/news/read/967413/1.html>.

———. "'Sûq al-'amal": mahammaturânâ taftîsh 'amâkin al-'amal...wa-lâ tashmal /salâ/hiyatunâ man lâ yumâris 'amalan aw wâqifan bil-'amâkin al-'amma," August 10, 2014. <http://www.alwasatnews.com/4355/news/read/910617/1.html>.

Al-Wasati, Hussain. "'Sûq al-'amal": ni/zâm al-kafil lam yulgha...wa 51 alf /hajm al-'amâla al-sâ'iba bi-al-Bahrain," *Al-Wasat*, March 4, 2015. <http://www.alwasatnews.com/3788/news/read/731774/1.html>.

ArabianBusiness.com. "Over 10,000 Illegal Expats Leave Bahrain in 6 Months." <http://www.arabianbusiness.com/over-100-000-illegal-expats-leave-bahrain-in-6-months-617094.html>.

- Bahrain News Agency. “/Sâ/hib al-sumuw al-malaki râ’is al-wuzarâ’ yatarâ’as al-jalsa al-’itiyâdiyya li-majlis al-wuzarâ’,” February 23, 2015. <http://bna.bh/portal/news/655509>.
- . “SMEs Make up 99% of Bahrain-registered Companies,” February 25, 2015. <http://www.bna.bh/portal/en/news/655941>.
- De Bel-Air, Françoise. Demography, Migration and the Labour Market in Bahrain.” Explanatory Note No. 6/2015, Gulf Labour Markets and Migration (GLMM) programme. http://cadmus.eui.eu/bitstream/handle/1814/35882/GLMM_ExpNote_06_2015.pdf?sequence=1.
- Daily Tribune*. “8,000 Make an Easy Exit,” December 31, 2010, <http://blog.lmra.bh/en/2010/12/31/8000-make-an-easy-exit/>.
- Grewal, Sandeep Singh. “Amnesty Plan for Migrant Workers,” *Gulf Daily News*, April 26, 2015. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=400724>.
- . “D-Day for Jobs Visa Cheats,” *Gulf Daily News*, January 1, 2011. <http://gulf-daily-news.com/NewsDetails.aspx?storyid=295176>.
- . “Crackdown on Illegal Workers,” *Gulf Daily News*, June 6, 2013. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=354750>.
- Gulf Daily News*. “Fires Kill 26 Bangladeshis in Two Years,” March 1, 2014. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=371632>.
- Hertog, Steffen. “A Comparative Assessment of Labor Market Nationalization Policies in the GCC.” In *National Employment, Migration and Education in the GCC*, ed. Steffen Hertog. The Gulf Region: Economic Development and Diversification, Vol. 4. Gerlach Press: Berlin, Germany, 2012. <http://eprints.lse.ac.uk/46746/1/A%20comparative%20assessment%20of%20labor%20market%20nationalization%20policies%20in%20the%20GCC%28lsero%29.pdf>.
- Kapiszewski, Andrzej. “Arab Versus Asian Migrant Workers in the GCC Countries.” Beirut: United Nations Expert Group Meeting on International Migration and Development in the Arab Region, 2006. http://www.un.org/esa/population/meetings/EGM_Iitmig_Arab/P02_Kapiszewski.pdf.
- Louer, Laurence. “The Political Impact of Labor Migration in Bahrain.” *City & Society*, 20, no. 1 (2008): 32-53. <http://archives.cerium.ca/IMG/pdf/Louer-Bahrain.pdf>.

- Mahdi, Mazen. "Bahrain Plans Crackdown on Illegal Workers," *Gulf News*, May 26, 2004, <http://gulfnews.com/news/gulf/bahrain/bahrain-plans-crackdown-on-illegal-workers-1.323363>.
- Safi, Tammam Abu. "Al-Absi fi 'awwal liqâ' /sa/hafi mundh tawalih ri'âsat "Sûq al-'Amal"...shahr November shahid qafza naw'iyya fi 'adad al-/talabât 'alâ al-'amâla al-wâfida," *Al-Bilad*, November 22, 2011. <http://blog.1mra.bh/ar/2011/11/22/%D8%A7%D9%84%D8%B9%D8%A8%D8%B3%D9%8A-%D9%81%D9%8A-%D8%A3%D9%88%D9%84-%D9%84%D9%82%D8%A7%D8%A1-%D8%B5%D8%AD%D8%A7%D9%81%D9%8A-%D9%85%D9%86%D8%B0-%D8%AA%D9%88%D9%84%D9%8A%D9%87-%D8%B1%D8%A6%D8%A7%D8%B3/>.
- Shah, Nasra. "Restrictive Labour Immigration Policies in the Oil-Rich Gulf: Effectiveness and Implications for Sending Asian Countries." Mexico City: United Nations Expert Group Meeting on Social and Economic Implications of Changing Population Age Structure. 2006. http://www.un.org/esa/population/migration/turin/Symposium_Turin_files/P03_Shah.pdf.
- . "Recent Labor Immigration Policies in the Oil-Rich Gulf: How Effective Are They Likely To Be?" Bangkok: ILO Regional Office for Asia and the Pacific, 2008. <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1055&context=intl>.
- . *The Management of Irregular Migration and its Consequences for Development: Gulf Cooperation Council*. Bangkok: ILO Regional Office for Asia and the Pacific, 2009. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_105105.pdf.
- . "Recent Amnesty Programmes for Irregular Migrants in Kuwait and Saudi Arabia: Some Successes and Failures." Explanatory Note No. 9/2014, Gulf Labour Markets and Migration (GLMM) programme. http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2014_09.pdf.
- Townsend, Sarah. "Watchdog Mooted to Monitor Labour Camps in Bahrain," *Arabian Business*, April 1, 2015. <http://www.arabianbusiness.com/watchdog-mooted-monitor-labour-camps-in-bahrain-587523.html>.
- Zahra, Maysa. "Bahrain's Legal Framework of Migration." Explanatory Note No. 1/2015. Gulf Labour Markets and Migration (GLMM) programme, 2015. http://cadmus.eui.eu/bitstream/handle/1814/34579/GLMM_ExpNote_01_2015.pdf?sequence=1.

SKILFUL SURVIVALS: IRREGULAR MIGRATION TO THE GULF

The Gulf States are among the most sought-after destinations by global migrants. Part of this migration is irregular, due to five main causes: entering without a proper visa; overstaying after a visa or residence permit has expired; being employed by someone who is not the sponsor; absconding from a sponsor; and being born in the Gulf to parents with an irregular status. The treatment reserved for migrants in an irregular situation marks out the Gulf States. Arrest and detention are widespread practices in spite of constitutional guarantees against arbitrary imprisonment. Staying without a proper visa or absconding from a sponsor is regarded as a criminal act, and foreign nationals who commit such acts are detained in the same prisons as common law criminals with no clear right of recourse. Domestic workers, most of whom are women employed by private households and, therefore, not protected by labour laws which in the Gulf apply only to businesses, are particularly subject to arbitrary sanctions and jail.

Lived experiences suggest that migrants may not see their irregular status as being disastrous. Many, in fact, are willing to perpetuate this situation, despite their awareness about possible arrest, jail term, and deportation. A theme that emerges repeatedly in interviews indicates the lack of options open to migrants elsewhere, including their country of origin. Migrants in an irregular situation learn to negotiate the formal and informal spaces and systems they encounter. Most irregular migrants seem to share one characteristic: resilience. As their stay in the Gulf lengthens, they gather enough capacity to exercise their agency to achieve a skilful survival in the face of adversity. A wide-ranging system of mutual benefits constituting win-win situations for varied actors enables and perpetuates irregular migration.

