



Egyptian Irregular Migration in the GCC Countries

Ibrahim Awad & Nourhan Abdel Aziz

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edited by Philippe Fargues and Nasra M. Shah

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Egyptian Irregular Migration in the GCC Countries

*Ibrahim Awad & Nourhan Abdel Aziz**

Abstract: The Gulf Cooperation Council (GCC) region is a major destination for Egyptian workers who seek “temporary” employment opportunities and higher standards of living. While the vast majority of Egyptian migrant workers in the Gulf are regular migrants, a minority stays in the GCC countries in irregular situations. This chapter looks at the causes of irregular migration at destination and origin. It briefly discusses the *kafala* system and its consequences, which can bring about irregular migration. It, then, analyses the functioning of the Egyptian labour market, especially for the young, and examines the operation of the institutional system of labour migration in Egypt. It is the assumption of the chapter that the interaction between causes at destination and origin generates irregular migration. The chapter, then, reviews, to the extent that our sparse data allows, the dimensions of Egyptian irregular migration in the second largest external labour market for Egyptian workers, Saudi Arabia, as well as in another of its main GCC destinations, namely, Kuwait. It is unfortunate that available information is scant. In Egypt, information on deported Egyptian migrants is supposed to

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be accurately documented by the Interior Ministry. However, the data is not made available to the public, which makes field work with deported migrants difficult. We have employed scarce data published by Saudi Arabia and Kuwait on the numbers of deportees and on some specific cases of deportation.

Introduction

Migration in an irregular situation, known in short as irregular migration, takes many different forms. According to Article 5 of the 1990 International Convention on Migrant Workers, migrant workers are considered to be documented or in a regular situation “if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.”¹ When these conditions do not apply, they are considered irregular. Access to the territory without official authorisation and overstaying the authorised period are among these forms. But informal employment, even when access to and stay in the territory are legal, is also considered in this category. In other words, using legal access for purposes other than those for which entry was authorised is irregular migration.

The members of the Gulf Cooperation Council (GCC) do not use the term “migrants” to designate foreign nationals staying in their territories and employed in their economies. Migration is, thus, not part of the lexicon of GCC countries. Foreign workers are designated as “temporary contractual workers.” Immediately, then, there is the sense that workers should not expect to reside in any of the GCC countries permanently. Once the contracts under which they were brought in have expired, temporary contractual workers are expected to leave. Nevertheless, this chapter will use the terms “irregular migration” and “migrants in an irregular situation.” It will do so for three reasons. First, this volume is about “irregular migration in the Gulf.” Second, and more importantly, the chapter considers that the term “migration” does not imply any expectation on the parts of migrants as to permanence of stay or any other entitlements. If entitlements or rights exist they will be derived from the employment of foreign workers and extended stay, not from their designation as “migrants.” Third, “migrant” as a concept is only considered from a statistical point of view: any person staying in a country other than his/her country of birth for twelve months plus one day is a migrant.

1. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.

The overwhelming majority of migrant workers enter the GCC countries through airports or, in a few cases, maritime ports: the only significant exceptions here are Yemenis and, more rarely, Jordanians (for Saudi Arabia). Controlled airports and ports make it next to impossible to illegally access GCC countries. Therefore, irregular migration in the GCC countries takes two forms: overstay and informal employment; and employment for purposes other than those for which entry was authorised. Causes for irregular migration in the GCC are similar to those in other countries but they also have their specifics. First, as everywhere else, migration policies of countries of destination are the main cause for the irregular situation of migrants. Undoubtedly, migrants would like to migrate regularly. However, the restrictive nature of policies or the working and living conditions deriving from them may result in matching supply and demand of migrant labour both informally and irregularly. In the GCC, restrictiveness cannot be argued given the high rates of migration growth. Between 2010 and 2015, migrants in the GCC grew by 32%, from 20.45 million² to 27 million.³ In contrast, working and living conditions and other consequences of the GCC migration policies are causes of irregular migration. These policies are epitomised by the *kafala* system. For reasons of poor terms and conditions of employment resulting from the actual functioning of the *kafala* system, migrant workers may abscond, abandoning the jobs for which they were contracted. They either informally work for other employers or become “loose labour,”⁴ working on their own account. Migrant workers may also have been brought in for fictitious jobs, a result of “visa trading.” These workers may equally become “loose labour” in order to recoup their investment in migration. In Saudi Arabia, persons accessing the territory of this country for pilgrimage purposes may overstay and informally join the labour market.

Second, the causes of irregular Egyptian migration in the GCC countries are also to be found in Egypt itself. Unemployment, low-quality employment and informal employment in their own country, especially among the young, push Egyptians to seek employment in external labour markets, even if it means working in an irregular situation. Thus, the functioning of the Egyptian labour market may be considered one cause of irregular migration. The regulatory framework may equally have something to do with this situation. In other words, institutions responsible for labour migration, whose primary function is to protect Egyptian migrant workers,

2. Al-Khoury 2012.

3. Forstenlechner and Rutledge 2011.

4. عمالة سائبة *Emala saeba*.

may be unable to effectively carry out their role. Approved employment contracts may later turn out to be fake or are changed causing workers to abandon their jobs. *In situ*, representatives of the Egyptian administration, i.e. labour counsellors and consulates, are not necessarily able to follow up on employers' respect for approved employment contracts. This can, also, result in irregular migration.

This chapter will take up the causes of irregular migration at destination and origin. It will examine the *kafala* system and its consequences, a system that can generate irregular migration. The chapter will, then, briefly analyse the functioning of the Egyptian labour market, especially for the young and examine, too, the operation of the institutional system of labour migration in Egypt. It is the assumption of the chapter that the interaction between causes at destination and at origin both generates irregular migration and explains it. To the extent of our available information, the chapter will then review Egyptian irregular migration in the second largest external labour market for Egyptian workers, Saudi Arabia, as well in another of its main destinations in the GCC, Kuwait. It is unfortunate that available information is so scant. In Egypt, deported Egyptian migrants are supposedly well known to the Interior Ministry. However, information is not made available to the public, which makes field work with deported migrants difficult: we lack then a first-hand record of irregular migration in the GCC countries as a control on assumptions made in the chapter. Some thin information published by Saudi Arabia and Kuwait on deportee numbers and specifics on some cases of the deportation of migrants who were staying in irregular situations will be the basis of this chapter.

Causes of Irregular Migration in the GCC Countries: The *Kafala* System

The functioning of the *kafala* system and its consequences may be at the origin of irregular migration in the GCC for all migrant workers. The *kafala* system governs the entry, stay and work of foreign nationals in the Gulf countries. It was first introduced in the 1930s by the British in Kuwait in response to complaints by Kuwaiti merchants about competition from Indian nationals. The British authorities decided that no foreign national would be allowed to enter or work in Kuwait without a local partner. According to the system which developed and was adopted by all countries of the Gulf, a foreign worker cannot enter and work in any GCC country without a local *kafeel* (sponsor). The *kafeel* can be a public authority, a private firm or an individual.

Under the system, the worker is tied to the *kafeel*. He/she cannot change jobs or employers without the agreement of the *kafeel*.⁵ The *kafala* system also gives rise to an oversupply of labour. The “system” is designed to ensure that visas are only issued to migrant workers to meet the specific labour needs of employers. Once the employment relationship is terminated, the *kafeel* is responsible for the repatriation of workers. The unemployment of migrant workers, therefore, could not exist if the recruitment procedures worked well. The reality is, however, that unscrupulous *kafeels* may obtain visas for more workers than they actually need. Workers are set free in the labour market to find jobs in the informal economy as casual labour. If they do not find jobs, they become unemployed. There are consequences too. In Kuwait, in October 1999, unemployed Egyptian migrant workers rioted over their employment situation.⁶

Working and living conditions stand equally behind irregular migration. In low-skilled jobs, wages vary according to whether workers are employed by large or small enterprises, but they are generally low. Low-skilled workers may be made to work in arduous conditions for longer hours than envisaged by the law. For low-skilled workers, living conditions in collective densely-inhabited abodes are often trying and unsafe.⁷

Policies aimed at restricting the inflow of foreign migrant workers and curbing irregular migration has emerged in the last two decades. In the mid-1990s, Saudi Arabia formulated the “Saudization” policy, to substitute Saudi citizens for migrant workers. The objective was to promote the Saudis’ employment and thus fight unemployment, especially among the young.⁸ In 2014, Saudi Arabia put a ban on visa issuance to new companies and to those who employed fewer than ten workers. Because small enterprises are large employers of migrant workers, this measure can in itself generate irregular migration.

Causes in Egypt of Irregular Migration to the GCC

The working of the Egyptian labour market and of the institutional framework of labour migration to the GCC countries may result in irregular migration.

5. Al Najjar, unpublished.

6. Ibid.

7. Fares 2007.

8. “The Letter of the Law: Regular and Irregular Migration in Saudi Arabia in a Context of Rapid Change,” Mixed Migration Research Series: Explaining People on the Move, Regional Mixed Migration Secretariat, 2014.

In the functioning of the labour market, labour supply clearly exceeds demand, which results in unemployment and both low-quality employment and informal employment. High unemployment and low-quality and informal employment is particularly prevalent in the age categories where migrant workers are concentrated. Faced with unemployment and informal employment if they return to Egypt, it is not surprising that Egyptian workers would join the informal labour market in the GCC countries. At least, payments for informal jobs are higher in the GCC than in Egypt.⁹ The actual operation of the institutional framework may either not detect fake employment contracts or it may be unable to support Egyptian migrant workers in the GCC countries if their contracts are infringed upon or if jobs turn out to be fictitious. In both cases, in order to improve returns on their investment in migration, workers may abscond, overstay or join the informal economy.

The Functioning of the Labour Market

Egypt has been a major country of origin since the early 1970s. Unemployment, underemployment, low wage levels and poverty became push factors for Egyptian workers. A 2013 labour market analysis using data of the Labour Force Sample Survey (LFSS), from 2007 to 2011, reveals just how serious unemployment is in Egypt. The official figures for unemployment and poverty published in 2012 and 2013 confirmed this and showed how the economic slowdown after the popular uprising in January 2011 had compounded the problem.¹⁰

The information review generated by successive rounds of the LFSS reveals a consistently lower rate of growth for employment than for the labour force since 2008, save for 2009-10. With a backlog in jobseekers, this meant persistently higher unemployment rates. The sharp economic downturn that followed the January 2011 uprising greatly affected the unemployment rate, which increased by 29.7% between 2010 and 2011. Statistical information published by CAPMAS in 2013 shows that the unemployment rate continued to increase, albeit at a slower pace, in 2012 and in early 2013. The unemployment rate for men and women reached, respectively, 13.2% and 25% in the first quarter of 2013. Their higher unemployment rates do not mean that women are particularly affected by migration, be that migration regular or irregular. One explanation of high female unemployment rates is low mobility

9. In their chapter in this volume, Shah and Al-Kazi quote an Egyptian worker in Kuwait who says that with earnings from his informal employment: "he can send money to feed his family as jobs in Egypt are difficult and the salary is low."

10. This subsection draws on the labour market analysis in Amer and Fargues 2014.

in the domestic labour market, let alone external ones.¹¹ However, unemployment, in general, exerts pressures on the terms and conditions of employment, which is a cause for workers to seek and accept employment in external labour markets, including in informal jobs.

Unemployment particularly affects those aged 15 to 29 years. The unemployment rate is, indeed, negatively correlated with age. It reaches a peak in the 20-24 years age group and then gradually decreases. Young people seeking their first jobs after completing their studies or dropping out of school are particularly vulnerable. A specific characteristic of labour market outcomes in Egypt, shared by other countries in the MENA region, is that unemployment particularly affects the best educated. This does not imply that the highly-educated are more likely than other workers to find themselves in an irregular migration situation. Again, unemployment and lower terms and conditions of employment for all workers push those at the lower end of the labour market to accept informal jobs.

The distribution of the unemployed by duration of unemployment reveals that, in 2010, the vast majority of those affected were long-term unemployed. With the above extended situation of unemployment that is of long duration and especially hits the young and the educated, it should not be surprising that a considerable number of Egyptians choose to migrate for employment, either legally or irregularly. And it is not unemployment alone that pushes Egyptians to migrate. Low-quality and informal employment at home also takes its toll. The interplay between low quality and informal employment in the Egyptian labour market may explain the readiness of Egyptian migrant workers to engage in informal employment in external labour markets where, at least, pay is higher.¹² To illustrate this, take the following estimates of wage differentials between Qatar and Egypt in 2004. In Qatar wages, relative to Egypt, stood at 750% in tourism, 569% in tourism, 859% in transportation, 927% and 1,484% in construction.¹³

The findings of a school-to-work transition survey (SWTS) carried out in 2012 by the International Labour Office (ILO) give a good idea of the quality of work available to young Egyptians.¹⁴ In 2012, a majority of young employees

11. Assaad and Arntz 2005.

12. In interviews conducted with Egyptian migrant workers in Kuwait, unfavourable treatment and discrimination over low pay and poverty was repeatedly reported; see Taylor, Soudy and Martin 2015.

13. El Nozahy 2007, as quoted in Awad 2007.

14. Barsoum et al., 2014. While in most contexts, a young person is defined as a person aged between 15 and 24 years, for the purpose of the SWTS and related reports, the upper age

in Egypt (75.7%) had no contract, leaving them vulnerable. The absence of an employment contract is a key sign of informality.¹⁵ Paid work, without a contract, concerned 80.9% of young male workers and 53.5% of young female workers. Only 9.8% of male workers and 26.8% of female workers had permanent contracts.¹⁶ The corollary of the absence of contracts is that 91.1%, or almost all young workers in Egypt, were classified in informal employment. Informal employment is made up of two subdivisions: workers in the informal (unregistered) sector and paid employees holding informal jobs in the formal sector.

Wages are obviously a good indicator of job quality. One quarter of young wage and salaried workers reported a below-average monthly wage. About one-half of young employees were within the EGP500–999 per month pay range.¹⁷ Professionals made up the highest percentage of young workers in the highest wage bracket of EGP3,000 and above (2.6%).¹⁸ Conversely, agricultural workers, clerks and the young in elementary occupations were those most likely to be in the lowest wage range (less than EGP300 per month).¹⁹ With such low wage levels it should come as no surprise that young Egyptian workers engage in informal employment in the Gulf. When it is remembered that agricultural workers get low wages and that most Egyptian migrant workers are from rural areas, the causes of informal employment and irregular migration become clear.

A further indicator of employment quality is job satisfaction, the opposite of which is the desire to change jobs, presumably to find better ones. The SWTS brought out how one-half (50.1%) of young workers indicated they would like to change their current jobs. As many as 50.1% of young working males expressed willingness to migrate for employment purposes with 15.8% stating they would move to another country. The attraction – whether push or pull – towards migration seems to have existed only among young males. Only 2.8% of young female workers indicated they would consider moving abroad.²⁰ This latter finding confirms the overwhelmingly male character of international Egyptian migration.

limit was extended to 29 years of age.

15. Awad 2007.

16. Barsoum et al., p.23.

17. Roughly equivalent to \$70 to 140.

18. Equivalent to some \$420.

19. Barsoum et al., p.26, equivalent to some \$42.

20. Barsoum et al., p.28.

The Operation of the Institutional Framework of Labour Migration in Egypt²¹

At the Ministry of Manpower and Migration (MOMM), the General Department of External Employment and Representation (GEDEER) has mandate over external employment. It encompasses two departments: External Representation (DER) and External Employment (DEE). Together, these two departments exercise the protection functions of Egyptian labour migration. Irregular migration has been partially caused by their failure to carry out their functions effectively. The two departments do not recruit most workers. However, DEE has the function of checking the contracts of all workers, including those recruited through their own efforts. As previously indicated, failures include: the inability to detect unfavourable terms and conditions of employment, fake contracts, unscrupulous *kafeels* and failing recruitment agencies. The functions of these two departments are reviewed below.

The Department of External Employment

In GEDEER, the Department of External Employment performs several functions:

1. Licensing and renewal of licenses of Recruitment Agencies for external employment;
2. Approving contracts for foreign employment whether they are directly submitted by individual workers or by recruitment agencies;
3. Matching supply and external demand for Egyptian labour: workers who register at the Central Department for Information are included in the database for external employment. When DEE receives direct demands for Egyptian labour from external employers or from labour counsellors posted in countries of destination, it tries to match them with workers in the database.
4. Matching supply and Saudi seasonal demand for labour during the Haj season, the time of the yearly Islamic pilgrimage to Makkah.²² Workers know that the Haj season is one of high demand for labour; they gather at the Ministry in expectation of being called for interviews with Saudi

21. The section on the operation of the institutional framework draws on Center for Migration and Refugee Studies (CMRS), "Labour Migration Governance in Egypt and Tunisia: The Case of Egypt," Cairo, 2014 (FIERI/CMRS project on labour migration governance in Tunisia and Egypt after the Arab Spring).

22. The annual Islamic pilgrimage brings millions of Muslims to Makkah. To carry out services for pilgrims, there is substantial seasonal demand for labour. Egyptian workers contribute to meeting this demand.

employers and their representatives. The procedures are the same as with recruitment in normal times;

5. Examining complaints submitted by migrant workers after their return to Egypt and finding solutions for them.

External Representation for the Support of Egyptian Migrant Workers

The objective of external labour representation is to support Egyptian migrant workers in their countries of employment. For this purpose, Egypt deploys fourteen labour counsellors, including in each GCC country except Bahrain. Two counsellors are posted in Saudi Arabia, one in Jeddah and another in Riyadh. Labour counsellors report to the DER.

Both offices in Saudi Arabia are staffed, in addition to the labour counsellors, with an attaché and a local secretary. Over one million Egyptian migrant workers in Saudi Arabia are serviced by four professionals. MOMM officials recognise that these professionals are far from being enough. The need to open a new office in northern Saudi Arabia could not be met presumably because of the unavailability of funds. There is only one labour counsellor in Kuwait for 500,000 Egyptian migrants there. In the countries where they are posted, labour counsellors maintain relations with Ministries of Labour, especially their units responsible for migrant workers. In cases of disputes between Egyptian workers and their employers, counsellors try to settle disputes. Their attempts are not always successful: employers, particularly, but also, at times, workers can be rigid. The labour counsellors deal with Ministries of Interior for residence permits as well as for migrant workers in an irregular situation.

The performance of labour counsellors depends on their personal initiative. Some may set up simple computerised information systems where the characteristics of Egyptian workers and problems they encounter are entered. However, these systems, when they exist, are not designed in the light of policy needs. Their sustainability is not ensured. More importantly, they neither form a network nor are linked to MOMM headquarters in a manner that would allow them to deal with the problems of Egyptian migrant workers.

The relations of labour counsellors with government ministries in countries of destination centres on the problems of migrant workers. They are, essentially, about the terms and conditions of employment, resident permits and irregular migration. The terms and conditions of employment and residence permits, as such, are closely related to irregular migration. If they are fair, they prevent it; if they are not, they may trigger it. Egyptian migrant workers in Saudi Arabia and Qatar have had experiences that support this assumption. Issues revolve around the

kafala system. They include changing the terms of the contracts upon arrival in the country of destination, discovering that no real jobs exist and the inability to change employers. Egyptian officials have reported that such issues were rare when demand for jobs was directly intermediated by the Ministry. They were more frequent when intermediation was made by private recruitment agencies and especially by informal recruiters.

In Saudi Arabia, when Egyptian workers find employment with more favourable conditions than the jobs which they were initially recruited for, original *kafeels* often refuse the transfer of their sponsorships to the new employers/*kafeels*. Other complaints include withholding final payment and a refusal to end the employment relationship, which is necessary for authorisation to leave the country. This is considered to be, at times, tactics on the part of the *kafeel* to bargain over the final payment. It was reported that loopholes in the *kafala* system allow some fraudulent *kafeels* to bring in workers for whom there are no real jobs. These *kafeels* make profits out of permits for fake jobs, and they set recruited workers loose in the informal Saudi labour market. A number of pilgrims and especially workers recruited at the time of pilgrimage can stay behind and also join the informal economy. Likewise, regularly-recruited workers at times abscond. They abandon the jobs for which they were recruited and join the informal labour market, thus becoming migrants in an irregular situation. When they are arrested, runaway workers are imprisoned. They are released only with the agreement of their original sponsors. These workers obviously need legal assistance. Organs for the settlement of labour disputes are reported to be generally fair, helpful and intent on solutions. However, they can resort at times to procrastination in order to weaken the position of workers and to force them to forgo some of their entitlements. *Mutatis mutandis*, problems in the Saudi labour market also apply in other GCC countries. A notable difference is pilgrimage, which allows relatively easy seasonal access to Saudi Arabia, and the much larger volume of the Saudi labour market.

In Qatar, the *kafala* system is unsurprisingly also reported to be the cause of problems faced by Egyptian workers. *Kafeels* at times surrender workers' passports they have retained to the authorities pretending they had run away in order to avoid payments or to bargain over how much they will pay. Contract changes or changes in employment conditions and disputes over wages are reported to be common. The financial resources that the labour counsellor sometimes has to solve migrant problems are limited. The labour counsellor may have to turn to wealthy members of the Egyptian community to mobilise resources for such workers.

Another example of ineffectiveness in the protective institutional framework is the actual implementation of a ban on external employment in 24 occupations, pursuant to a Ministerial decree. The ban is a means to protect workers from abuse. Most of these occupations are carried out by women: e.g., house managers and private nurses. Consequent on the failure for employment contracts, which are necessary to obtaining the external employment permits from the Ministry of Interior, female workers who suffer from unemployment or low income may be tempted to travel to a country for which they do not need visas, from there flying to their final destinations. Workers risk abuse in their determination to earn. Here again, the Egyptian labour market outcomes combine with the ineffective protective institutional framework to produce migrant worker vulnerability.

Expressions of Egyptian Irregular Migration in the GCC Countries

As indicated previously, irregular migration in the GCC countries is a result of the interplay between causes at both destination and origin. Very little to no information that is useful for analysis is accessible in destination countries or, for that matter, in Egypt. The scant information available about deportations will be used here to review some expressions of Egyptian irregular migration in the GCC countries.

In one estimate, in 2013, there were approximately 6.5 million Egyptian migrant workers abroad, 75% of whom were in Arab countries, including member states of the GCC.²³ The reported estimates for the GCC were as follows: 1,300,000 in Saudi Arabia; 450,000 in Kuwait; 260,000 in the United Arab Emirates (UAE); 88,500 in Qatar; 45,000 in Oman; and 12,000 in Bahrain. Migrants in Saudi Arabia account for about 20% of all Egyptian migration, while those in Kuwait represent around 7.4%.²⁴

While most Egyptian migrant workers in the GCC are regular migrants, the existence of irregular migration has been clearly exposed by the increasingly systematic crackdown on migrants in an irregular situation, especially in Saudi Arabia, Kuwait and the UAE. The first two are the largest host countries of Egyptian migrant workers in the sub-region. Even though the number of Egyptian migrants in an irregular situation are unknown, reported cases of migrant deportation for those in an irregular situation from the GCC back to Egypt provides an insight into the scale, forms, and patterns of Egyptian irregular migration in the GCC countries.

23. Zohry, Migration for Development, 2009.

24. "Migration Profile: Egypt" 2013.

In March 2013, Saudi Arabia adopted a new immigration policy that included targeting migrants in an irregular situation.²⁵ This involved a heavy crackdown on businesses who hire migrants in irregular situation and on the migrants themselves. The Saudi authorities estimated that around one to two million migrants were working illegally. Hundreds of thousands of migrants in an irregular situation were deported or compelled to leave. According to the new labour restrictions, foreign workers are only allowed to work for their *kafeels*. They are not authorised to work independently or to work for another employer. The Saudi authority gave its entire foreign irregular migrant workforce an amnesty period to legalise their stay and to conform to the new rules.

In May 2013, two months after the enactment of the new law, the deportation of six Egyptians following a disagreement with their *kafeels* over monthly salaries and the recovering of their passports stirred fears of repatriation in the Egyptian migrant community. More than 6,000 Egyptian migrant workers, who considered themselves in situations similar to those of the deportees, stormed the consulate in Jeddah. They were seeking the consulate's support in finding solutions for their status under the new rules.²⁶

At the expiry of the amnesty in November 2013, Egyptian migrant workers were among the major nationalities affected by the large-scale systematic raids at labour sites by the Saudi Ministry of Labour and police operations.²⁷ Around 300,000 Egyptians were returned to Egypt at the expiry of the amnesty period in November 2013: this number corresponded to 23% of the total Egyptian workforce in Saudi Arabia. As a result, towards the end of 2013 the number of Egyptian migrant workers in Saudi Arabia dropped from 1,300,000 to under a million.²⁸ According to the Saudi Labour Department report for 2014, the number of Egyptian migrant workers was estimated at 968,000 at the end of 2013. They represented around 40% of Arab migrants in Saudi Arabia.²⁹ It is more than probable that after the 300,000 repatriations, a number of Egyptian migrants in an irregular situation are still present in Saudi Arabia.³⁰

25. Ahram Online, May 27, 2013.

26. Ibid.

27. De Bel-Air 2014.

28. *The Cairo Post*, May 31, 2015.

29. Ibid.

30. Ibid.

In 2014 and 2015, Egyptian migrants continued to be deported for breaching residence laws: i.e., for irregular migration. According to the Saudi Passport Department, migrants overstaying their residence permits were detained for two weeks before deportation, when their *kafeels* refused to renew their residence permits.³¹

Kuwait, the home of the second largest Egyptian community in the Gulf, has also adopted stricter immigration measures with a view to reducing the volume of its foreign workforce. Migrants in Kuwait currently make up around 69% of the population. The Egyptian community is the second largest in Kuwait after the Indian. In Kuwait, Egyptians are to be found both in highly-skilled occupations, such as managers, physicians and engineers as well as in low-skilled jobs: they are labourers, waiters, guards and drivers. Of course, the low-skilled are more exposed to irregular migration but the highly-skilled can also suffer. Irregularity typically takes the form of overstaying, but for both the low- and highly-skilled there is the practice of buying stay permits (*iqama*), or visa trading.³²

According to the local media, the Interior Ministry Assistant Undersecretary for National and Passport Affairs justified, in 2015, the deportations by explicitly referring to irregular migrant workers who violate or overstay the terms of their visas. According to his estimates, around 7,000 Egyptian migrants in an irregular situation were going to be affected by Kuwait's crackdown on migrants in an irregular situation.³³

Irregular migration, including that of Egyptians, is persistent in Kuwait. In 2011, official estimates had put the number of Egyptian law violators at 24,433 as of February of that year, equivalent to around 5% of the Egyptian migrant community. From among the violators, 2,664 (10.9%) individuals regularised their status, 9,585 (39.2%) departed, while 12,184 (49.9%) remained in Kuwait in an irregular situation.³⁴

Conclusion

Research on irregular migration is arduous, especially when the data on volumes and characteristics is so hard to come by. It is particularly so when destination and origin countries of migration guard data as confidential. This is the case with irregular Egyptian migration in the GCC countries.

31. Ibid.

32. See chapter by Shah and Al-Kazi and Taylor, Soudy and Martin, op.cit.

33. Ibid.

34. Shah 2014.

As with all irregular migration, its causes exist at both ends of the migration process. In the case at hand, the specific employment and immigration policies of the GCC countries, known as the *kafala* system, can generate living and working conditions that cause irregular migration through overstay or absconding. The temporary character of migration and the difficulties of changing employers under the system all compound this situation. At other times, the *kafala* system causes foreign labour in excess of supply, which also results in irregular migration, the workers brought in working in jobs other than those they were recruited for.

Labour market outcomes in Egypt, in terms of unemployment and employment quality, especially for the young, are obvious causes of irregular migration whether to GCC countries or to other destinations. That these causes interact with the policies of the GCC countries to produce irregular migration is natural. These are the dynamics of irregular migration everywhere. Egyptian irregular migration in the GCC countries stands out for its large flows and stocks. The consequence is that Egyptian irregular migration is also quite large, at least according to the little good data we have. The reported repatriation of 300,000 Egyptians from Saudi Arabia, between 2013 and 2015, means that it affected almost one quarter of all Egyptian migrants in the largest of the GCC countries. This is a very high proportion that reveals significant loopholes in the Saudi governance of migration. The new Saudi policy announced in 2013 must have wanted to close these loopholes as an objective.

The repatriation of 300,000 Egyptians, over two years, compounds the challenges of employment creation for Egypt. The repatriated represent an addition of some 20% new entrants to the labour market over two years, for whom there was already too little employment. The solutions are clear: demand must be created for labour in Egypt; and the Egyptian government needs to upgrade migration protection policy measures.

This needs to be done through the better application of these measures. Effective protection both at recruitment and in the countries of employment aimed at ensuring fair and favourable working and living terms and conditions should obviate reasons for absconding or overstaying. This requires sophisticated and better financed labour migration policy and institutions.

Irregular migration exposes workers to exploitation and deprives them of many forms of protection. For countries of both destination and origin, this means the failure of their migration and labour market policies. Responsibility for these failures lies primarily with these countries, not with those migrants who find themselves in an irregular situation. Coordination of policy measures at destination and origin should contribute to improving their design and to increasing their effectiveness.

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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.

