Migration Profile

SAUDI ARABIA

A. Executive Summary

Despite the strong workforce nationalization policies and the increasing struggle against the integration of migrants in Saudi Arabia in recent years, the country's economy still mainly relies on a foreign workforce. In 2020, migrants comprised roughly 38.4% of the population of Saudi Arabia. Almost all of these migrants were considered temporary workers or visitors, though many stay for years, and sometimes even generations. The country has signed memoranda of understanding and agreements with several workforce-sending countries, in particular with South and Southeast Asian nations, as well as African countries, to facilitate the recruitment of migrants, especially domestic migrant workers. The *kafala* system is almost the only way to recruit migrant workers. This "sponsorship system" is used to monitor migrant workers, employed primarily in the construction and domestic sectors in Saudi Arabia. The *kafala* system is often reported to be at the origin of human trafficking, as well as forced labour and labour abuses, including excessively long working hours without rest or days off, confiscated passports, delayed or withheld wages, arbitrary non-renewal of work permits, physical and sexual abuse, and frequent forced confinement of domestic workers. Labour law reforms were announced in November 2020, before the G20 Summit 2020, including greater labour mobility and the removal of exit and (re-)entry visas (currently granted under the authorization of the sponsor) for migrant workers in the private sector (to enter into effect in March 2021). These measures seek to reform the *kafala* system without abolishing it. However, these reforms exclude the roughly 3.7 million domestic workers, who remain among the least protected of the entire migrant worker population of Saudi Arabia.

In general, migrants' access to justice in Saudi Arabia remains extremely difficult, especially since full legal responsibility is given by the State to the sponsor, who is at liberty to cancel the migrant's work visa at any time. The COVID-19 pandemic has further exacerbated the vulnerability of migrants to abuses, expulsions and sanitary issues, as the economy has entered a significant recession, particularly due to the drop in oil prices. Detention of migrants in dismal and unsanitary conditions has exposed them to COVID-19 contamination as well as other physical and psychological vulnerabilities.

Saudi Arabia does not have an asylum system. Statelessness is also a significant issue as Saudi Arabia hosts a considerable population of stateless persons. The country has signed

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the Global Compacts for Safe, Orderly, and Regular Migration and for Refugees, as well as various other international instruments. However, most of their principles of these documents have not been applied to national legislation, or only very partially so.

The Saudi government is known to prohibit the presence of non-Muslim organizations. Therefore Catholic and other confessional organizations are no allowed to act in the country in favour of migrant workers. However, the Church is nevertheless present, providing spiritual and sacramental support to Catholic migrants. The Franciscan Order of the Friar Minor Capuchins has the *jus commissionis* for the pastoral care of migrant workers. Due to national legislation and the *kafala* system, most clerics are considered as migrant workers and the Church cannot host refugees or migrants in difficulty.

B. Country Profile

I. Basic information

The Kingdom of Saudi Arabia is the biggest country of the Arabian Peninsula, bordered by Iraq, Kuwait, Qatar, the UAE, Oman, and Yemen. It is the birthplace of Islam and home to Islam's two holiest shrines in Mecca and Medina. Its government is a Sunni absolute monarchy whose head of state and head of government is King and Prime Minister Salman bin Abd al-Aziz. The Crown Prince is Muhammad bin Salman bin Abd al-Aziz Al-Saud. Historically, the Saudi economy has mainly relied on its petroleum industry. In 2015, Saudia Arabia had roughly 16% of the world's proven oil reserves, which is second highest of any country in the world. The economy highly depends on low-paid migrant workers. In recent decades, a diversification of the economy and an expansion of the private sector have been promoted, which has led to attracting more foreign investments. The country held the presidency of the G20 in 2020. In the past five years, the fall of global oil prices has significantly decreased the revenue of the Saudi government. As a result, Saudi Arabia has been forced to accelerate its economic diversification. Saudi Arabia has also established a policy to discourage businesses from hiring foreign workers. Economic necessity and changing trends have pushed more Saudis into jobs that were once dominated by foreigners. There has been a noticeable increase in the number of Saudi nationals working as baristas, delivery people, and hotel receptionists. Moreover, Saudi Arabia is leading the international coalition in the war in Yemen against the Houthi rebels. Amid the COVID-19 pandemic, Saudi Arabia had nearly 330,000 confirmed infections and 4,485 deaths as of mid-September 2020. The crisis has affected many sectors, in particular: transport; wholesale and retail; hotels and restaurants; non-oil manufacturing; and entertainment and leisure. The *world's most profitable company* in 2019, the State-owned ARAMCO, and all oil-related companies are facing a deep recession and letting go of foreign employees.

II. International and Internal Migrants

The vast majority of migrant workers in the Gulf have a job, with a visa for one, two, or even three years. They are mainly men from South and Southeast Asian, Arab, North African, or Sub-Saharan African countries, who have left their families behind them. But some girls and women are also working, mainly in the domestic service but also as semi-skilled and skilled workers in hospitals, restaurants, public offices, security agencies, etc. Very few companies

allow the family to come with the migrant. The main issue in Saudi Arabia and other Gulf nations is not the unemployment of migrants, as is often the case in other countries, but the *kafala* system, in which every migrant worker must have a "sponsor" to obtain a residence visa and be able to work for one to three years. The *kafala* system puts migrants in a situation of legal dependence and exposes them to many abuses, including excessively long working hours without rest or days off, confiscated passports, delayed or withheld wages, forced labour, arbitrary non-renewal of their work permits, physical and sexual abuse, and frequent forced confinement of domestic workers. Legal protection of migrant workers is extremely difficult as they are not citizens. The *kafala* system gives full legal responsibility, powers, and rights before the State to the sponsor, who is at liberty to cancel the migrant's work visa and have him or her expelled. The possibility of changing sponsors is normally not allowed, except when the sponsor chooses to sell his rights over the workforce of a migrant to another sponsor. In addition to these potential abuses, institutional corruption, structural injustice, and discrimination also exacerbate the vulnerability of migrants. Sometimes, migrant workers who do no longer have a sponsor or work permit, but who do not want to return to their country of origin, are exploited and provided work permits through corrupt means, working in prostitution or drug trafficking. Some unions even exist to exploit these vulnerable workers who have become illegal: they sell them to other bosses, garnisheeing half of their wages. The migrant workers who attempt to flee usually face imprisonment or deportation. The government has repeatedly promised to abolish the *kafala* system over the years by governments, but these commitments have never been implemented, or only partially so.

In July 2020, the population of Saudi Arabia was estimated to number roughly 34,173,500. Approximately 13,122,300 of these were international migrants (2019), accounting for roughly 38.4% of the total population. The *migrant stock* in Saudi Arabia increased by 12.8% between 1995 and 2019. In 2019, the *migrant stock* was composed of 31.4% women, 17% children (according to the UNICEF definition, less than 18 years old), and 26.4% originated from the Middle East and North Africa (excluding Iran). Saudi Arabia was the third highest destination for international migrants in the world in 2019 and the third highest remittance sending country at the beginning of 2017. As for *migration fluxes*, the net migration rate of Saudi Arabia at the outset of 2020 was 4.7 migrants per 1,000 people.

On their way towards Saudi Arabia, migrants tend to be smuggled throughout long routes, either from Africa or Asia. Crossing the Red Sea or the Arabian Sea are the main routes that migrants take when departing the Horn of Africa for the Arabian Peninsula, mainly from Djibouti (which requires 6 hours of sea travel) or from Bosaso in Somalia (over 24 hours of sea travel). These are two key departure points for Somali, Ethiopian, and other African migrants towards Yemen. As the border control mechanisms of the Yemeni government have weakened in recent years due to the civil war, the country has become a pathway towards the rest of the Arabian Peninsula. Between January and early August 2017, some 55,000 migrants left the Horn of Africa for Yemen. Upon arrival in Yemen, migrants generally need to walk up to 17 days to be smuggled into Saudi Arabia. Most of the migrants who take this route to Saudi Arabia are Ethiopian (as much as 90%), while Somalis are recognized as refugees by Yemen and tend to remain there. The crossing from Yemen into Saudi Arabia is extremely difficult due to the 1,800-kilometre border fence. Many of these migrants are

unaware of the dangers of journeying to Saudi Arabia: only 30% of the Ethiopian migrants willing to cross the Gulf of Aden towards Saudi Arabia realize that Yemen is in its sixth year of conflict. Less than 50% are aware of the danger of boats capsizing at sea.

In addition to African migrants, 1.8 million Yemeni migrant workers are present in Saudi Arabia, vulnerable to low wages and high fees. Along with Ethiopians and Yemenis, the three largest immigrant groups are from India (2.4 million), Indonesia (1.7 million), and Pakistan (1.4 million). In 2014, Saudi Arabia signed an agreement with India to facilitate the migration of Indian domestic workers. Some other migrant workers come from Bangladesh, with which Saudi Arabia likewise signed a Memorandum of Understanding in 2015 to facilitate their migration. In 2017, a total of 121,925 female workers migrated from Bangladesh to Saudi Arabia. In the same year, an estimated 83,354 Bangladeshi women were already employed in Saudi Arabia (accounting for two out of every three Bangladeshi women workers overseas). There are also migrants in Saudi Arabia from Egypt, the Philippines, and Sudan.

There is another category of migrants, which is much less known and seldom talked about, that has been better integrated to the Saudi society: the one to two million multi-generational migrants (MGMs), also known as *Mawalid al-Saudia* (Saudi-born). These MGMs include roughly 500,000 Palestinians, 250,000 Rohingya refugees, between 100,000 to 300,000 Uzbek and Uighur, and 30,000 third-generation Saudi-born Indians. They mainly reside in Jeddah, Mecca and Medina. Many of these migrants, their parents, or their grandparents, arrived in Saudi Arabia before the Nationality Law of 1953 and became naturalized citizens; others benefited from permanent residency. This is the case, for instance, for many Rohingyas and "Turkestanis." These migrants are generally favoured over other migrants. MGMs benefit from many exemptions from the strict migration and labour laws in the Saudi Arabia. Palestinians, Turkestanis, and Rohingyas hold a special status in the labour market: they are exempted from deportation and they are not considered foreign workers. Many have even been able to enrol their children in Saudi public schools. However, they still have to be sponsored by a Saudi national. They are also affected by xenophobia against migrants. In general, they do not remit money to their home countries.

Non-MGM migrants mostly work in the energy and service sectors. 81.3% of them work in the private sector and 5.1% in the public sector. The Saudi government granted the right to work and access to education and healthcare to hundreds of thousands of foreign nationals in 2019. However, in recent years, labour reforms were implemented and certain employment sectors have been restricted to nationals only. The policies intending to nationalize the workforce led to the exodus of at least 1.1 million migrant workers between January 2017 and September 2018. Roughly 1.6 million workers were reported to have left Saudi Arabia after fees on accompanying persons were increased in July 2017. Indeed, some of the most significant burdens imposed by Saudi authorities on migrant workers are the taxes on services, housing, and accompanying individuals. In November 2017, Saudi Arabia launched a campaign to detain foreigners found in violation of existing labour, residency, or border security laws, including those without valid residency or work permits and those found working for an employer other than their legal sponsor. The government also started to impose higher fees on foreign nationals and their dependents. As of September 2019, the

government stated that the policy implementation had led, in total, to over 3.8 million arrests, of which around half were detained, including for over 3 million residency law violations and over 595,000 labour law violations. The government declared that 962,000 individuals had been slated for deportation. In 2019, at least 10 prisons and detention centres were reported to exist in the country. At the start of the campaign, roughly 500,000 Ethiopians resided in Saudi Arabia. However, according to the IOM, some 260,000 Ethiopians were deported from Saudi Arabia to Ethiopia between May 2017 and March 2019, averaging 10,000 per month. Another 4,000 Ethiopians were reportedly repatriated from Saudi Arabia between April and September 2020. According to other reports, over 900 Bangladeshi domestic migrant workers returned to their country of origin from Saudi Arabia in 2019. Several estimates state that at least 2 million foreign workers departed the country as a result of these policies and expulsions measures between 2017 and April 2020.

In 2020, low-paid migrant workers remained acutely vulnerable to human rights abuses that increased their risk of infection from COVID-19, including crowded labour facilities and inequitable access to medical care and health insurance. As for irregular migrant workers, immigration detention centres and prisons have often been found to hold detainees (particularly Ethiopian migrants) in cramped, dismal, unhygienic, and inhumane conditions, especially during the pandemic. The recession provoked by the pandemic has generally made migrant workers in Saudi Arabia more vulnerable to reduced wages and job loss. Pilgrimages and tourism have been hindered by the pandemic, which further decreases revenues. As a result of the current crisis, the Yemeni government has predicted a decrease of 70% in the remittances from Yemeni migrants in Saudi Arabia, who are Yemen's most important source of hard currency. According to unofficial figures, by June 2020, 23,000 poor, unemployed Filipino migrant workers had appealed to their government to help them return home. More than one hundred Ugandan women voluntarily departed the country. In the first six months of 2020, a total of over 300,000 migrant workers left Saudi Arabia and 178,000 voluntarily applied to return to their countries of origin.

Thus the pandemic has been a significant catalyst of forced returns and the expulsion of migrants from Saudi Arabia, including migrant workers who are highly suspected to be contaminated by COVID-19. At the same time, the pandemic is also reported to have caused a migration flow in the opposite direction, as a result of the *manu militari* expulsion of roughly 30,000 Ethiopian migrants from Yemen into Saudi Arabia by the Houthi forces, who have used COVID-19 as an excuse for doing so. Many of these migrants were greeted with gunfire by the Saudi border guards and/or detained and confiscated of their goods. Amnesty International reports that these migrants are experiencing "hell" in their detention: often being chained in pairs, forced to use their cell floors as toilets, and confined 24 hours a day in unbearably crowded cells. A lack of food, water, and health care (including for gunshot injuries inflicted by the Saudi border guards) has also been reported. What's more, another 2,000 Ethiopians are said to have remained stranded on the Yemeni side of the border.

III. Emigration and Skilled Migration

Saudi Arabia is also a migrant and refugee sending country. Around the world in 2019, there were approximately 296,300 emigrants, 1,767 refugees, and 1,425 asylum seekers from Saudi Arabia.

IV. Forced Migrants (internally displaced persons, asylum seekers, refugees, and climate displaced persons)

Forced migration towards Gulf countries has mainly been caused by wars in surrounding countries. In 2019, Saudi Arabia was reported to be hosting roughly 210 refugees (1,394 UNHCR-registered refugees had been reported by mid-2018) as well as 2,300 asylum seekers. In 2019, 260 individuals in Saudi Arabia were victims of forcible internal displacement due to disasters. By 2017, the war in Yemen had caused the forced displacement of 30,000 Yemeni residing in Saudi Arabia.

Climate displacement: Climate and environmental risks for Saudi Arabia are associated with droughts and resources in potable water. Saudi Arabia was ranked 112th in the Climate Risk Index between 1999 and 2017 and was ranked 103rd in 2018. Moreover, it has gone from being 94th in climate risk-related fatalities per 100,000 inhabitants to 48th. However, no displacements directly related to climate have been reported.

V. Victims of Human Trafficking

Migrant workers in Saudi Arabia face many abuses and the majority have faced human trafficking. In 2017, 88.2% of the persons reportedly trafficked in Saudi Arabia were women and 12% were children. Many migrants in Saudi Arabia work in substandard conditions that heighten their risk of forced labour. The undocumented entry of Ethiopians, Somalis, and Yemenis leaves them extremely vulnerable to trafficking in persons (TIP). The main forms of abuses in TIP in Saudi Arabia are non-payment or late payment of wages, passport confiscation, working without a formal contract or in conditions differing from those outlined in the contract, debt-based coercion, overwork, forced confinement, food deprivation, and psychological, physical, and sexual abuse (in particular for migrant domestic workers). TIP is perpetrated by certain businesses of all sizes, private families, and recruitment agencies (both in Saudi Arabia and in sending countries). The *kafala* system obliges migrants to obtain permission from their employer for an exit visa in order to legally leave Saudi Arabia. Together with other measures of the Saudi legal system, this system leads to some labourers being forced to work beyond their contract term and increases their vulnerability to TIP. Some women and children, both migrant and Saudi, become involved in forced begging or sex trafficking. Saudi Arabia is also accused of having financed Yemeni militias that trained Yemeni and Sudanese minors in combatant roles.

VI. National Legal Frameworks

By 2017, Saudi Arabia had ratified 12 international Human Rights instruments. Among them, it ratified the Forced Labour Convention, the Equal Remuneration Convention, the Abolition of Forced Labour Convention, Discrimination (Employment and Occupation) Convention, the Minimum Age Convention, and the Worst Forms of Child Labour Convention. However, the principles contained in these international instruments are rarely

applied effectively in the national law. Saudi Arabia did *not* ratify the Migration for Employment Convention, the Migrant Workers (Supplementary Provision) Convention, the Domestic Workers Convention, the 2014 Protocol to the 1930 Forced Labour Convention, the ILO Freedom of Association and Protection of the Right to Organize Convention, or the ILO Right to Organize and Collective Bargaining Convention. The situation of Yemeni workers in Saudi Arabia violates the Taif Agreement between Saudi Arabia and the Yemeni government, which stipulates that Yemenis in Saudi Arabia should be treated like Saudi citizens with respect to residence and work. Even when national laws are passed or policies are put in place that tend to improve the situation of migrants, they are, very often, insufficiently enforced. In theory, domestic workers in Saudi Arabia are now permitted to transfer to other employers under 13 conditions. These conditions include: if their wages are proven not to have been paid for three consecutive or isolated months (without good reason); if the worker has been abused; if the employer does not obtain or renew the worker's residency permit within 30 days of expiry; if the worker is assigned by their employer to perform work for persons who are not relatives of the employer; and if the worker is required to do dangerous tasks. Other legal improvements have been put in place but the lack of implementation of the laws favouring migrants have hindered effective progress in the protection of migrants. The situation is further exacerbated by the workforce nationalization objectives, which are achieved through policies such as doubling the recruitment fees for foreign workers. Labour law reforms were announced in November 2020, before the G20 Summit 2020, including greater labour mobility and the removal of exit and (re-)entry visas (currently granted under the authorization of the sponsor) for migrant workers in the private sector (to enter into effect in March 2021). These measures seek to reform the *kafala* system without abolishing it. These changes should facilitate labour mobility by enabling a potential sponsorship transfer in one of three scenarios: first, after a minimum of one year working for the initial sponsor; second, upon the expiry of the work contract; or third, during the work contract without the sponsor's consent, provided that a notice period and "specific measures" are adhered to. However, these reforms exclude the roughly 3.7 million domestic workers, who remain among the least protected of the entire migrant worker population of Saudi Arabia.

As for refugees, Saudi Arabia did not sign the 1951 Refugee Convention and does not have an asylum system. The 2009 Anti-Trafficking Law prohibits all forms of human trafficking and prescribes heavy punishments of up to 15 years imprisonment and a fine of 1,000,000 Saudi Riyals. Passport confiscation is prohibited by the Council of Ministers Decision no. 166 and other legal provisions are also in place, though many of them exclude domestic workers. However, in reality, prosecutions and victims' access to justice is largely insufficient.

VII. Main Actors

Saudi Arabia is a Member State of the United Nations and the International Labour Organization (which works with governments to improve the legal framework of labour), as well as an Observer State to the International Organization for Migration.

As the government does not allow the existence of non-Muslim organizations, there are no Catholic organizations or confessional organizations besides those that are Muslim. The official religion in Saudi Arabia is (Sunni) Islam. The citizens of Saudi Arabia are 85-90%

Sunni and 10-15% Shia. Non-Muslims are not allowed to have Saudi citizenship. Migrants are mainly Christians, including Eastern Orthodox, Protestants, and Roman Catholics, but also Jews, Hindus, Buddhists and Sikhs. Most forms of public religious expression that are inconsistent with the government-sanctioned interpretation of Sunni Islam are restricted. Non-Islamic religions are not recognized and their public display or activity is prohibited. Non-Muslim places of worship are not permitted. The Saudi government does not allow churches to be built; as a result there are no Christian churches or places of worship in the country. Alms or "fund raising" for humanitarian causes is forbidden without the permission of the government. International Human Rights organizations have generally been kept out of the country.

Nevertheless, the Church is present in the country and Saudi Arabia is under the mandate of the Apostolic Vicariate of Northern Arabia. The Franciscan Order of the Friar Minor Capuchins has the *jus commissionis* for the pastoral care of migrant workers. However, most clerics are considered as migrant workers because of national legislation and *kafala* system. The Church can only provide spiritual assistance to the faithful, especially through the sacraments; it cannot host refugees or migrants in difficulty. While no official figures exist, it is estimated that there are over 1.5 million Catholics in Saudi Arabia. The faithful are all working migrants from a hundred nations, particularly from the Philippines and India. About 80% of the faithful belong to the Latin Rite while the rest belong to Eastern Rites.

VIII. Other Important Issues

In 2018, the Global Compact for Safe, Orderly, and Regular Migration was signed by Saudi Arabia. The 2018 Global Compact for Refugees was also signed by the Kingdom.

Saudi Arabia is home to 70,000 stateless persons (2018). Thousands of *"Bidun"* (stateless Arabs of Bedouin origin) were not officially registered when national borders were established. Therefore they do not have citizenship and have very restricted rights. This is the case for most Palestinians (who only have a legal resident status) and Yemenis (who lost citizenship when Yemen backed Iraq in its invasion of Kuwait in 1990). Furthermore, children from a Saudi woman with a non-citizen husband risk statelessness, as citizenship cannot be passed on by a woman.

December 2020

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