



Irregular Migration to the Gulf: An Analysis of the Status of Pakistani Migrant Workers

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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.

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Irregular Migration to the Gulf: An Analysis of the Status of Pakistani Migrant Workers

*Ghulam Mohammad Arif and Tahira Ishaq**

Abstract: Since the 1970s Pakistan has been a major supplier of labour to the Gulf region. This across-the-border movement, which is temporary in nature, requires not only recruitment of labour at origin but also their placement in the overseas job market, following the rules and procedures set for their legal entry and employment. Pakistan has made all institutional arrangements and legislations necessary for the recruitment and placement of its labour in an the overseas labour market. However, despite these arrangements, irregular migration is not uncommon among Pakistani workers in the Gulf - the cases of deportation of irregular migrants from the region and human trafficking/smuggling have often been reported in the press. However, there is a dearth of information about the magnitude of irregular migration, types of irregularity, reasons for it and the adequacy of legislations and policies for its control. This chapter aims to fill this knowledge gap by using an historical approach, based on a conceptual framework that irregular migration takes place because of a mismatch between the number of persons wishing to work in the Gulf region and available opportunities for legal migration as well as continuity in overseas jobs. Opportunity-seeking migrants may take the risk of overstaying, switch their employers/sponsors, or run away to maximise the benefits of overseas

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employment, while survival migrants, because of the high cost involved in legal emigration, are vulnerable to human trafficking and smuggling. Rationalisation and reduction in the cost of migration, implementation of recruitment rules and protection of migrants' rights in the overseas job market can play a key role in controlling irregular migration in the Gulf region.

Introduction

Since the 1970s, Pakistan has been a major supplier of labour to the Gulf region. This across-the-border movement, which is temporary in nature, requires not only the recruitment of labour at origin but also their placement in the overseas job market, in accordance with the rules and procedures set for their legal entry and employment. Pakistan has made institutional arrangements and legislations necessary for the recruitment and placement of its workers in an overseas labour market. Despite these arrangements, irregular migration is not uncommon among Pakistani workers in the Gulf – the cases of deportation of irregular migrants from the region have often been reported in the media (*Dawn*, April 13, 2015). Irregular and illegal migration is a source of mounting concern for all states in the Gulf region because of high unemployment among the citizens as well as security issues. The governments of the Gulf countries have started taking strict action against irregular migrant workers; of late, Saudi Arabia, where about half of the Pakistanis working in the region are employed, has been one of the most active countries in implementing policies to restrict migration (RMMS 2014).

Irregular migration in the Gulf takes place because of a mismatch between the number of persons wishing to work in the region and available opportunities for legal migration as well as continuity in overseas jobs. Suter (2005) divided irregular migrants into two categories: survival migrants and opportunity-seeking migrants. Poverty, unemployment, and economic hardship serve as the principal push factors for survival migrants, while lack of opportunities to enhance economic welfare is a pull factor for opportunity-seeking migration. The former are more driven by economic despair; risks of punishment and discomfort are less likely to keep them from moving. They are vulnerable to human trafficking and smuggling. The latter are more cautious about potential risk and rewards of irregular migration and are more willing to stay in the country of origin if the risk and punishment of migrating are too high. However, opportunity-seeking migrants, if employed overseas, may take the risk of becoming irregular by overstaying or switching their employers/sponsors to maximise benefits of overseas employment (Suter 2005).

As a consequence of the concern among Gulf labour-importing countries regarding irregular migration, there is a growing interest in the analysis of the phenomenon. For example, the Gulf Labour Markets and Migration (GLMM) programme, which is a joint venture of the Gulf Research Center and the Migration Policy Centre at the European University Institute, and the Regional Mixed Migration Secretariat (RMMS 2014) have produced some good work on irregular migration in the Gulf region (Shah 2014; RMMS 2014).

Based on newspaper reports, the incidence of illegal immigration in each Gulf Cooperation Council (GCC) country was estimated by Kapiszewski (2001) as being at least 10% of the total population or 15% of the labour force. Suter (2005) has also examined both regular and irregular migration in Dubai. Pakistan, as a major labour-sending country to the Gulf labour market, has been part of all these analyses. The information thus gathered is very useful to understand the phenomenon of irregular migration in the GCC countries, but it is insufficient to know where each labour-sending country, like Pakistan, stands in it.

The issue of human trafficking and smuggling of migrants across the Pakistani border has also been addressed in annual reports of the United Nations Office for Drugs and Crime (UNODC) and the International Centre for Migration Policy Development (ICMPD), but their focus is largely on illegal migration to Europe (UNODC 2012, 2013; ICMPD 2013). There is a dearth of information about the magnitude of irregular migration among Pakistani workers in the Gulf countries, types of irregularity, reasons for irregularity, and the adequacy of legislations and policies for its control. This chapter aims to fill this knowledge gap based on the conceptual framework that irregular migration is the result of a mismatch between the number of persons wishing to work abroad and available opportunities for legal migration and continuity in overseas jobs.

Concept Clarification and Methodology

Irregular migration is a broad concept which includes violations of legal and documented entry, illegal or unrecognised stay, as well as absolutely illegal entry and stay. However, there is no clear or universally accepted definition of irregular migration. The RMMS defines it as a “movement that takes place outside the regulatory norms of the sending, transit and receiving countries” (RMMS 2014). So, from the perspective of destination countries it is illegal entry, stay, or work in these countries, meaning that a migrant does not have the necessary authorisation or documents required under immigration regulations to enter, reside, or work

in a given country. From the perspective of Gulf labour-receiving countries, Shah (2014) identifies four types of irregular migration: human trafficking and smuggling; overstaying on work, tourist, dependent or specific purpose visa (Haj or Umrah); change of sponsor or visa trading; and running away from employer or absconding. From the perspective of the sending country, irregularity happens when a person crosses its international boundary without a valid passport or other travel documents, or does not fulfill the administrative requirements for leaving the country.

Pakistan's emigration rules not only make unlawful emigration punishable but also impose a fine on those migrant workers who violate the terms of the agreement with their foreign employers by abandoning employment (BEOE 2012). By taking into account the perspective of both sending and receiving countries, for this study, an irregular migrant is defined as one who crosses the international border illegally or one who has crossed the border legally, but is residing or working in the host country in violation of the rules and regulations there. So, irregular migration includes human trafficking and smuggling, illegal entry to a foreign country, all types of overstaying at the country of destination, and taking up employment for a person/firm other than the sponsor without permission.

A close look at the information available from media, official documents, and international reports reveals that examples of all types of irregular migration can be found among Pakistanis working or living in the Gulf region. Apprehension of illegal workers and deportation to Pakistan is recorded in these reports and documents. Despite this, there is no information on the magnitude of irregular migration among Pakistanis presently working in the six GCC countries except for the number of deportees from the region. A comprehensive analysis of irregular migration requires access to data on illegal entry (without documents or with forged documents), human trafficking and smuggling of migrants, overstaying, and abandoning the employer/sponsor. However, the required data are not readily available, making the analysis of irregular migration difficult.

With respect to the methodology used, this study views that all types of irregularity among Pakistanis working in the GCC countries, except human trafficking and smuggling, happens at the destination. Cases for temporary employment in these countries are processed by the relevant Pakistani authorities in accordance with the rules and procedures set by both the GCC countries and Pakistan. But, some of the migrants fall into an irregular situation because of the violation of the rules and regulations of the host country. In this context, irregular migration among Pakistanis in the GCC countries can be better understood

through the examination of migration management in Pakistan. Therefore, the analysis in this study is carried out in three steps: firstly, legal placement of Pakistani workers in the GCC countries is examined by focusing on the methods used for labour recruitment and the regional arrangements for processing cases of overseas migration. Secondly, human trafficking and smuggling of migrants across borders is analysed; and thirdly, an in-depth analysis of deportation of Pakistanis from the GCC countries is carried out by linking it with regular or legal flows of workers to the GCC countries. The analyses are supported by the data generated through recent small (not representative) household surveys.

Legal Placement of Pakistanis in the Gulf Labour Market

The government of Pakistan has taken numerous steps to control and regulate the country's labour recruitment process. In the 1970s when labour migration to the Middle East began on a large scale, three organisations, National Manpower Council, Directorate of Seamen's Welfare, and Protectorate of Emigrants were amalgamated into a Bureau of Emigration and Overseas Employment (BEOE). The Emigration Act of 1922 and the Emigration Rules of 1959 were replaced by the Emigration Ordinance, 1979 (BEOE 2012). The BEOE as a regulatory body/authority controls, regulates, facilitates, and monitors the emigration process through the seven regional offices of the Protector of Emigrants in: Lahore, Rawalpindi, and Multan in Punjab; Karachi in Sindh; Peshawar and Malakand in Khyber Pakhtunkhwa (KP); and Quetta in Balochistan, with areas (districts) of their jurisdiction (Appendix Table 15.6).

Between 1971 and 2015, the BEOE processed the placement of 8.365 million Pakistani workers in overseas labour markets. Ninety six per cent of them found employment in the GCC countries, including in Saudi Arabia (50%) and UAE (33%). Oman is the destination country for about 8% of Pakistani workers who went abroad through the BEOE. Bahrain, Kuwait, and Qatar have a relatively small share of 1.7, 2.2 and 1.4% respectively (Table 15.1). Pakistani workers, like other guest workers, know that their overseas jobs are temporary, and they have to return home when their contracts expire. In fact, this is happening. The current stock of Pakistanis in the Middle East is estimated at around 3 million (Amjad et al. 2012; ILO 2015), suggesting that more than 5 million workers have returned home during the last four decades, although repeat migration cannot be ruled out.

Table 15.1: Total placement of Pakistani workers abroad by the country of destination (1971-2015)

Country of destination	Total placement of Pakistani workers abroad (1971-2015)	% distribution
UAE	2,757,436	33.0
Saudi Arabia	4,190,282	50.1
Bahrain	140,421	1.7
Kuwait	181,383	2.2
Oman	631,921	7.5
Qatar	119,845	1.4
Other	344,053	4.1
All	8,365,341	100

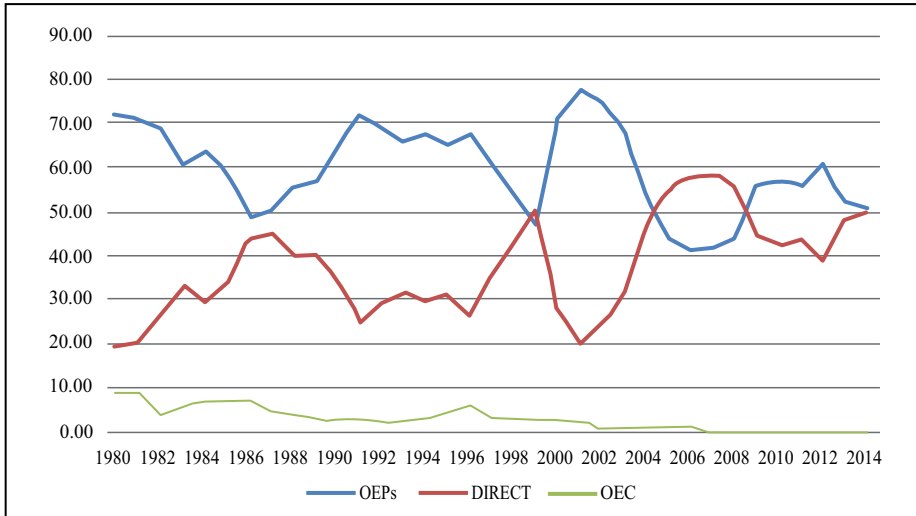
Source: BEOE 2015.

Note: Data for 2015 covers the January to October period.

Legally, Pakistanis can procure overseas employment through the public or private sector. The Overseas Employment Corporation (OEC) is the only agency in the public sector which recruits workers for overseas employers, but its role as a recruiting agency has gradually declined. In the early 1980s, about 9% of the total workers placed abroad were recruited by the OEC, while more recent data shows that its share in the total placement of workers is very low, less than 1% (Figure 15.1). In the private sector, the recruitment is primarily conducted through the licensed Overseas Employment Promoters (OEPs), besides direct employment by which an individual is legally allowed to procure foreign employment either through his own efforts or through friends and relatives working abroad. At present, there are more than 1,100 licensed OEPs in the country (BEOE 2015b). It is mandatory for workers going abroad for employment to register with the BEOE irrespective of the method used to secure such employment. For registration or legal placement of Pakistanis abroad, the BEOE has laid down separate procedures or steps to be followed for workers recruited through OEPs and for those who secure visa through direct sources.¹

1. Seven to eight steps have been given in the official documents, including submission of documents, such as passport, CNIC, Visa, contract or foreign employment letter, air tickets, payment of fee, and attendance of briefing at a regional office of the Protector of Emigrants (BEOE 2015a).

Figure 15.1: Distribution (%) of Pakistani workers placed abroad for employment by the mode of recruitment, 1980-2014



Source: BEOE 2015.

The registration data of the BEOE for the last four decades shows that half the Pakistani workers went abroad through OEPs while the remaining half secured employment through direct contacts with overseas employers. Social networks in the form of friends/relatives already working in the GCC countries and direct contacts of employers with potential migrants have played a major role in workers securing employment visas without the involvement of a recruiting agency. The magnitude and pattern of irregular migration may vary depending on the method used to recruit workers; however, data is not available to examine this association.

To understand the dynamics of legal migration from Pakistan to the Gulf, there is a need to examine how and where legal recruitment takes place. As mentioned earlier, the BEOE manages overseas migration for employment through its seven regional offices in the four provinces of the country (Appendix Table 15.6). Punjab has three regional offices of the Protector of Emigrants located in Lahore, Rawalpindi, and Multan, covering central, northern, and southern districts of the province. The share of Punjab in the total population is about 55%, and it has almost retained its share, 51.8%, in total placement of workers abroad (Table 15.2), primarily through these three regional offices.

Table 15.2: Total placement of Pakistanis abroad for temporary employment as processed by the Bureau of Emigration and Overseas Employment, 1981-2015

Region of Origin	Share in total population (2015)	Share in total number of migrants processed by BEOE	Protectorate-wise share
Punjab	54.93*	51.8	59.6 [Lahore (23.9%); Rawalpindi 29.6%; Multan 6.1%]
Sindh	23.98	9.4	19.1 (Karachi)
Khyber Pakhtunkhwa	13.47	25.7	20.6 [Peshawar (14.6%; Malakand 6.0%)]
Balochistan	5.18	1.2	0.6 (Quetta)
AJK, Northern areas, (FATA only)	2.41	11.9	-
Total (%)	100	100	100
Total (number)	199.708 million	7,757,248 (1981 - 2015)	7,757,248
Total (number)	-	8,365,341 (1971 - 2015)	-

Source: Government of Pakistan 2015; BEOE 2015.

The share of Sindh in total annual placement, at 9.4%, is two and half times lower than its share in the total population (23.98%). Mobility among the Sindhi population is in general lower than that of other ethnic groups, particularly Punjabis and Pashtuns. Karachi, the largest coastal city of the country and capital of Sindh, attracts migrants from all parts of the country, but the movement of the Sindhi population to Karachi remains low. Poverty, high cost of migration, and inadequate infrastructure are the other core factors behind low participation in overseas migration from Sindh. In this province, there is only one regional office of the Protector of Emigrants, located in Karachi, from where approximately one-fifth of the total outflows were processed.

Although the coverage of the Karachi office extends officially to some coastal districts of Balochistan (see Table 15.1), many migrants from other provinces, particularly Khyber Pakhtunkhwa (KP), it has been seen, were likely to have been processed through the Karachi office during the last four decades. This is clear from the KP share in overseas migration (25.7%) and the proportion of emigration cases (20%) processed through the two regional offices of the Protector of Emigrants, located in Peshawar and Malakand. Table 15.2 shows that only a small number of overseas employment contracts are processed from the Multan (Punjab) and Quetta (Balochistan) regional offices of the Protector of Emigrants. So, the bulk of cases are processed from the remaining five offices. Except the one in Karachi, the

other four cover the central-north belt of Punjab and the KP province. Irregular migration is found to be relatively higher among migrants originated from Punjab, particularly central Punjab.

It appears that the recruitment of workers for employment in the GCC countries in the past has been primarily carried out in the central-north belt of Punjab, KP, and Karachi. These, except Karachi, are also high-migration areas in terms of both the incidence of emigration and the amount received as remittances from a household member working abroad. The standard of living of the population in the high-migration areas is much better than the standard of living in Sindh, Balochistan, and Southern Punjab, characterised as poverty stricken areas. Thus, emigration activities are concentrated in relatively better-off regions where people have the capacity to finance costly overseas migration. In this context, the migration of Pakistani workers for overseas employment can be viewed as opportunity-seeking migration or a livelihood strategy of the participating households to diversify their sources of income. Depending on the destination country in the GCC and the recruitment channel used for finding a job abroad, a migrant pays, on average, more than Rs. 200,000 per overseas job. He also bears the opportunity cost in the form of giving up his local employment and earning opportunities.

Magnitude of Irregular Migration

It is evident from the earlier discussion that Pakistan has established the necessary institutions and put in place procedures and mechanisms for legal and regular placement of its workers in overseas labour markets. Pakistan has followed these procedures to place more than eight million workers abroad during the last four decades. However, deportation of Pakistanis from abroad because of their illegal or irregular status has been reported frequently in the media. Therefore, this study examines the phenomenon of human trafficking and smuggling of migrants across borders and follows it up with an analysis of the reasons for the deportation of Pakistanis from the GCC countries.

Human Trafficking and Smuggling of Migrants

The reported cases of human trafficking and smuggling of migrants are often based on the data in the annual reports of international organisations such as UNODC and ICMPD and reports on the arrest of human smugglers by the Federal Investigation Agency (FIA). The series of annual reports of UNODC in particular provides updates about human trafficking across borders. The US Department of State has

also recently released a report on human trafficking in Pakistan. Two conclusions are commonly drawn in all these reports. First, Pakistan is a source, transit, and destination country for trafficking in human beings and migrant smuggling, and second, the problem manifests itself within the country and across borders. Estimates shows that 3.351 million irregular migrants were present in Pakistan in 2004 (UNODC 2012). Afghanistan, Bangladesh, and Myanmar are the three major source countries for these irregular migrants in Pakistan (Table 15.3).

Table 15.3: Estimated numbers of irregular migrants in Pakistan (2004)

Afghanistan	2,210,000
Bangladesh	1,030,000
Burma (Myanmar)	100,000
Nigeria	2,000
Somalia	2,000
Others	6,000
Total	3,350,000

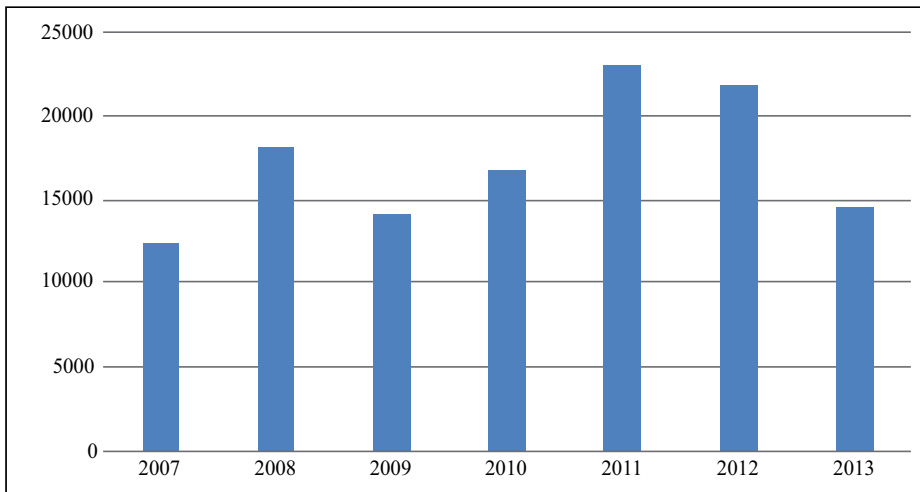
Source: UNODC 2012.

The common methodology used for estimating the phenomenon of human trafficking and smuggling of migrants from Pakistan to other countries is as follows. Firstly, three major routes have been identified through which the trafficking takes place: (i) Pakistan-Iran-Oman, (ii) Pakistan-Iran-Turkey-Greece, and (iii) Pakistan-Middle East-West Africa-Spain. Some other routes leading to Malaysia, Indonesia and Australia have also been identified in the ICMPD migration report on Pakistan (ICMPD 2013). Secondly, Pakistanis who used these routes to illegally reach countries such as Iran, Turkey, Oman, Greece, and Spain, and were subsequently deported, are considered trafficked human beings or smuggled migrants (UNODC 2011). The deportation of Pakistani nationals from these five countries increased from 12,343 in 2007 to 14,546 in 2013; in between, the number of deportees jumped to more than 20,000 in 2011 and 2012 (Figure 15.2). Iran and Oman consistently deported the maximum number of Pakistanis during these years. The largest number of deportees who are sent back by the sea route arrive from Oman while those sent back by air largely return from Spain and Turkey.

But, this methodology has several flaws. For example, the assumption that all deportees were smuggled or trafficked may not reflect the real situation. A wide range of reasons for deportation are given by officials including forged visa, lost

passport, illegal stay, entry refused, violation of emigration laws, illegally working on student visa, asylum refused, overstay, and visa cancelled.² A large number of Pakistanis are working in Oman. Their stay in Oman can be considered illegal or irregular if they are staying without securing extension of their contracts. Their deportation because of illegal stay cannot be categorised as human trafficking or smuggling. Similarly, the deportation of visitors from the five countries Iran, Turkey, Oman, Greece, and Spain for staying beyond the permitted time is likely to be counted as human trafficking or smuggling of migrants. However, despite these limitations, available information reveals the existence of networks of human traffickers and smugglers in the country (*Dawn*, November 10, 2015).

Figure 15.2: Deportees from five countries (Iran, Turkey, Oman, Spain and Greece) 2007-2014



Source: UNODC 2014.

The government of Pakistan has taken serious steps to develop strategies to combat these crimes and protect the rights of victims. In 2002, the Prevention and Control of Human Trafficking Ordinance (PACHTO) was enacted (UNODC 2013). The PACHTO makes it illegal to be involved in the process of human trafficking, directly and/or indirectly (ICMPD 2013). This was followed by the development of a National Action Plan for Combating Human Trafficking and establishment of Anti-Human Trafficking Units and Circles under the jurisdiction

2. <http://www.baliprocess.net/files/Bali%20Process%20Ad%20Hoc%20Group%20Immigration%20Intelligence%20Best%20Practice%20Workshop%20-%20Outcomes%20Statement%20ENDORSED.pdf>.

of the FIA. A liaison office has also been established in Muscat, Oman by FIA in order to help identify and protect victims of human trafficking in the Middle East³ (ICMPD 2013). In 2014, the FIA also established a research and analysis center responsible for collecting and analysing data and trends related to human trafficking and smuggling. The FIA and police also began to use standard operating procedures for the identification and referral of trafficking victims to protective services (US Department of State 2015).

Regarding human trafficking and smuggling, this discussion, therefore, leads to three broad conclusions. First, the number of deportees from Iran, Turkey, Oman, Greece, and Spain may not necessarily reflect the magnitude of human trafficking and smuggling of migrants because the deportation could be linked to many other factors which made the stay of deportees at their destinations illegal. Second, Oman is the only country, among the GCC countries, for which human trafficking and smuggling of migrants is regularly reported in the form of number of deportees. There is hardly any evidence of trafficking to Saudi Arabia, though several cases in the UAE have been reported in the media. Third, while the government of Pakistan has made serious efforts to eliminate human trafficking and smuggling, the real worry is about the existence of networks involved in these criminal activities and the persistence of trafficking and smuggling. More legal and administrative efforts are required to control these illegal activities.

Deportation of Pakistani Workers from GCC Countries

Over 250,000 illegal Pakistani immigrants have been deported back between 2009 and 2014, according to reports in the media (Table 15.4). Three-quarters of these illegal migrants were deported from the GCC countries, with the highest numbers coming from Saudi Arabia, followed by UAE and Oman. These statistics on deportation are used in this study to determine the magnitude of irregular migration among Pakistanis in the GCC countries. Table 15.4 provides data on the total number of Pakistanis placed in the six GCC countries between 2009 and 2014 as well as the number of deportees from these countries during the respective period, as reported in the newspapers (*Dawn*, April 13, 2015). The share of deported migrants from Saudi Arabia was 64% while the country's share in the placement of workers during the period 2009-2014 was 50%. The same was the case of migrants deported from Oman.

3. FIA has also negotiated for the establishment of similar offices in Turkey, Greece, Iran, and UK (ICMPD 2013).

The last column of Table 15.4 shows deportees as a percentage of total Pakistani workers placed in the respective GCC country during 2009-2014. The deportees from Saudi Arabia constitute 8% of the total placement in the Kingdom during this period while the ratio goes up to about 11% in the case of Oman. It is 3% for the UAE; however, some sources put the number of deportees from the UAE at more than 60,000, which increases the ratio from 3% to more than 5%. Outflows to Kuwait during 2009-2014 were quite low, and only 2,234 persons were admitted for temporary employment (Table 15.4). The main reason for the large number of deportees from Kuwait (1,908) shown in Table 15.4 hinges on the fact that new visas (work, visit, as well as family) for Pakistanis were almost banned starting in 2010, although there was no written notification of such a ban. That situation generally continues until today, with a few exceptions. Thus, the deportees during 2009-14 are probably the ones who were in the country prior to 2009, and not necessarily a subset of those placed in 2009-14.

Table 15.4: Number of Pakistanis deported from the Gulf countries between 2009 and 2014 as a proportion (%) of workers placed in the region by the BEOE during this period

Country of employment	Workers placed 2009-2014	Number of deportees 2009-2014	Deportees as % of total workers
Saudi Arabia	1,555,502 (49.6)	123,527 (64.1)	7.94
UAE	1,216,940 (38.7)	36,371 (18.9)	3.00 (5.18)
Bahrain	52,961 (1.7)	438 (0.2)	0.82
Kuwait	2,234 (0.1)	1,908 (1.0)	-*
Oman	282,486 (9.0)	29,945 (15.5)	10.60
Qatar	28,702 (0.9)	618 (0.3)	2.15
All in GCC (%) (all countries - number)	3,138,825 (100) (3,237,092)	192,807 (100) (253,894)	6.09 - -

Source: BEOE 2015; *Dawn* 2015.

* Deportees as a percentage of total Pakistani workers in Kuwait is reported not because new visas for Pakistanis have not been given since 2010, the deportees probably were in the country prior to 2009 (see text for details)

Table 15.4 shows that, overall, the Pakistanis who were deported from the GCC countries during the 2009-2014 period were 6% of the total placement of Pakistani workers in the region during this period. A small survey of 200 return migrants in Jhelum, a high-migration district in Punjab, was carried out in 2014. The migrants were those who had worked in Europe and the Middle East (Iqbal 2015).

The study analysed post return entrepreneurial activities undertaken by the return migrants. A return migrant is defined as “a Pakistani citizen, who had migrated abroad and returned to Pakistan after staying at destination at least for one year either voluntarily or involuntarily, and has started any business or participated in any income generating activity after return.” According to this study, 6% of migrants who had returned from the Middle East reported deportation as their reason for return, while the corresponding percentage for migrants who returned from Europe was 25% (Table 15.5). Jhelum is among those districts which have sent its labour force to all regions: Middle East, Europe, and North America.

Table 15.5: Reasons for return as reported by migrants who returned from overseas employment in District Jhelum (Punjab)

Reasons for return	Middle East	Europe	All
Work permit expired	52.0	26.0	39.0
Factory/work closed	15.0	16.0	15.5
Deportation	6.0	25.0	15.5
Health problem/retired	15.0	11.0	13.0
Family reasons	12.0	22.0	17.0

Source: Iqbal 2015.

It may be a coincidence that the findings of a small survey and ratio of deportees to total placement of workers between 2009 and 2014 show the same figure of 6%. Several questions that need further investigation arise: Why were these workers deported? Did they enter the GCC countries illegally, without legal documents? Were they overstayers? Did they abandon their sponsors/employers? The available information does not provide answers to these questions. It is, however, argued that undocumented migration, crossing the border illegally, of Pakistani workers is not a common phenomenon except to Oman, which is used as a base for illegal movement or human trafficking to Europe, according to reports produced by UNODC and ICMPD (UNODC 2014; ICMPD 2013;). The Pakistan-Iran border is also used by some migrants to work in UAE and Europe (ICMPD 2013; UNODC 2014). Most often, the deportation of Pakistanis from the GCC countries, particularly Saudi Arabia and UAE, happens because workers fall into the category of overstayers or change their employers/sponsors without permission. If this argument is accepted, the magnitude of irregular migration among Pakistanis could be around 6% assuming that the overstayers and those who changed their sponsors are the same persons.⁴

4. If the total stock of Pakistani workers in GCC countries is used in the denominator for the

If they are treated separately, then the incidence of irregular migration ratio can go up. Based on a small survey of returned migrants from the Middle East, Arif (2009) reported that 5% of them changed their employers during overseas employment. Such a change would not be irregular or illegal if the change occurred with the permission of the previous sponsors. Assuming that the change occurred without the permission of the workers' previous employers, the magnitude of irregular migration among Pakistanis, based on available statistics on the number of deportees and those who changed their sponsors/employers may then vary between 6 and 11%. However, emigration rules in Oman allow workers to change their employers after a certain duration of employment. During the recent amnesty in Saudi Arabia, an estimated 4.7 million foreign workers corrected their status, including the transfer of sponsors (Shah 2014). This study thus estimates that 6-8% of Pakistani workers in the GCC countries could be irregular because of overstaying or changing of employers without permission.

A relevant question is: have all irregular Pakistanis in the GCC countries been deported? There is no straightforward answer to this question. However, the strong possibility is that the current stock of irregular migrants in the GCC countries could be very low. Although Shah (2014) has reported that if the experience of Kuwait during its last amnesty period is reflective of the usual response of irregular migrants in other GCC countries, the amnesty programmes have been only partially successful in facilitating the regularisation of irregular workers. A majority of them were still in the country at the end of the last amnesty period in Kuwait. However, she also states that the latest amnesty in Saudi Arabia appears to have been relatively more successful, although irregular workers are still found on the streets. Since half of the Pakistanis in the GCC countries are employed in Saudi Arabia, the relative success of this latest amnesty is likely to have reduced the phenomenon of irregular migration among Pakistani workers in the country. However, the current situation of irregular migration among Pakistanis in the UAE remains unclear.

It is argued that some estimates of irregular migration, as given in the reports of international organisations, are not credible. For example, the ICMPD country report on migration in Pakistan says with reference to Colombo Process, Country Information that "it is estimated that 300,000 people have been migrating from Pakistan each year by using one of the irregular channels including the existing wide network of migrant smuggling and human trafficking in the country" (ICMPD 2013, pp. 38). During the forty-year history of labour migration to the

calculation of irregular migration, the result may not be very different either.

Middle East, Pakistan has only recently been able to place in the region more than 300,000 workers annually, with its strong legal network of more than 1,100 OEPs, seven regional offices of the Protector of Emigrants and social networks. The BEOE data show that between 1971 and 2007, Pakistani labour export did not exceed the 300,000 per year figure. Moreover, all Pakistanis deported between 2009 and 2014 from different parts of the world, including the GCC countries, were less than 300,000 (Table 15.4). In this context, a very high estimate of annual irregular migration from Pakistan by the ICMPD report not only exaggerates the situation but also undermines the institutional arrangements and legal framework functioning in the country for four decades to recruit workers through legal and regular channels.⁵

Root Causes that Generate and Sustain Irregular Migration in GCC Countries

This chapter is based on a conceptual framework that irregular migration is the result of a mismatch between the number of persons wishing to work abroad and available opportunities for legal migration as well as continuity in overseas jobs. The literature divides migrants into two broad categories: survival migrants and opportunity-seeking migrants. The survival migrants, because of poverty, are considered to be vulnerable to human trafficking and smuggling. The Pakistan National Action Plan for Combating Human Trafficking also views poverty as the main root cause for human trafficking and seeks “to institute poverty mitigation measures and safety nets to promote economic development and social inclusion with a view to ameliorate the situation with regard to supply/push factors” (Government of Pakistan 2015a).⁶ However, as reported earlier, it is worth noting that the bulk of illegal immigration to Europe, according to the ICMPD (2013) report, occurs from Punjab, particularly from the Gujrat, Gujranwala, Mandi Bhaudhin, Sialkot, D.G. Khan and Multan districts. All these districts, except Multan, are among the high-migration districts in terms of outflow of workers as well as inflow of foreign remittances. Gujrat, Gujranwala and Sialkot are among the prosperous or better-off districts of the country. It appears, as the UNODC (2014) report shows, that illegal immigration

5. In fact, the ICMPD report has summed up key institutional actors involved in migrant management and diaspora affairs, and it has also presented an overview of the key domestic legislation related to migration management (ICMPD 2013). In addition to ministries of Interior, OP & HD and departments, special cells, circles and task force have been created for migration management.

6. <http://www.fia.gov.pk/HUMAN.htm>.

from high-migration areas is a function of legal immigration. Regions with large traffic flows have a higher risk of exploitation by illegal networks. Survival migrants, who cannot afford the high cost of migration through legal sources, are probably the victims of illegal networks. In addition to poverty mitigation measures, reduction in the cost of legal migration can help to move the survival migrants away from the use of illegal networks.

With the focus on irregular migration among Pakistanis working in the GCC countries, this study takes the position that Pakistani workers in the GCC countries are primarily opportunity-seeking migrants, who are less likely to cross borders illegally; however, they may take the risk of overstaying or switching of employers/sponsors to maximise the benefits of overseas employment. Pakistan is currently passing through a demographic transition, which has resulted in a youth bulge and an increase in the working age population. Migration to the Gulf region has provided opportunities for productive and remunerative employment for the young workforce (Amjad 2013). The results of a small survey of return migrants in district Jhelum show that more than one-third of the young migrants in the Middle East were unemployed in Pakistan before migration, and upon their return, they have started new businesses from the amount saved during overseas employment (Iqbal 2015). As Shah (2014) has reported based on interviews of those workers who did not take the benefit of amnesty in Kuwait, and preferred to live and work as irregular migrants to achieve their specific goals in terms of ensuring that they established a sound financial base before return, Pakistani migrants working in other parts of the region may also take this risk to maximise the benefits of overseas employment.

Moreover, the contemporary labour migration system in the Middle East may itself be a root cause for irregular migration. The contract period of two years normally given to an expatriate worker is too short to achieve the goals set by opportunity-seeking migrants. Similarly, a restriction on changing the employer undermines the workers' efforts to achieve their financial goals in the shortest possible time. The rigidity of the temporary labour migration system probably generates irregular migration.

The high cost of overseas migration affects migrants in several ways. It may push potential migrants to illegal networks. It could also be the root cause for the generation of irregular migration in the form of overstaying or switching employers among opportunity-seeking workers, who could not achieve their financial goals because of the short duration of the contract and low wages at destination. The weak implementation of recruitment rules in Pakistan as well as abroad and lack of protection of migrants' rights in overseas job markets may push them to switch

to irregular status. Finally, the support of social networks at destination probably enables irregular migrants to sustain themselves and feel comfortable (Shah 2014).

Irregular Migration and Policy Challenges

The government of Pakistan has not neglected its regulatory role, as mentioned earlier; a specific agency, BEOE, and seven regional offices of Protector of Emigrants are in place as the principal regulatory bodies. Rules exist to regulate and control the recruitment process. The official costs of recruitment have been kept very low. However, questions remain as to whether these procedures are followed in practice by the concerned stakeholders, whether official fees and charges are respected, and whether the government is effectively able to control illegal and undocumented migration, particularly human trafficking and smuggling of migrants which remains a major policy challenge.

A major policy question is how Pakistan can contribute to controlling irregular migration in the GCC countries which may be traced primarily to overstaying and switching of sponsors/employers. Pakistan can contribute in three ways. First, it should work with other Asian labour-sending countries to negotiate with the major labour-importing countries of the Gulf region to revise their policies regarding the renewal of workers' contract and allow them to change employers after a certain period. In view of the high costs involved in migration to the GCC countries and the financial goals of participating households, workers may legally be given a chance to work for four to five years. Oman has relaxed the rules regarding the change of employers after a certain period of time; other countries, particularly Saudi Arabia and UAE, may also be persuaded to consider this relaxation. Second, several recent studies have pointed to the highly exploitative market for visas which enhances the cost of finding a job in the GCC countries. There is need to set up a fair market to enhance the capacity of migrant workers to earn, save, and send a considerable amount of money back home during the legal period of stay abroad. Third, a briefing at the office of the Protector of Emigrants must be made mandatory for outgoing workers, where they are given directions to follow the rules and regulations of the country of employment. This type of counselling should be continuous; community welfare officers in the Pakistan embassies in the GCC countries can play a role in this counselling. Violators of the rules and regulations of the host country may be punished according to the 1979 Emigration Ordinance if they are deported back.

Conclusion

The estimation of the incidence of irregular migration among Pakistanis working in the GCC countries is not easy because the data required for such estimation is not available in either the labour-sending or -receiving countries. Data on amnesty programmes and deportation are commonly used for the estimation of irregular migration at destination. However, the high estimates by some international organisations of irregular migration from Pakistan through different illegal channels are not credible. Based on the number of deportees between 2009 and 2014, this study has estimated that the incidence of irregular migration among Pakistanis working in the GCC countries is likely to be around 6 to 8% of the outflows during this period. This estimate is based on the number of deportees and the result of a small survey showing the proportion of workers in the GCC countries who changed their sponsors/employers without the permission of their previous sponsors. With the recent amnesty in Saudi Arabia, the magnitude of irregular migration is likely to have declined considerably.

On the one hand, the decline in irregular migration indicates the effectiveness of Pakistan's institutions in placing workers in the GCC countries on a large scale through legal channels. On the other hand, overstaying and switching of employers by some migrants not only violates the rules of destination countries but is also against the Pakistani rules as laid out in the 1979 Emigration Ordinance. Therefore, efforts to control both overstaying and switching of sponsors by Pakistani workers in the GCC countries need to be enhanced. Labour migration rules are rigid regarding the renewal of contracts, which are usually just for two years, and do not permit workers to easily switch their employers for better wages and working conditions. As a result of the high costs involved in migration to the Gulf region, and the consequent financial expectations of migrants and their families, a relatively longer stay of workers at their destination with decent working conditions is required. Visa costs need to be brought under control as well.

No doubt, the dependence of GCC countries on foreign labour is very high, and their concerns about the irregularities in immigration are justified, but regular return flows of workers to their home communities at the expiry of their contracts is a matter of satisfaction. It also shows the success of the labour migration systems in the Middle East. Careful handling of irregular migration by involving both labour-sending and -receiving countries will make the systems more beneficial for all stakeholders.

Appendix

**Table 15.6: Regional Offices of Protector of Emigrants
with areas (districts) of jurisdiction**

No.	Name of Protector Office	Areas (Districts) of jurisdiction
1	Protector of Emigration, Lahore	District Lahore, Kasur, Okara, Sheikhpura, Faisalabad, Jhang, T.T. Singh, Gujranwala, Sialkot, Narowal, Hafizabad, Sargodha, Mianwali, Jhang, Khushab, Bhakar and Pak Pattan
2.	Protector of Emigrants	Districts Rawalpindi, Attock, Jhelum, Chakwal, Gujrat, Mandi Bhaudhin, Islamabad and Territory of State of Azad Jammu and Kashmir.
3.	Protector of Emigrants, Multan	Districts Multan, D.G. Khan, Bahawalpur, Bahawalnagar, Layyah, Lodheran, Muzafargarh, Sahiwal, Rahimyar Khan, Vehari and Rajanpur and Khanewal.
4.	Protector of Emigration, Karachi	Province of Sindh including Districts Lasbela, Khuzdar, Gawadar, Pasni, Jiwani and Oramara of Baluchistan.
5.	Protector of Emigrants, Peshawar	Province of NWFP and FATA excluding Districts Dir, Swat and Malakand Agency, Kohistan Buner, Chitral Bajopre Agency and Shangla.
6.	Protector of Emigrants, Malakand	Districts of Dir, Swat and Malakand Agency, Kohistan Buner Chitral, Bajore Agency and Shangla.
7.	Protector of Emigrants, Quetta	Province of Baluchistan excluding Districts Lasbela, Khuzdar, Gawadar, Pasni, Jiwani and Ormara.

Source: Arif 2009.

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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.

