



Gulf Research Center
Knowledge for All



The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination

Gulf Labour Markets and Migration

GLMM - EN - No. 4/2019

EXPLANATORY NOTE

Terms of use: By using any information from Gulf Labour Markets, Migration and Population Programme (GLMM), 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 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 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 GLMM publications may not be used separately.

Copyright: © European University Institute (EUI) and Gulf Research Center (GRC), 2019. 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, Migration and Population Programme (GLMM) 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. 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, Migration and Population Programme (GLMM) 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), the Swiss Agency for Development and Cooperation (SDC), and the United Nations Development Programme (UNDP-Kuwait) and relies on the institutional resources of GLMM partners.

The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination*

Maysa Zahra

Abstract: The sponsorship system of the Arab Gulf countries comprises rules and regulations that tie the residence of a migrant worker to his/her sponsor in the country. This paper offers an in-depth examination of the legal framework of the sponsorship system of the countries of the Gulf Cooperation Council (GCC) – Qatar, Saudi Arabia, Kuwait, Bahrain, Oman and the United Arab Emirates. It looks at different aspects of the system starting with the requirement for sponsorship and ending with the rules on absconding and repatriation.

Keywords: Bahrain; Foreign Labour; Kuwait; Oman; Qatar; Saudi Arabia; Sponsorship; UAE

Introduction

This paper will systematically examine and compare the legal frameworks of the sponsorship systems the Gulf Cooperation Council (GCC) countries: Qatar, Saudi Arabia, Kuwait, Bahrain, Oman and the United Arab Emirates (UAE). The objective is to delineate the established rules and procedures of their legal systems and highlight the similarities and differences between them. This will serve the purpose of creating a more comprehensive and deeper understanding among researchers and advocates alike of the specificity of each case. Studying the degree to which the rules and regulations of each system are implemented in each country is beyond the scope and purpose of this paper. There exists a large body of reports detailing the problems with the sponsorship system and describing its negative impact on the interests and needs of migrants in the Gulf countries.

* This is an updated version of a previous paper entitled “The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: a Comparative Examination” (Explanatory Note - GLMM - EN - No. 10/2015, also written by Maysa Zahra).

Underlying the sponsorship system of each of the six GCC countries is the position that foreign workers are not to be treated as migrant workers. Under the *kafala* (sponsorship) system of the GCC countries, foreign workers are considered to be temporary contractual workers. This forms the basis upon which the system has been constructed. Migrant workers make a significant contribution to the economies of their host country by providing a cheap and productive labour force and to their countries of origin through remittances. Unfortunately, especially in the case of unskilled migrant workers, they have historically not been accorded sufficient protection and rights under the legal frameworks of both sending and receiving countries and are therefore vulnerable to exploitation. The international framework on migration evolved in response to these problems in an effort to ensure that certain rights and protections are extended to them; this includes both binding international law and guiding principles and best practices. ILO standards on migration provide tools for both migrant sending and receiving countries to manage migration flows and ensure adequate protection for this vulnerable category of workers.

Structurally speaking, the sponsorship system has common features across all six countries. First, it is both administered and regulated by the Ministries of Interior. In practical terms, this means that the institution that grants migrant workers their residency rights is the same one that enforces those decisions without outside intervention by the courts or other governmental bodies. Second, the system is constructed around the model of employer sponsorship of foreign labour. Thus while the responsibility for granting or withholding residency rights to foreign labour is held by one institution, the enforcement of that system is highly dispersed among the various employers. The responsibility for a migrant worker and his/her residency in the country lies with the various employers, whether citizens or foreign residents in the case of domestic workers, or companies and institutions.¹

The Requirement for Sponsorship

All the GCC countries require any foreigner entering the country to have a sponsor, - with a few exceptions that will be elaborated upon in subsequent sections of this paper.

In Qatar, the law requires each foreigner granted an entry visa to have a sponsor.² Under the new Qatari Residence Law, which was promulgated in late October 2015 and came into effect one year after its publication, the term “sponsor” is replaced by the term “recruiter”. A recruiter is any entity, employer, head of family, or host, who recruits an expat or to whom the expatriate’s residence is transferred in accordance with the provisions of the law.³ In Saudi Arabia, any foreigner permitted to enter the country must submit information about the sponsor for his obligations and commitments and a guarantor for his deportation in case he is required to leave the Kingdom. The sponsor may also be the businessman/company who has contracted him. If he fails to do that, he is required to pay an amount equivalent to the cost of his return and undertake to report to the Foreigners Control Office once every week at least.⁴

The Aliens’ Residence Law and its implementing regulations are the primary legal sources for Kuwait’s sponsorship system. This law requires all migrant workers to have a local sponsor, who must also be their employer. It is worth noting that this law does not employ the term “sponsors” but instead uses the term “recruiters.” However, implementing regulations do refer to them as “sponsors.”⁵

Under Bahraini law, foreigners working in Bahrain must obtain a work permit either through personal sponsorship or through the establishment employing them.⁶ In Oman, the residence permit of a foreigner is issued through his sponsor.⁷ Similarly, Emirati law stipulates that a foreigner may be granted an entry permit or visa if, along with meeting other conditions, he has a sponsor who resides in the country. The sponsor may be either a citizen or a natural or juridical foreigner.⁸ A foreigner may sponsor a domestic if he has a monthly salary of at least Dh6,000 (among other conditions).⁹

Requirement to Return Passport

The sponsor in Qatar is required by law to return the passport or travel document to the sponsored individual once the procedures for issuing or renewing the residence permit are completed.¹⁰ The new law on residence adds an exception to this requirement by permitting employers to hold onto the passport if requested to do so by the employee in writing. The employer is expected to return the passport to the employee upon his/her request.¹¹ In Saudi Arabia, a decision by the Council of Ministers prohibits employers from retaining the passports of migrant workers or members of their families and guarantees their freedom of movement within the Kingdom provided they hold a valid residence permit.¹² In 2007, the Kuwaiti Ministry of Social Affairs and Labour issued a specific decree prohibiting employers in the private sector from retaining the travel documents of their workers.¹³ The Bahraini Penal Code creates the legal basis for the liability of persons who withhold the passports of workers.¹⁴ Moreover, numerous rulings issued by the Discrimination Court prohibit employers from confiscating the passports of workers.¹⁵ The Omani Ministry of Manpower issued Circular No. 2 in 2006 prohibiting employers from withholding the passports of foreign workers.¹⁶ In a number of court cases in Dubai, the court has ruled in favour of employees and held that the confiscation of passports violates the right to freedom of movement and is prohibited by UAE law.¹⁷ Lawyers working in the UAE have confirmed the existence of an internal administrative order within the Ministry of Interior, stating that passports should not be retained unless express authority is obtained from the court or the police.

Four of the six countries have enacted legislation specifically prohibiting the confiscation of passports in an effort to reduce abuse of the system by employers and in response to widespread criticism. Both Bahrain and the UAE have ruled against employers who have withheld the passports of their employees but have not enacted specific legislation prohibiting the practice.

Transfer of Sponsorship

The transfer of sponsorship is a main feature of the sponsorship systems of all six GCC countries. Once a foreign worker enters the country under the sponsorship of an employer, s/he is generally not permitted to transfer their sponsorship and work for another employer, without obtaining the approval of the original sponsor for the duration of the contract. The rules differ from one country to another in terms of the conditions that must be met before a transfer can take place.

Under the current residence law, which will be repealed once the new law enters into force sometime at the end of 2016, it is only possible to transfer the sponsorship of a worker in Qatar through a written agreement between the new and former employer with the approval of the competent authority of the

Ministry of Labour.¹⁸ The new law requires the approval of both the employer and the competent authority within the Ministry of Labour and Social Affairs for the transfer of employment before the end of the work contract. The expatriate may transfer contracts, after five years in the case of unlimited contracts, also subject to obtaining the approval of both the employer and the Ministry. The Minister or his nominee may approve the transfer of employment of any expatriate worker on a temporary basis if a suit is filed between him and his recruiter.

In cases where the Labour Law does not apply to the expatriate worker, the Minister or his nominee may approve the transfer of the expatriate to any other employer in the event of abuse by the employer or as if deemed to be in the public's interest. For the same reasons and if requested by the worker and approved by the Ministry of Labour, the transfer of a worker who is subject to the Labour Law may be approved.¹⁹

Saudi Arabia uses the term “transfer of services” in lieu of “transfer of sponsorship.” The change was effected in an attempt to deflect criticism of the Saudi sponsorship system. To transfer the services of a foreign employee from one employer to another, the former must hold valid residence and work permits and must have spent at least one year working for the current employer. The employee needs an officially certified waiver from the current employer, which must be submitted within one month of its signature to the Ministry of Labour. The transfer of services must also include the written approval of the employee to work for the employer requesting the transfer. In certain cases, the Minister of Labour may decide to transfer the services without approval from the current employer and these include: the existence of a lawsuit between the employee and current employer where the latter has caused the lawsuit to be prolonged; the existence of humanitarian justifications requiring the unification of the family or other similar reasons; and other cases as determined by the Minister.²⁰

In 2018, Saudi Arabia issued a new implementing regulation of the Labour Law, which sets out the conditions, rules, and regulations for the transfer of foreign workers' services. These include removing the requirement of any specific time period spent working for the current employer before transfer is permitted, as long as the regulations of the Nitaqat programme for incentivising establishments to nationalise jobs is adhered to; rejecting requests for transfer of services from one establishment to another if the latter establishment has a worker whose work or residence permits have expired without renewal, or a worker who has spent three months in the Kingdom without having his permits issued. Exempt from this rule are the following: a worker who was reported by the establishment as having missed work for more than fifteen days, a worker who is waiting for approval for transfer to another establishment, and a worker who has been issued a final exit permit. It prohibits both the transfer of services of workers who hold the nationalities not permitted to transfer services under Saudi regulations; and the transfer to any establishment that is either late in paying wages collectively, proven to be engaged in commercial concealment, or allows any of its workers to work for others without the proper permits or engage in self-employment.²¹

The law also regulates situations where transfer of services may take place without the consent of the current employer. The transfer of services of a new worker whose work permit has not yet been issued and for a worker whose work or residence permits have expired may be carried out without

the employer's consent in accordance with the regulations of the Nitaqat programme. The Minister of Labour or his deputy may also approve the transfer of service of a worker to another employer without the current employer's consent in a number of cases, and these include: the existence of a court case between the worker and employer, which was prolonged through actions of the latter; upon receiving a recommendation from the judge presiding over the case with the goal of preventing damages, which the worker may incur as part of the process; if the establishment fails to pay the wages of the worker for three months consecutively, or paid the third month's wages late so long as the worker has not caused or contributed to the delay. The worker must submit a request to the Ministry within a year from the date of the last delayed payment; if the employer is absent (travelling, imprisonment, death, or any other reason) and this leads to the establishment not meeting its obligations towards its workers for three months; a dependent whose services had been transferred to work for another establishment after the work relationship has ended in accordance with procedures and arrangements set by the Ministry, and cases of family reunification: if one of the spouses has a valid work contract inside the Kingdom and his/her work contract with their current employer has ended or was terminated by the employer; if one of the spouses is a Saudi national, and if the worker has reported a case of commercial concealment against his employer and provided evidence, as long as the worker is not party to the concealment.²²

According to the Nitaqat guide issued by the Ministry of Labour, Saudi rules on transfer of services were eased in late 2014. Foreigners employed by yellow or red category sponsors may freely change their sponsorship to green category companies without obtaining the approval of their current sponsor. If the sponsor fails to issue a valid work permit within three months of the foreigner's arrival in the country, the employee has a right to request transfer without approval. Lastly, the employee may request transfer without approval if the employer fails to renew the work permit before its expiry or the residence permit one month prior to its expiry.²³ However, according to an announcement made by the Ministry of Labour, the employer may object to the transfer in any of the above cases within five days of the employee's application to the Ministry.²⁴

The conditions set by Kuwait for the transfer of the work permit from one employer to another include obtaining the permission of the previous employer and the completion of one year of continuous residence in the country for foreign workers recruited on the basis of a work permit, the lapse of three years of continuous labour residence in the country for foreign workers recruited to work on government contracts, and the lapse of one year of continuous labour residence with the last employer for workers who are locally contracted.²⁵ A new law enacted in 2014 added the following conditions: workers who are registered to perform activities in the fields of farming, fishing, agriculture, and industry must have spent three years of continuous residency in the country, and the transfer may be made only to an employer who performs the same activity for which the worker was recruited or locally hired to perform.²⁶ A number of cases are exempted from the previous conditions including but not limited to holders of university degrees or their equivalent, locally contracted workers, husbands and children of Kuwaiti women who hold another nationality.²⁷ The transfer of any foreign worker to another employer without the permission of the previous employer is permitted after the lapse of three years of continuous employment.²⁸

In the case of domestic workers, the Kuwaiti Ministry of Interior's standardised domestic labour contract, which came into effect in 2006, no longer permits them to transfer their residence to another employer. If they leave their employer or are terminated, they are to be immediately deported. A previous directive, which is replaced by the standardised contract, enabled domestic workers to transfer to a different visa sponsor once every two years, with the consent of the former sponsor.²⁹ In mid 2015, Kuwait passed a new law regulating the work of domestic labour, which guarantees them certain protections. However, the new law does not enable domestic workers to transfer their sponsorship to another employer without the current employer's approval before the end of their contract.

Bahrain has been the frontrunner in terms of relaxing the rules on transfer. In 2002, transfer of sponsorship without obtaining the approval of the employer was confined to a limited number of situations: if an employee's contract or residence period expires (whichever comes first); if the job for which he was recruited is completed; or if the establishment for which he is working is closed for business. Transfer without the approval of the current employer if the contract is still valid was permitted if a number of conditions were fulfilled and these include: notifying the employer in writing and serving the agreed upon notice period, which may not exceed three months; not having any commitments to the current employer under the law; the new employer agreeing to reimburse the current employer for all the costs borne by him proportionate to the remaining period of the contract and these cover the fees for issuing and renewing work permits, fees paid to the Immigration and Passports Department, and the cost of the air ticket.³⁰

A new law regulating the labour market was enacted in Bahrain in 2006, which made it possible for foreign workers to transfer their employment to another employer – as long as this does not contravene the rights of the original employer under the law or the work contract – and gave them an adequate period of time once their work permit had expired or been cancelled to find new employment.³¹ These rules were amended in 2009 to require workers who wished to transfer employment before the expiry or cancellation of the work permit to notify their current employer through registered mail in accordance with the conditions set in the employment contract, which may not exceed three months prior to the transfer. Under the new rules, workers who wished to transfer after the expiry or cancellation of their work permit by the employer must notify the Labour Market Regulatory Authority (LMRA) 30 days prior to expiry or within five working days of the cancellation. The notification may be done electronically and the worker is to be granted 30 days to transfer but he may not work during this period.³² Unfortunately, the rules on transfer were yet again amended in 2011 stipulating that the foreign worker may transfer without the approval of his current employer only after spending at least one year in his current job.³³

Under the *kafala* system in Oman, foreign workers who have not completed their service period of two years may only transfer to a new employer if they obtain a non-objection certificate from their current employer without being subject to the two year ban. If the worker has completed two years of service, he will need the approval of both his former employer and the Directorate General of Labour before he can seek new employment.³⁴ An amendment to the Executive Regulations of the Foreigners' Residence Law of 1996 was introduced in 2014 stipulating that the transfer of a foreigner's residence shall take place in accordance with procedures and conditions specified by the Inspector General and that the transfer of a foreigner's sponsorship to a new sponsor entails the transfer of his resident dependents directly to that sponsor.³⁵

In the UAE, a number of changes have been introduced to the regulations on transfer over the past decade. The regulations from 1997 required the approval of the former sponsor as well as spending at least one year with the former sponsor for transfers within the private sector.³⁶ In accordance with a ministerial decision issued in 2003 regarding investors, a foreign worker may request to transfer his sponsorship from the establishment at which he is employed to the one he owns or in which he is a partner. The transfer of a foreign partner or owner to an establishment, which is subject to the labour law, may only be approved if he belongs to one of the categories permitted to transfer sponsorship.³⁷

In 2005, the executive regulations for the transfer of sponsorship were promulgated listing the conditions under which such transfer may be approved for foreign workers. The two main conditions were: obtaining the approval of both the old and new employer and spending a specific amount of time working for the current sponsor/employer, which varies according to the category to which an employee belongs: a) holders of graduate or postgraduate degrees need to spend at least one year with their current employer and may transfer multiple times without restrictions; b) holders of an undergraduate degree or its equivalent need two years and may transfer twice; and c) all other categories must spend at least three years and may transfer only once during their work stay in the UAE.³⁸ The time required for categories b & c may be reduced to one year if an additional fee of 3000 Dirhams is paid. Moreover, all categories may be completely exempted from the time required in a number of cases including the establishment's closure and bankruptcy, so long as an additional 3000 Dirhams is paid.³⁹ The requirement of obtaining the approval of the old employer could be waived under certain conditions including non-payment of wages for two months, submission of a complaint by a worker against his employer for non-assignment of work due to closure of the establishment, and cases of worker complaints referred to court by the Ministry.⁴⁰

In summary, Bahrain has adopted the most general regulation in the sense that it permits transfer of sponsorship for all categories of workers without the approval of the employer after one year of employment. Both Kuwait and the UAE have exempted certain categories of persons from the requirement of obtaining the current sponsor's approval. Saudi Arabia and Qatar only allow certain cases to be transferred without the employer's consent if Ministerial approval has been granted and in accordance with the Nitaqat Programme regulations in the case of Saudi Arabia.

Ban on Return

In an effort to regulate the number of foreigners residing in the country at any given time and protect the interests of employers, the GCC countries have enacted legislation that requires foreigners to spend a certain amount of time outside the country after the end of the original work contract, based upon which they were granted residence. The laws differ from one country to another in terms of the conditions that can result in the ban on the return period.

Until very recently, Qatar has taken an all-encompassing approach. In accordance with the still in force old residence law, a foreigner who has previously resided in Qatar for employment purposes may not be granted another entry visa until two years have lapsed from the date of his departure. However, this period may be waived by the Minister or his authorised representative, subject to a written approval from the previous sponsor.⁴¹ As part of its efforts to reform its sponsorship system, under the new residence law the ban of two years no longer exists. Under both the old and new law, a foreign worker

dismissed as a punitive measure in accordance with the labour law, who has not challenged the dismissal before the competent court or whose challenge has been rejected, is denied re-entry for work purposes for four years from the date of his departure.⁴²

Under Kuwaiti law, the employer may request to cancel the work permit for an employee and deny him the right to work in the country for two years if the worker has violated the terms and conditions of his contract, or if his service was terminated in accordance with the disciplinary chapter of Art. 55 of Law No. 38 of 1964.⁴³

In Saudi Arabia, the worker may be banned from returning to the country for work for a period of two years if he is caught working for an employer other than the one who recruited him, and whose name is on his work permit, prior to his release by the latter and the obtaining of approval of the concerned authority for the transfer of services.⁴⁴

The Bahraini Aliens Immigration and Residence Act of 1965 stipulates that a foreigner whose residence permit has been cancelled may not apply for another one for a period of 52 weeks from the date he receives notice of its cancellation.⁴⁵

Omani regulations prohibit the issuance of a work entry visa for a foreigner who has previously worked in the Sultanate until two years have passed since his last departure. However, the Inspector General has the authority to waive this period if it is deemed to be in the public interest.⁴⁶ Moreover, foreigners who have been deported for committing a crime or felony need special permission from the Inspector General in addition to the two-year ban period.⁴⁷

In the UAE, with the exception of cases of transfer of sponsorship, cancellation of a residence permit issued for the purpose of work resulted in a six-month ban period.⁴⁸ This was the case if the employment contract was unlimited and the employee's contract was terminated before he had completed a year of employment. If, on the other hand, the employment contract was time limited and the employment was terminated prior to its expiry, then the ban was extended to one year.⁴⁹ However, a number of categories of highly skilled workers were excluded from the ban.⁵⁰ A 2006 ministerial decision identifies a number of cases in which the ban period is extended to one year from the foreign worker's departure date and these include the end of the work relationship due to participation in or instigation of an unlawful strike, cancellation of the work permit due to contracting an infectious disease, and cancellation of the worker's residence permit due to a deportation order.⁵¹

A change to the rules was introduced in 2010, which related to foreign workers seeking a new work permit upon the completion of their service period with the current employer. Previously, and except for cases of transfer of sponsorship mentioned earlier, a six month ban period applied from the date of cancellation of the labour card.⁵² Under the new regulation, the ban period may be waived if two conditions are met: employment has been terminated by mutual agreement; and the worker has spent at least two years with the employer.⁵³ In a number of cases (such as the employer failing to fulfill his obligations), the first condition is waived.⁵⁴ The second condition of spending two years with the current employer is waived if the new employer offers the worker a higher position and a salary equal or above that set by the ministry against his or her qualifications.⁵⁵

Further changes have been made under the new Decree No. 766 of 2015, which will come into force of January 1, 2016 and nullify the previously mentioned Ministerial Decision No. 1186 of 2010.

New rules have been set for both term and non-term contracts (also known as limited and unlimited contracts).

For term contracts, workers may be granted a new work permit at the end of the employment relationship in the following cases: expiry and non-renewal of the contract; mutual consent to end the contract before its expiry if the worker has completed six months with the employer (workers that possess skill levels 1, 2, and 3; those who hold a university degree, post secondary diploma or high school diploma, respectively. are exempt from this time period); termination of employment by the employer if the worker has completed six months with the employer and provided that the reason for the termination is not his/her non-compliance (workers that possess skill levels 1, 2, and 3 are exempt from this time period); and subject to certain conditions, if either party acts unilaterally to terminate the employment contract.

In the case of non-term contracts mutual consent giving a notice period of up to three months and termination of employment by the employer for reasons other than non-compliance are instances in which a new work permit may be granted to the worker if s/he has completed six months of employment (this period is waived for workers that possess skill levels 1, 2, and 3).

For all types of contracts, a new work permit may be granted if the employer fails to meet contractual or legal obligations, the worker files a complaint against the employer if s/he is not assigned work due to the business being shut down, and a labour complaint is referred to the court by the Ministry and the final ruling in favour of the worker is issued.

Exit Permits & Absence Abroad

The stay of a foreigner in the GCC countries is heavily regulated in terms of his/her ability to temporarily or permanently exit the country. Under the old residency law, a foreign worker in Qatar needed to obtain an exit permit from his sponsor in order to leave the country temporarily or permanently. The only exceptions to this rule were women sponsored by the head of the family, minors, and visitors staying thirty days or less. If the sponsor refused to sign the exit permit or was unable to do so and had not appointed a deputy, then the expatriate had to appoint a departure sponsor or submit a certificate proving he is not serving any sentences and has no pending lawsuits from the court of jurisdiction fifteen days after having published his intended date of departure in two daily newspapers.⁵⁶

The new residency law, which came into force in late 2016, made obtaining an exit permit subject to the approval of the competent authority at the Ministry of Interior as well as the recruiter. The former had to be informed of the foreign employee's intention to leave the country at least three working days before the exit date. The recruiter (formerly sponsor) was given the right to object to the exit, in which case the employee could submit a petition to the Exit Petitions Committee. If the petition to exit was driven by an emergency situation, the Committee was required to decide on his exit request within three working days.⁵⁷

The aforementioned law was amended in 2018, allowing a foreign worker covered under Labour Law No 14 for 2004 to exit the country temporarily or permanently, at any time throughout the duration of his/her employment contract without an exit permit. However, an employer still has the right to submit in advance to the Ministry of Administrative Development, Labour and Social Affairs (MADLSA) a

list of names of five per cent of his employees, who need to obtain his pre-approval before leaving the country due to the nature of their work. Any worker who, for any reason, is prevented from leaving the country may submit a complaint to the Expatriates' Exit Permit Grievances Committee, which is required to issue a response within three working days.⁵⁸ A foreigner may leave the country for a period of six months without losing his residency.⁵⁹

Foreigners residing in Saudi Arabia need to obtain an exit permit before leaving the country. If the foreigner wishes to leave the country for a specific period of time during the given period of residence, he can request an exit and re-entry permit valid for a period of six months from the date of departure.⁶⁰ If sponsored by an employer, the foreign worker needs to obtain the permission of his employer to obtain the exit permit.⁶¹ At the end of the employment contract, a foreign worker needs to obtain the approval of his employer in order to be able to obtain a final exit visa. The foreigner may then remain in the country for a period of two months after the issue of either type of visa: exit and re-entry or final exit.⁶² If the foreigner is a dependent, then s/he may obtain an exit and re-entry visa upon the request of the head of the family (the sponsor) valid for one trip only and for a period of nine to twelve months for study purposes.⁶³

An exit permit is not required in Kuwait except for foreign employees of ministries and some other government institutions.⁶⁴ A resident is permitted to leave the country for a period of six months without losing residency. In the following cases, the stay abroad period may exceed six months without losing residency: Students going abroad for education; people going for medical treatment and those accompanying them; government and company employees whose work requires them to travel for a period exceeding six months.⁶⁵

Both Bahrain and the UAE do not require foreign workers to obtain an exit permit from their employer. In accordance with Bahraini legislation, a residence permit allows its holder to leave and re-enter the country multiple times. This residence permit is cancelled if the foreigner remains outside the country for more than six months.⁶⁶ Similarly in the UAE, the residence permit is cancelled if its holder spends more than six months abroad.⁶⁷

In terms of exit permits, Oman requires the sponsor to submit to the competent authority a sponsored exit request two weeks prior to the expiry of the residence permit, in case of its non-renewal or cancellation.⁶⁸ A foreigner loses his residency right if he remains outside Oman without a valid reason for six continuous months or eight non-continuous months in a year or for eighteen months within a three-year period. This, however, does not apply to a foreigner's dependents.⁶⁹

The UAE, Bahrain, and Kuwait do not require foreign workers, with the exception of those employed by ministries and other government institutions in the case of Kuwait, to obtain an exit permit from the employer before leaving the country temporarily or permanently.

Self-Sponsorship

In certain limited cases, a foreigner may be permitted to act as his own sponsor. This right is extended to foreign investors in all six countries and a number of other cases in Qatar and Kuwait.

A number of different categories of persons may sponsor themselves in Qatar. According to the *Workers' Rights Handbook* published by the Qatari National Human Rights Committee, these categories include investors subject to Law No. (13) of 2000 concerning non-Qatari capital investments in economic activities, owners and benefactors of real estate and residence units according to law No. (17) of 2004 concerning the organisation and benefit of non-Qataris from real estate and residence units, and any other categories decided by a ruling from the Council of Ministers.⁷⁰

In Saudi Arabia, foreign investors and non-Saudi staff are sponsored by the licensed firm, which may be partially or fully owned by the foreign investor. In effect, this means that foreign investors may sponsor themselves through their companies.⁷¹

Foreigners in Kuwait may sponsor themselves and obtain a residence for two to five years, provided they can support themselves financially for the duration of their stay and can produce a certificate of good conduct. This form of residence can be renewed upon expiry. Self-sponsored expatriates may sponsor their wives and children and are entitled to run their own business.⁷² Recent news reports claim that this article (No. 24) may be activated for foreigners who have resided in the country for a minimum of 15 years, have no criminal record, and have high academic qualifications and earn a minimum monthly salary of KD500.⁷³

In addition, foreigners may be granted regular residence to practice economic or industrial activity or a certain profession or craft, provided they submit the required permit to practice the activity, profession, or craft.⁷⁴ The Ministry of Social Affairs and Labour recently announced the re-activation of the procedure to issue residence to foreigners engaged in business activity subject to meeting certain conditions including having a share of KD100,000 in a company and presenting a clearance certificate from the Ministry of Commerce and Industry which refers to the company's budget for the previous two years. Prior to 1975, such a residence was issued under the aforementioned article (No. 19) to professionals and craftsmen but the procedure has been suspended since 1975.⁷⁵

Personal sponsorship is permitted in Bahrain for three categories of foreign workers: a retired foreigner who has worked in Bahrain or any other GCC country for 15 years or more,⁷⁶ a foreigner who owns a residence in the country that is both registered to his name and is worth no less than BD50,000, and a foreigner who is an investing partner in a company which operates in the country and whose share is no less than BD100,000.⁷⁷ For all three categories, a number of other conditions listed in the decision must be met. A residence permit may also be granted to the wife and minor children of these foreigners.⁷⁸

In Oman, a residence permit may be granted to the owner of a constructed unit and his immediate family, which is valid for two years and may be renewed thrice.⁷⁹ An investor visa may also be granted to foreigner who is at least twenty-one years old and wishes to invest in the country.⁸⁰

The UAE allows investors who own or are partners in an establishment to sponsor themselves through that establishment.⁸¹

Dependent Sponsorship

The entry, residence, and employment of dependents of foreigners residing in Kuwait, Saudi Arabia, and Qatar are subject to very specific rules and regulations. The reason is that each of these countries aims to limit the number of foreigners in the country as much as possible.

A foreign worker residing in Qatar may obtain residence permits for the spouse, male children who have not completed their studies up to the age of 25, and unmarried daughters. The Minister or his authorised representative may also extend this to the parents of the foreign worker.⁸²

In Saudi Arabia, the residence permit of a foreigner who has a right to family reunion (explained later) includes the wife and children who are less than eighteen years old. Once male children turn eighteen, they are required to obtain an independent residence permit in accordance with stipulated provisions. Unmarried female children may continue to be sponsored by their fathers beyond the age of eighteen.⁸³ In order to limit the number of foreigners in the Kingdom, Saudi Arabia has chosen to grant the right to seek residence for their families (wife and children) to foreigners working in certain high-level professions. The first category includes university professors, teachers from all educational institutions including professional training centers, doctors, pharmacists, veterinarians, engineers including chemical and agricultural engineers, entomologists, computer specialists, weapons specialists, all of whom must be graduates of universities, institutes, and specialised scientific institutes. In addition, this category includes directors of companies or institutions, which have 100 employees, and individuals who have acquired a long-term residence of five years or more. The second category includes accountants, lawyers, academics, radiology and laboratory assistants, surveyors, drafters, and engineers all of whom must be graduates of specialised scientific institutes; residents in the Kingdom for a year or more; and earning a monthly salary of SR4,000 or more.⁸⁴

In 2013, a regulation allowing a Saudi woman married to a foreigner to sponsor her husband and children came into effect.⁸⁵

The rules for dependents of sponsored individuals are more elaborate in Kuwait. According to a Ministerial Order issued in 1992, a dependent residence visa may be granted to the wife of a foreigner working in the government sector and three of his children if his monthly salary is no less than KD450. Another Ministerial order stipulates that the fee for each of the aforementioned individuals is KD10 per annum.⁸⁶ If he has more than three children, then he must pay an annual fee of KD100 for each additional child for the first year and KD10 for each following year.⁸⁷ If the dependent is a family member other than a wife or child then he must pay an annual fee of KD200 per person.

A foreigner employed in the private sector can apply for a dependent residence visa for his wife and only two of his children if his monthly salary is no less than KD650 for an annual fee of KD100 for each of them for the first year and KD10 for each following year.⁸⁸ Obtaining a visa for additional children or family members, other than a wife or child, requires the foreigner to pay an annual fee of KD200 per person.⁸⁹ Exempted from the previous rules are a Kuwaiti citizen's foreign wife and a divorced or widowed foreign wife of a Kuwaiti citizen if they had children. These two exemptions are also applicable to GCC citizens who reside in Kuwait.⁹⁰

These rules are without prejudice to the rules of the 1987 Ministerial Order which implements the Aliens Residence Law of 1959 and allows for granting a regular visa for dependents so long as the resident is able to provide for them for the duration of their stay, informs the General Administration for Immigration Affairs of their place of residence, and bears the cost of their repatriation.⁹¹

In Bahrain, a residence permit may be granted to the spouse and minor children of a foreign worker or a business owner. Adult children (above eighteen) may be granted residence if they are studying in the Kingdom. One of the stipulated conditions for this type of permit is the foreigner having a monthly income of no less than BD250. Dependents may also be given multiple return visas for the duration of their residence.⁹² An amendment to the law introduced in 2018 raised the monthly income required to BD400.⁹³

Oman requires the local sponsor to request a reunification visa for his employee's spouse and minor children (younger than 21). This type of visa may also be granted to the foreign wife of an Omani citizen upon his request. In case the marriage is dissolved, the foreign spouse's residence is cancelled.⁹⁴ In 2013, news reports emerged about a decision of the Omani Royal Police which sets a minimum limit of 600 Omani Riyal in monthly wages for foreigners to be able to bring their families to Oman on dependent visas.⁹⁵

A number of conditions are set by the UAE for the sponsorship of the spouse, unmarried female children and minor male children (below eighteen). Adult male children may obtain a residence permit sponsored by a higher education institution if they are studying in the country. The most important condition is a minimum salary requirement of Dh3,000 if the employer provides accommodation and Dh4,000 if he does not. A number of categories are exempt from the salary condition, namely teachers, imams, and bus drivers who transport students.⁹⁶ A previous Council of Ministers Decision from 1994 specifies the categories of persons⁹⁷ permitted to sponsor the residence of family members and limits the ability of businessmen to sponsor family members to those who have a minimum share of Dh70,000 or a third of the total share. These categories also need to make a salary of Dh4,000 if the employer provides accommodation and Dh5,000 if he does not.⁹⁸

Dependent Employment

In terms of dependents seeking employment in Qatar, the law clearly defines for each category of residents who their sponsor should be. Male foreigners must be sponsored by their employers, whereas women are to be sponsored by the person supporting her and with whom she is residing even if she takes up employment.⁹⁹ Once the new residence law comes into effect, the head of the family may, but does not necessarily have to, continue to be responsible for women after they find employment within Qatar.¹⁰⁰

New regulations issued in Saudi Arabia in 2013 by the Ministry of Labour allow dependents of foreign workers to seek employment if she is 18 years of age, has lived in the Kingdom for at least a year, and has obtained the sponsorship of the employer. The employer must obtain the approval of the dependent's main sponsor. If a dependent leaves his or her employment and goes back to being a dependent of a foreign worker, he or she must remain in that status for at least one year before seeking another job.¹⁰¹ Children of Saudi women married to foreigners may seek employment in the private

sector and do not need to transfer their sponsorship to their employer. The foreign husband of a Saudi woman may also seek employment in the private sector provided he has a valid passport, which enables him to travel back to his home country at any time.¹⁰²

Kuwaiti regulations also permit the transfer of a dependent's residence to a work residence subject to the approval of the original sponsor and the lapse of at least one year in the country.¹⁰³

Dependents residing in Bahrain may not work without obtaining the proper permits and changing their residence permits to reflect their new status.¹⁰⁴ Furthermore, foreigners and their dependents, who have been granted a residence permit under personal sponsorship, may not seek employment in the public or private sector.¹⁰⁵

The Omani Royal Police decision of 2013 on the minimum wage required for family reunification prohibits dependents from seeking employment in Oman. However, this rule does not apply to dependents already in the country on family visas.¹⁰⁶

According to a UAE Ministerial Decision of 2010, a work permit may be granted to individuals whose residence is sponsored by their parents if they fall into one of these three categories: females (18 years old), the husband of a national woman, and the children of a national woman.¹⁰⁷ Foreign mothers who are sponsored by their national sons may also be granted permission to work in the private sector.¹⁰⁸ Other categories of foreign dependents need to transfer sponsorship to their employer should they wish to work in the country.

Looking at the rules on dependent sponsorship, Kuwait places the heaviest burden on the foreign worker with the requirement of a minimum salary as well as the imposition of annual fees. Qatar only requires the foreign worker to meet the specified minimum salary requirement. Saudi Arabia, on the other hand, has not introduced the monetary requirement but has instead chosen to regulate the issue of family residence by limiting it to foreigners working in certain professions.

Seconding Workers

Seconding workers refers to the practice of temporarily loaning the services of an employee to another employer while still under the sponsorship of the original employer.

Generally speaking, sponsors in Qatar are prohibited from permitting their workers to be employed by anyone else. The competent authority may however authorise a sponsor to lend the foreign workers he sponsors to another employer for no more than six months, which may be renewed for another six months. The competent authority may also grant permission to a foreigner to work for another employer outside the regular working hours of his original employment provided that his sponsor agrees to it in writing. The approval of the Ministry of Labour must be obtained for workers who are subject to the labour law. In all cases, visas may not be assigned or transferred to third parties in any manner whatsoever nor can they be used by third parties, whether such transfer, assignment, or use is remunerated or not.¹⁰⁹

A similar provision exists in Kuwaiti law which prohibits the employer from employing workers who do not hold a work permit or those who hold a work permit to work for another employer, even if the work is temporary and the original employer's approval has been obtained. Should that happen, the worker's permit will be revoked and he will be repatriated at the expense of the employer.¹¹⁰

In Saudi Arabia, employers may not allow their workers to work for others and may not employ the workers of others themselves unless they follow legal rules and procedures related to the transfer of sponsorship.¹¹¹

Oman prohibits employers from allowing a foreign employee to work for another employer or employ a foreigner, who is authorised to work for another employer or residing in the country illegally.¹¹²

In 2010, the UAE promulgated a decision allowing the issuance of temporary work permits and work permits for part-time work for a number of categories. The categories include workers who are registered with the Ministry and have a valid work permit; individuals sponsored by their parents who are eligible for a work permit; and students older than 18. Such work permits may not be issued to employees older than 65 and are subject to the approval of the current employer if applicable.¹¹³ Moreover, under a 2005 Cabinet Decision, the Minister of Labour and Social Affairs may allow the secondment of construction labourers from one firm to another subject to a number of conditions. The number of labourers should not be less than twenty, the new employer should have an actual need for them, and the consent of the current employer must be obtained.¹¹⁴

Qatar and the UAE's rules on seconding workers are the most permissive, allowing foreign workers to seek additional employment, subject only to the approval of the sponsor and the competent authority.

Repatriation and Absconding

As a general rule, the sponsorship systems of all the GCC countries require the employer to bear the responsibility and costs of repatriating their foreign employees.

Under the old Qatari Residence Law, which is still in effect, the sponsor has the obligation to repatriate the foreign worker after the expiry or cancellation of his residence permit or when an order to repatriate him/ her is issued. If the foreign worker refrains from departing, then the sponsor must notify the competent authority to repatriate him and pay the costs associated with it. However, the sponsor is not obligated to pay the costs of repatriation if the foreign worker is not subject to the labour law (domestic workers) after the lapse of thirty days from the date of his reporting the worker's escape. Furthermore, whoever employs a foreigner without sponsoring them is responsible for paying repatriation expenses in addition to the prescribed penalty. The sponsor must also bear the expenses of burial or transportation of the body of a deceased foreign worker to his/her country of origin.¹¹⁵ The new residence law requires the recruiter to notify the competent authority within fourteen days of the expatriate leaving his employment or refusing to leave the country after his residence permit has been cancelled or expired. In terms of repatriation, the recruiter has to bear the expenses of the expatriate's return to his country of origin and in case of death, the expense of burying the body of the expatriate or transporting it to his family. It is worth noting that under the new law, no mention is made of the time limitation on the repatriation of domestic workers who have escaped.¹¹⁶

Saudi labour law requires the employer to bear the costs of the exit visa and return ticket to the worker's home country at the end of his/her employment.¹¹⁷ The residence regulations stipulate that if the sponsor insists on cancelling his sponsorship for strong reasons and no new sponsor offer is submitted, then the foreign resident is to be detained if found and must leave the country within one week.¹¹⁸

In Kuwait, the employer is required to pay the costs for repatriating the worker. If the worker discontinues his employment and joins another employer, then the latter employer must bear the costs of repatriation so long as the discontinuation of the previous employment has been reported and no violation of the law has taken place.¹¹⁹ In a number of cases, the employer is exempted from paying the costs of repatriation and these include: the worker being fired in accordance with the provisions of the labour law; the worker refusing the engagement without just cause; the worker ending the work contract in violation of its terms and conditions; and the worker absconding from work and joining another employer. Once the former employer reports this, the new employer must bear the costs of repatriation. In all of the aforementioned cases, the Ministry of Labour may revoke the worker's permit for at least two years.¹²⁰

The responsibility to repatriate workers at the end of the employment contract or cancellation of the work permit, per Bahraini law, lies with the last employer.¹²¹ In response to inquiries submitted by Human Rights Watch to the Bahraini Ministry of Foreign Affairs, it was clarified that Bahraini legislation does not define absconding or “escaping from work” [their emphasis] as a crime. However, abandoning work is often treated as a violation of the terms of residence.¹²²

The new Omani labour law assigns the employer the responsibility to repatriate a non-Omani worker to his country at the end of employment unless his sponsorship is transferred to another employer. Should the employer fail to repatriate, the government bears the cost of repatriation, which is subsequently recovered from the employer.¹²³ Employers in Oman are required to publish an absconding notification if the employee has been absent for seven days without the sponsor's knowledge or approval.¹²⁴ Once the truth of the employer's notification is verified, the worker is required to pay the cost of the labour card and any related fines and s/he loses his right to gratuity for the period preceding the date of his absconding.¹²⁵ The consequences of an approved notification of absconding for the worker include a change in his status from “active” to “absconding”, which would in addition to the worker losing his right to end of service indemnity would lead to depriving him of the right to practice any other work or transfer his services to another employer. Moreover, the worker would also be banned from entering the country. The worker has the right to object to the employer's notification within sixty days from the date of its approval.¹²⁶

In a similar vein, the UAE labour law requires the most recent employer to bear the cost of repatriation for foreign workers.¹²⁷ The UAE also requires employers to submit an absconding report if a worker misses work for seven consecutive days and the employer does not know his whereabouts or a valid reason for the absence. Workers whose employment ends in absconding are permanently banned from working in the country.¹²⁸

Concluding Remarks

Upon closer examination of the sponsorship systems of the GCC countries, it is clear that they are not only structurally but also functionally similar; it is not merely the way in which the systems have been constructed that is comparable but also the manner in which they operate. The rules in all six countries have been formulated around the needs of the employer as the baseline and subsequently amended in response to some of the abuses that have resulted from that. This is evident, for example, in the case of the legislation regarding the prohibition on holding the worker's passport and the requirement to return it once all the necessary paperwork has been completed.

A number of reasons could be posited for the similarity in the sponsorship systems of the six countries. The sponsorship system is said to have evolved from the Bedouin tradition of hospitality, which is based on the concept of offering guests protection and taking responsibility for them.¹²⁹ The *kafala* system may also have evolved from Islamic Shari'a law relating to personal kafala/ guarantees.¹³⁰ Given their geographical proximity and shared cultural heritage, it is possible to understand how all six countries may have applied this concept to their legal systems. The countries also share a similar history in terms of their need for migrant workers. The discovery of oil led to rapid development and the need for manpower to execute projects. This led to a rapid influx of foreign labour. Coupled with the increase in the national population's wealth, this created a dependence on foreign labour to carry out jobs that were considered inferior by the local population (mainly in the construction and services sectors). Therefore, all six countries found themselves faced with the same challenge of trying to balance their high dependence on foreign labour and their need to limit the influx of foreigners in order to guarantee the numerical superiority of their national population. Another factor, which may have led to the similarity in the legal frameworks of the sponsorship systems in these countries, is the political and economic alliance that exists between them in the form of the Gulf Cooperation Council (GCC). This alliance is a platform through which the Gulf countries formulate much of their economic and political policies, exchange information, and plan strategies for dealing with the common issues facing them including the issue of population imbalance.¹³¹

It is important to note, however, that some of the GCC countries have taken bigger steps to amend the sponsorship system, which should result in better protection for migrant workers. Bahrain and the UAE have both enacted legislation over the last few years easing the restrictions on transfer of sponsorship, which has led to greater labour mobility. Kuwait was the first to adopt legislation to grant domestic workers enforceable labour rights. UAE and Qatar followed suit in 2017, enacting laws to regulate the employment of domestic workers in their country. Addressing the human and labour rights issues that have arisen from the sponsorship system will require changes at the legislative level in each of the six countries as well as the introduction of new procedures operationalizing those changes to ensure their proper implementation.

Sources

- Al Ali, Hala. "Workers Rights Book." National Human Rights Committee – Qatar. Available at: http://nhri.ohchr.org/EN/Themes/BusinessHR/Business%20Womens%20and%20Childrens%20Rights/NHRCWorkersRightsBook_E%5B1%5D.pdf.
- "Employment Issues in the United Arab Emirates." Out-law.com, December 2012. Available at: <http://www.out-law.com/sectors/infrastructure1/employment-issues-in-the-united-arab-emirates/>.
- "Foreigner Visas." Saudi Arabian Ministry of Interior. Available at: http://www.moi.gov.sa/wps/portal/!ut/p/b1/jZDLDoIwEEW_xS_o1ClQl6SxD0ACElC6MV0Yg-GRGOP3K8Qtj9l-Nck7mziWW1BRZcPA9oD65Etu7T_Nw72boXTvu1r-ptCpQaaQgzRFMbqIIVYUIG-YX6B8DMhDD5nsiE4SekKisD2MuARcKPOcTs788BDLfdFyrULEgAeKI8MKEuz4c-cEcKN_kLAFb9wL3IhdvHN8YsJWIo5AUs9rjWZ6qG7k862UkpemCfbfQE9vve/dl4/d5/L0lDU0lKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchLzRKQ2lEb01OdEJqdEJIZm_xDRUEhL1o3X0IwMEU5QjFBME8wMDgwSUhKNUdCTzUwMEk3LzA!/?WCM_PORTLET=PC_Z7_B00E9B1A0O0080IHJ5GBO500I7000000_WCM&WCM_GLOB-AL_CONTEXT=/wps/wcm/connect/moi+diwan/moi+home+content+ar/home/regulation/moi_alien+visas_default_ar
- Foster, Nicholas. "The Islamic Law of Guarantees." *Arab Law Quarterly*, Vol. 16, No. 2 (2001).
- Human Rights Watch. *As If I Am Not Human: Abuses against Asian Domestic Workers in Saudi Arabia*. July 2008. Available at: https://www.hrw.org/sites/default/files/reports/saudiArabia0708_1.pdf.
- Human Rights Watch. *Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates*. November 2007. Available at: <http://www.hrw.org/print/reports/2007/11/13/exported-and-exposed-1>.
- Human Rights Watch. *For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda*. Available at: http://www.hrw.org/sites/default/files/reports/bahrain1012_appendices_0.pdf.
- Human Rights Watch. *I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates*. October 2014. Available at: <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>
- "Iqama Violations & Penalties." The Ministry of Interior, Kingdom of Saudi Arabia. Available at: <https://www.moi.gov.sa/wps/portal/home>.
- "Inspection Department," The Ministry of Manpower, Sultanate of Oman. Available at: <http://www.manpower.gov.om/portal/en/InspectionDept.aspx>
- Khan, A. and H. Harrof-Tavel. "Reforming the Kafala: Challenges and Opportunities in Moving Forward." *Asian and Pacific Migration Journal*, September 2011.
- "Kuwait Re-activates Article 19 Self-Sponsorship." *Arab Times*, February 5, 2014. Available at: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/149159/reftab/56/t/Kuwait-re-activates-Article-19-self-sponsorship/Default.aspx>.

- Lori, Noora. "Temporary Workers or Permanent Migrants? The Kafala System and Contestations over Residency in the Arab Gulf States." IFRI - Center for Migrations and Citizenship, November 2012.
- "Nitaqat Guide." Ministry of Labour, Kingdom of Saudi Arabia. Available at: <http://www.emol.gov.sa/nitaqat/nitaqat.pdf>.
- "Oman Tightens Rules on Expatriate Workers." *Gulf News*, September 16, 2013. Available at: <http://gulfnews.com/news/gulf/oman/oman-tightens-rules-on-expatriate-workers-1.1231629>.
- Rodrigues, Andres. "The Kafala System in the GCC." *The Gazelle*, March 15, 2014. Available at: <http://www.thegazelle.org/issue/33/features/kefala-system/>.
- "Rules for Family Residence." King Khalid Bin Abdul Aziz Database. Available at: <http://www.kingkhalid.org.sa/Gallery/Text/ViewTextSubjects.aspx?View=Page&NodeID=49&PageID=12239&SectionID=0&BookID=1&CategoryID=1&HashHit=%D9%84%D8%A7%D8%A6%D8%AD%D8%A9%D8%A7%D8%B3%D8%AA%D9%82%D8%AF%D8%A7%D9%85%D8%A3%D8%B3%D8%B1%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D8%A7%D9%82%D8%AF%D9%8A%D9%86%D8%A8%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9&MarkIndex=2&0&print=1>.
- "Saudi Arabia Allows Dependents of Foreign Workers to Seek Jobs." *Al Arabiya*, July 18, 2013. Available at: <http://english.alarabiya.net/en/business/economy/2013/07/18/Saudi-Arabia-allows-dependents-of-foreign-workers-to-seek-jobs.html>.
- "Saudi Ministry of Labour Permits Employers to Object to Employee's Transfer of Services within Five Days." Emirates News Agency, August 14, 2014. Available at: <http://www.wam.ae/ar/news/arab/1395268737928.html>.
- "Self-Sponsorship for Certain Expats Eyed." *Arab Times*, April 4, 2014. Available at: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smld/414/ArticleID/194838/refstab/96/t/Self-ship-for-certain-expats-eyed/Default.aspx>.
- Toumi, Habib. "New Kuwait Law to Force Expat Defaulters to Pay Electricity Bills." *Gulf News*, November 19, 2009. Available at: <http://m.gulfnews.com/new-kuwait-law-to-force-expat-defaulters-to-pay-electricity-bills-1.529775>.
- Trafficking in Persons Report*. United States Department of State. June 2013. Available at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215537.htm>.

Endnotes

1. Noora Lori, "Temporary Workers or Permanent Migrants? The Kafala System and Contestations over Residency in the Arab Gulf States," IFRI - Center for Migrations and Citizenship, November 2012, p. 12.
2. Art. 18, Qatari Law No. 4 of 2009 regulating the entry, exit, residence and sponsorship of expatriates, *Official Journal*, Issue no. 3 (March 29, 2009), p. 29.
3. Art. 1, Qatari Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates, Al Sharq Portal, accessed: 29 October 2015, retrieved from: <http://www.media.alsharq.com/portalfiles/pdfissue/pdf>
4. Art. 5, Saudi Arabian Residence Regulations, Law No. 17/2/25/1337, Ministry of Interior, Kingdom of Saudi Arabia.
5. Art. 15 (bis), Kuwaiti Amiri Decree No. 17 of 1959 issuing the Aliens Residence Law.
6. Art. 1, Bahraini Decision No. 2 of 1970, Legislation & Legal Opinion Commission, Kingdom of Bahrain (accessed July 3, 2015), <http://www.legalaffairs.gov.bh/Media/LegalPDF/RLSA0270.pdf>.
7. Art. 17, Omani Decision No. 137 of 2014 Amending Provisions of the Executive Regulations of the Foreigners' Residence Law No. 63 of 1996, Sultanate of Oman, Ministry of Legal Affairs (accessed July 1, 2015), <http://www.mola.gov.om/TempRoyalDecree.aspx?Id=81&type=D>.
8. Art. 13 (amended), UAE Ministerial Decision No. 377 of 2014 Amending Some Provisions of the Implementing Regulations of Federal Law No. 6 of 1973 Regarding the Entry and Residence of Foreigners, Ministry of Interior, United Arab Emirates (accessed July 1, 2015, <http://moi.gov.ae/DataFolder/Files/PDF/laehagenseia.pdf>).
9. Art. 23, UAE Ministerial Decision No. 360 of 1997 Issuing the Implementing Regulations of Federal Law No. 6 of 1973 Regarding Entry and Residence of Foreigners, Ministry of Interior, United Arab Emirates (accessed July 1, 2015), <http://moi.gov.ae/datafolder/images/icons/rolls-13.pdf>.
10. Art. 9, Law No. 4 of 2009.
11. Art. 8, Qatari Law No. 21 of 2015.
12. Saudi Arabian Council of Ministers Decision No. 166 of 12/7/1421 AH Regulating Relations between Migrant Workers and Their Employers, Supreme Economic Council, Saudi Arabia. A copy of the text of the law is not available.
13. Art. 2, 5 & 6, Kuwaiti Ministerial Decree No. 166 of 2007 Concerning the Prohibition of Confiscating Travel Documents of Workers in the Private Sector, Consideration of reports submitted by States parties under article 9 of the Convention, Committee on the Elimination of Racial Discrimination 80th Session, March 2012, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.KWT.CO.15-20.pdf>, (accessed April 10, 2014), p. 4.
14. Art. 389 of the Bahraini Penal Code states that: " Any person who acquires with the use of force or threat a document, a signature thereon, an amendment thereof or causes cancellation or destruction thereof shall be liable for, a prison sentence unless a severer penalty is provided for."
15. *For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda*, Human Rights

- Watch p. 17 of Appendices, available at: http://www.hrw.org/sites/default/files/reports/bahrain1012_appendices_0.pdf.
16. *Trafficking in Persons Report*, United States Department of State, June 20, 2013, <http://www.state.gov/j/tip/rls/tiprpt/countries/2013/215537.htm> (accessed July 1, 2015).
 17. *I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates*, Human Rights Watch, October 2014, available at: <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>, p. 44.
 18. Art. 22, Qatari Law No. 4 of 2009.
 19. Art. 21, Qatari Law No. 21 of 2015.
 20. Art. 16, Implementing Regulation of the Saudi Labour Law, Ministry of Labour, Kingdom of Saudi Arabia.
 21. Art. 14 (2), Saudi Arabian Ministerial Decision No. 70273 of 1440 Issuing the Implementing Regulations of the Saudi Labour Law, retrieved from: <https://mlsd.gov.sa/ar> (accessed May 20, 2019).
 22. Ibid.
 23. Nitaqat Guide, Ministry of Labour, The Kingdom of Saudi Arabia, <http://www.emol.gov.sa/nitaqat/nitaqat.pdf>. pp. 25-26 (accessed February 18, 2015).
 24. "Saudi Ministry of Labour Permits Employers to Object to Employee's Transfer of Services within Five Days," Emirates News Agency, August 14, 2014, <http://www.wam.ae/ar/news/arab/1395268737928.html>, (accessed February 20, 2015).
 25. Art. 13, Kuwaiti Ministerial Decree No. 200 of 2011 on regulating work in the private sector, *Al Kuwait Al Youm, Al Jarida Al Rasmiyya*, February 27, 2010, no. 1016.
 26. Art 2, Kuwaiti Ministerial Order No. 227 of 2014 Amending Ministerial Order No. 200 of 2011 concerning the regulation of employment in the private sector, *Official Gazette*, Issue No. 1176 (March 23, 2014), p. 22, retrieved from: ILO Natlex, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/99812/119251/F210842505/ku%201176.pdf> (accessed March 3 2018).
 27. Art. 14, Kuwaiti Ministerial Decree No. 200 of 2011.
 28. Art. 15, Ibid.
 29. *Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates*, Human Rights Watch Report, Vol. 19, no. 16, November 2007, found at: <http://www.hrw.org/print/reports/2007/11/13/exported-and-exposed-1> (accessed March 8, 2014), p. 80.
 30. Art. 2 (amendment), Bahraini Decision No. 40 of 2002 Amending Some Provisions of Decision No. 21 of 2001 Regarding the Regulation of Cases of Local Transfer of Employment for Some Categories of Foreign Workers, *Official Journal* Issue no. 2533 (June 5, 2002), p. 35, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RLSA4002.pdf> (accessed July 4, 2015).
 31. Art. 25, Bahraini Law No. 19 of 2006 Regulating the Labour Market, *Official Journal* Issue no. 2741 (May 31, 2006), pp. 66–85, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/K1906.pdf> (accessed July 4, 2015).

32. Articles 3 & 7, respectively, Bahraini Decision No. 79 of 2009 Regarding the Procedures for Transfer of a Foreign Worker to Another Employer, *Official Journal* Issue no. 2893 (April 30, 2009), pp. 92–94, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RLMKT7909.pdf> (accessed July 1, 2015).
33. Art. 1, Bahraini Decision No. 15 of 2011 Amending Paragraph A of Article 25 of Law No. 19 of 2006 Regulating the Labour Market, *Official Journal* Issue No. 3005 (June 23, 2011), p. 5, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/K1511.pdf> (accessed July 10, 2015).
34. Andres Rodrigues, “The Kafala System in the GCC,” *The Gazelle*, March 15, 2014, <http://www.thegazelle.org/issue/33/features/kefala-system/> (accessed July 14, 2015).
35. Art. 20, Omani Decision No. 137 of 2014.
36. Art. 68, UAE Ministerial Decision No. 360 of 1997.
37. Articles 5 & 6, respectively, UAE Ministerial Decision No. 951 of 2003 Regarding Investors, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx> (accessed June 27, 2015).
38. Art. 2, UAE Ministerial Decision No. 826 of 2005 Regarding the Executive Regulations for the Transfer of Sponsorship, Juma, Abdul Latif S. (2012), *The Labour Law of the United Arab Emirates* (UAE: Suboh Printing).
39. Articles 4 & 5 respectively, Ministerial Decision No. 826 of 2005.
40. Art. 6, UAE Ministerial Decision No. 826 of 2005.
41. Art. 4, Qatari Law No. 4 of 2009.
42. Art. 14 of Qatari Law No. 4 of 2009, and Art. 26 of Qatari Law No. 21 of 2015.
43. Kuwaiti Ministerial Order No. 77 of 1984 concerning the Issuance of Work Permits for Non-Kuwaiti Workers in the Private Sector, Al-Kuwait Al-Yawm, *Official Journal* Issue no. 1531 (April 15, 1984), p. 9.
44. “Iqama Violations & Penalties,” The Ministry of Interior, Kingdom of Saudi Arabia, available at: <https://www.moi.gov.sa/wps/portal/home> (accessed April 17, 2014).
45. Art. 23(4), Bahraini Aliens Immigration and Residence Act of 1965, *Official Journal* Issue no. 3, July 1965, pp. 12–20, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/K0365.pdf> (accessed July 7, 2015).
46. Art. 11, Omani Foreigners’ Residence Law, Sultanate of Oman Royal Oman Police, <http://www.rop.gov.om/english/roplaws.asp> (accessed October 12, 2014).
47. Art. 34, Omani Foreigners’ Residence Law.
48. Art. 11, UAE Ministerial Decision No. 826 of 2005.
49. “Employment Issues in the United Arab Emirates,” Out-law.com, December 2012, <http://www.out-law.com/sectors/infrastructure1/employment-issues-in-the-united-arab-emirates/> (accessed July 22, 2015).
50. Art. 63, UAE Ministerial Decision No. 360 of 1997.
51. Art. 13, UAE Ministerial Decision No. 707 of 2006 Regarding the Rules and Procedures for the Work

- of Non-nationals in the Country, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx> (accessed June 27, 2015).
52. Art. 11, UAE Ministerial Decision No. 826 of 2005.
53. Art. 2, UAE Ministerial Decision No. 1186 of 2010 Regarding the Conditions and Regulations for Granting a New Work Permit to Workers who are Transferring to a New Establishment, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx> (accessed June 27, 2015).
54. Art. 3, UAE Ministerial Decision No. 1186 of 2010.
55. Art. 4, UAE Ministerial Decision No. 1186 of 2010.
56. Art. 24, Qatari Law No. 4 of 2009.
57. Art. 7, Qatari Law No. 21 of 2005.
58. Art. 1, Qatari Law No. 13 of 2018 Amending Some Provisions of Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Expatriates, *Official Journal* Issue No. 16 (October 23, 2018), p. 3. Retrieved from Al-Meezan Qatar Legal Portal, <http://www.almeezan.qa/LawPage.aspx?id=7756&language=ar> (accessed December 19, 2018).
59. Art. 13, Qatari Law No. 4 of 2009 and Art. 14, Qatari Law No. 21 of 2015. Under the later law, an exception is granted to those who obtain a re-entry permit from the competent authority, prior to leaving or the lapse of one year of departure, so long as this is accomplished within sixty days of the residence permit's expiry.
60. Amended Art. 16, Saudi Arabian Residence Regulations.
61. *As If I Am Not Human: Abuses against Asian Domestic Workers in Saudi Arabia*, Human Rights Watch, July 2008, p. 5.
62. "Foreigner Visas," Saudi Arabian Ministry of Interior, available at: http://www.moi.gov.sa/wps/portal/!ut/p/b1/jZDLDoIwEEW_xs_o1C1QI6SxD0ACE1C6MV0Yg-GRGOP3K8Qtj91-Nck7mziWW1BRZcPA9oD65Etu7T_Nw72boXTvu1r-ptCpQaaQgzRFMbqIIVYUIG-YX6B8DMhDD5nsiE4SekKisD2MuARcKPOcTs788BDLfdFyrULEgAeKI8MKEuz4c-cEcKN_kLAFb9wL3IhdvHN8YsJWIo5AU59rjWZ6qG7k862UkpemCfbfQE9vve/d14/d5/L0IDU0IKSWdrbUEhIS9JRFJBUlpQ2dBek15cXchLzRKQ2IEb01OdeJqdEJIZmxDRUEhL1o3X-0IwMEU5QjFBME8wMDgwSUhKNUdCTzUwMEk3LzA!/?WCM_PORTLET=PC_Z7_B00E-9B1A00080IHJ5GBO500I7000000_WCM&WCM_GLOBAL_CONTEXT=/wps/wcm/connect/moi+diwan/moi+home+content+ar/home/regulation/moi_alien+visas_default_ar (accessed April 15, 2014).
63. Ibid.
64. Habib Toumi, "New Kuwait Law to Force Expat Defaulters to Pay Electricity Bills," *Gulf News*, November 19, 2009, available at: <http://m.gulfnews.com/new-kuwait-law-to-force-expat-defaulters-to-pay-electricity-bills-1.529775> (accessed April 10, 2014).
65. Art. 31, Kuwaiti Ministerial Order No. 640 of 1987 issuing the Implementing Regulations of Law No. 17/1959 on the Residence of Foreigners, *Al-Kuwait Al-Yawm*, *Official Journal* Issue no. 1752 (January 3, 1988), p. 45.

66. Articles 1 & 2, Bahraini Decision No. 87 of 2006 Concerning the Issuance of a Residence Permit Allowing its Holder to Leave and Return to the Country for Multiple Trips, *Official Journal* Issue No. 2764 (November 9, 2006), p. 5, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RINT8706.pdf> (accessed June 22, 2015).
67. Art. 61, UAE Ministerial Decision No. 360 of 1997.
68. Art. 17, Omani Decision No. 137 of 2014.
69. Art. 18, Omani Decision No. 137 of 2014.
70. Hala Al Ali, "Workers Rights Book," National Human Rights Committee – Qatar, available at: http://nhri.ohchr.org/EN/Themes/BusinessHR/Business%20Womens%20and%20Childrens%20Rights/NHRCWorkersRightsBook_E%5B1%5D.pdf (accessed March 5, 2014), pp. 57-67.
71. Art. 9, Saudi Arabian Royal Decree M/1 issuing the Foreign Investment Law, The Ministry of Commerce & Industry – Kingdom of Saudi Arabia, available at: <http://www.mci.gov.sa/en/LawsRegulations/SystemsAndRegulations/ForeignInvestmentSystem/Pages/4-2.aspx> (accessed April 10, 2014).
72. Art. 24, Kuwaiti Ministerial Order No. 640 of 1987.
73. *Arab Times*, "Self-Sponsorship for Certain Expats Eyed," April 4, 2014, available at: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/194838/reftab/96/t/Self-sponsorship-for-certain-expats-eyed/Default.aspx> (accessed May 5, 2014).
74. Art. 19, Kuwaiti Ministerial Order No. 640 of 1987.
75. *Arab Times*, "Kuwait Re-activates Article 19 Self-Sponsorship," February 5, 2014, available at: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/149159/reftab/56/t/Kuwait-re-activates-Article-19-self-sponsorship/Default.aspx> (accessed May 5, 2014).
76. Art. 1, Bahraini Decision No. 74 of 2007 Regarding Granting Foreigners Residence Permits through Personal Sponsorship, *Official Journal* Issue No. 2826 (January 17, 2008), Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RINT7407.pdf> (accessed July 2, 2015).
77. Art. 2, Bahraini Decision No. 74 of 2007.
78. Art. 5, Bahraini Decision No. 74 of 2007.
79. Art. 25, Omani Ministerial Decision No. 191 of 2007 Issuing the Executive Regulations of the Real Estate Ownership Act in Integrated Tourism Complexes, Sultanate of Oman, Ministry of Housing, <http://eservices.housing.gov.om/eng/Rule/Ministerial%20Decision%20-%20Executive%20Regulation%20of%20the%20Real%20Estate%20Ownership%20Act%20in%20Integrated%20Tourism%20Complexes.pdf> (accessed July 1, 2015).
80. Art. 9, Omani Decision No. 137 of 2014.
81. Art. 5, UAE Ministerial Decision No. 951 of 2003 Regarding Investors.
82. Art. 16, Qatari Law No. 4 of 2009 and Art. 12, Qatari Law No. 21 of 2015. The new residence law, which will come into effect in late 2016, allows the Ministry to waive the age limitation for male children and permits the competent authority to grant a residence permit to the spouse and children of a Qatari married to a foreigner and to his/ her non-Qatari parents as well.

83. Art. 41 & 42, Saudi Arabian Residence Regulations.
84. King Khalid Bin Abdul Aziz Database, Rules for Family Residence, available at: <http://www.kingkhalid.org.sa/Gallery/Text/ViewTextSubjects.aspx?View=Page&NodeID=49&PageID=12239&SectionID=0&BookID=1&CategoryID=1&HashHit=%D9%84%D8%A7%D8%A6%D8%AD%D8%A9%D8%A7%D8%B3%D8%AA%D9%82%D8%AF%D8%A7%D9%85%D8%A3%D8%B3%D8%B1%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D8%A7%D9%82%D8%AF%D9%8A%D9%86%D8%A8%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9&MarkIndex=2&0&print=1> (accessed May 3, 2014).
85. Saudi Arabian Council of Ministers Decision No. 406 of 2012 Concerning Special Arrangements for the Children of Saudi Women Married to Foreigners, *Um Al-Qura*, Issue No. 4442 (2012).
86. Art. 1, Kuwaiti Ministerial Order No. 502 of 1993 Concerning Stay of Foreigners, *Al-Kuwait Al-Yawm*, *Official Journal* Issue No. 113 (July 25, 1993), p. 20.
87. *Ibid.*
88. *Ibid.*
89. Art. 1, Kuwaiti Ministerial Order No. 2 of 1992 Concerning Dependents Joining Foreigners in the Country, *Al-Kuwait Al-Yawm*, *Official Journal* Issue No. 34 (January 12, 1992), p. 9.
90. Art. 2, *Ibid.*
91. Art. 22, Kuwaiti Ministerial Order No. 640 of 1987.
92. Articles 2,3 & 5, Bahraini Decision No. 121 of 2007 Regarding the Entry Visa and Residence Permit of Dependents of Foreign Workers and Business Owners, *Official Journal* Issue No. 2818 (November 22, 2007), pp. 17-18, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RINT12107.pdf> (accessed July 4, 2015).
93. Art. 2, Bahraini Decision No. 8 of 2018 Replacing Article 3(c) of Decision No. 121 of 2007 Regarding the Entry Visa and Residence Permit of Dependents of Foreign Workers and Business Owners, *Official Journal* Issue No. 3347 (January 4, 2018), p. 11, Legislation & Legal Opinion Commission, Kingdom of Bahrain, <http://www.legalaffairs.gov.bh/Media/LegalPDF/RINT0818.pdf> (accessed March 3, 2018).
94. Articles 10 & 19 of Omani Decision No. 137 of 2014.
95. "Oman Tightens Rules on Expatriate Workers," *Gulf News*, September 16, 2013, available at: <http://gulfnews.com/news/gulf/oman/oman-tightens-rules-on-expatriate-workers-1.1231629>, (accessed July 10, 2015).
96. Art. 31, UAE Ministerial Decision No. 360 of 1997.
97. Engineers; doctors, pharmacists and nurses; agricultural consultants; qualified accountants and auditors; teachers in all educational institutions; policemen and members of the armed forces; technicians working with scientific electronic instruments and in laboratories; advocates and lawyers; employees in oil companies; qualified managers; and businessmen.
98. Articles 1 & 2, UAE Council of Ministers Decision No. 4 of 1994 Regulating Foreign Workers' Sponsorship of Family Members and Domestic Workers, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/newcontrolpanel2010/Attachments/28092008/WorkPermits-AR.htm>, (accessed June 16, 2015).

99. Art. 4, Qatari Law No. 4 of 2009.
100. Art. 17, Qatari Law No. 21 of 2015.
101. "Saudi Arabia Allows Dependents of Foreign Workers to Seek Jobs," *Al Arabiya*, July 18, 2013, available at: <http://english.alarabiya.net/en/business/economy/2013/07/18/Saudi-Arabia-allows-dependents-of-foreign-workers-to-seek-jobs.html> (accessed March 15, 2014).
102. Saudi Arabian Council of Ministers Decision No. 406 of 2012.
103. Art. 15 (repeated 1), Kuwaiti Ministerial Order No. 2 of 1992; Art. 14, Kuwaiti Ministerial Order No. 77 of 1984 concerning the Issuance of Work Permits for Non-Kuwaiti Workers in the Private Sector, *Al-Kuwait Al-Yawm*, *Official Journal* Issue No. 1531 (April 15, 1984), p. 9.
104. Art. 6, Bahraini Decision No. 121 of 2007.
105. Art. 7, Bahraini Ministerial Resolution No. 193 of 1999 Issued by the Minister of Interior Concerning Granting Residence Permits to Aliens Sponsored by Individuals, - International Labour Organization NATLEX, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83308/91875/F58342658/BHR83308.pdf> (accessed June 22, 2015).
106. *Gulf News*, "Oman Tightens Rules on Expatriate Workers."
107. Art. 6, UAE Ministerial Decision No. 1188 of 2010, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx> (accessed June 27, 2015).
108. Art. 1, UAE Ministerial Decision No. 140 of 1999, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/newcontrolpanel2010/Attachments/28092008/WorkPermits-AR.htm> (accessed June 16, 2015).
109. 105. Art. 15, Qatari Law No. 4 of 2009 and Art. 23, Qatari Law No. 2015. Note that the latter law (new residence law) uses the term recruiter in lieu of sponsor.
110. Art. 7, Kuwaiti Ministerial Order No. 77 of 1984.
111. Art. 39, Saudi Arabian Royal Decree No. M/51 Issuing the Saudi Labour Law, Ministry of Labour.
112. Art. 18 (Bis.), Omani Royal Decree No. 35 of 2003 Issuing the Labour Law, Sultanate of Oman Ministry of Manpower, http://www.manpower.gov.om/portal/en/pdf/toc_en.pdf (accessed July 15, 2015).
113. Art. 3, UAE Ministerial Decision No. 1188 of 2010, Ministry of Labour.
114. Art. 4, Cabinet Decision No. 18 of 2005, Concerning Transfer of Sponsorship, Secondment of Sponsored and Fees Prescribed Therefore.
115. Art. 24, Qatari Law No. 4 of 2009.
116. Art. 19, Qatari Law No. 21 of 2015.
117. Art. 40 para. 1, Saudi Arabian Royal Decree No. M/51 issuing the Saudi Labour Law.
118. Art. 11, Saudi Arabian Residence Regulations.
119. Art. 10, Kuwaiti Ministerial Decree No. 200 of 2011.
120. Art. 19, *Ibid*.
121. Art. 27, Bahraini Law No. 19 of 2006.

122. “For a Better Life: Migrant Worker Abuse in Bahrain and the Government Reform Agenda,” Human Rights Watch p. 17 of Appendices, available at: http://www.hrw.org/sites/default/files/reports/bahrain1012_appendices_0.pdf.
123. Art. 56, Omani Royal Decree No. 35 of 2003 Issuing the Labour Law.
124. Omani Ministerial Decision No. 95 of 2001.
125. “Inspection Department,” The Ministry of Manpower, Sultanate of Oman, <http://www.manpower.gov.om/portal/en/InspectionDept.aspx> (accessed July 20, 2015).
126. Articles 11 & 14, Omani Ministerial Decision No. 270/2018 Issuing the Regulations for Reporting Absconding Non-Omani Workers, *Qanoon, Official Journal* Issue No. 1256 (August 12, 2018), pp. 17–23, <http://data.qanoon.om/og/1256.pdf> (accessed December 28, 2018).
127. Art. 131, UAE Federal Law No. 8 of 1980 Issuing the Labour Law, Legal Information Network of the Gulf Cooperation Council, <http://www.gcc-legal.com/LawAsPDF.aspx?opt&country=2&LawID=3154> (accessed July 10, 2015).
128. Articles 1 & 11, respectively, UAE Ministerial Decision No. 721 of 2006 Regarding the Procedures for Reporting Absconding Workers, Ministry of Labour, United Arab Emirates, <http://www.mol.gov.ae/molwebsite/ar/labour-law/announcements.aspx> (accessed June 27, 2015).
129. A. Khan and H. Harrof-Tavel, “Reforming the *Kafala*: Challenges and Opportunities in Moving Forward,” *Asian and Pacific Migration Journal* 20, nos.3-4 (2011): p. 294.
130. Nicholas Foster, “The Islamic Law of Guarantees,” *Arab Law Quarterly* 16, no. 2 (2001), p. 141.
131. Art. 13 of Chapter V of The Economic Agreement between the Countries of the Gulf Cooperation Council addresses population strategy and requires Member States to implement the “General Framework of Population Strategy of the GCC States” and adopt the necessary policies for the achievement of balance in the demographic structure and labour force to ensure social harmony in Member States, emphasise their Arab and Islamic identity, and maintain their stability and solidarity.

About the Author



Maysa Zahra holds a Master's degree in the Theory & Practice of Human Rights from the University of Essex (Human Rights Centre) in the United Kingdom. She previously studied International Relations at the Hebrew University of Jerusalem.

She worked as a legal researcher with the MATTIN Group, a voluntary human rights-based partnership in Palestine, researching provisions of third state and European Union legislation that create obligations corresponding to those that result from the customary international law on third state responsibility. She also participated in several lobbying interventions with the European Union aimed at promoting greater consistency between its contractual relations with Israel on the one hand and its human rights obligations on the other.

Publication Reference : Citations and quotations should always include either the long or the short reference provided here. Generally the long reference should be used but in exceptional cases (e.g., not enough room), the short reference may be used.

Long Reference: Maysa Zahra, "The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination," Explanatory Note No. 4/2019, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC), <http://gulfmigration.eu>.

Short Reference: M. Zahra, "The Legal Framework of the Sponsorship Systems of the Gulf Cooperation Council Countries," Explanatory Note No. 4/2019, GLMM, <http://gulfmigration.eu>.

GLMM Mission: The Gulf Labour Markets, Migration and Population (GLMM) programme is an international independent, non-partisan, non-profit joint programme of a major Gulf think tank, the Gulf Research Center (GRC - Jeddah, Geneva, Cambridge), and a globally renowned academic migration centre, the Migration Policy Centre (MPC - Florence). The GLMM programme provides data, analyses, and recommendations contributing to the improvement of understanding and management of Gulf labour markets and migration, engaging with and respecting the viewpoints of all stakeholders.

GLMM Activities: The Gulf Labour Markets and Migration programme will have a wide range of activities, including: Collecting and elaborating data and documents; Researching and analysing key issues; Publishing various types of papers; Training; and Organising panels and workshops.

GLMM Publications: The The Gulf Labour Markets, Migration and Population Programme (GLMM) produces an array of publications addressing all major issues in different formats: Explanatory Notes, Research Reports, Policy Briefs, and Volumes.

Downloading and Further Information: The paper can be downloaded from the Gulf Labour Markets and Migration programme website: www.gulfmigration.org. For further information: info.glmm@grc.net.

