Plights of a Pandemic: The Disconnect Between Migration, Policy, and Practice in Kuwait

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Abstract
Labor laws within the State of Kuwait are in need of reform. The country's labor and residency policies create legal loopholes for exploitation, abuse, and human trafficking. The COVID-19 pandemic worsened living conditions for low-income migrant communities, exacerbating these and related problems. Lockdowns forced migrants to stay at home for long periods of time with no income, food shortages, constant threats of eviction from landlords, and higher infection rates. This research uses semi-structured interviews and policy analysis to trace how labor and residency policies within Kuwait impact migrant communities, particularly in the context of the pandemic. Interviews are conducted with experts from different governmental agencies, while policy examination highlights what discrepancies exist. What effects have policies and governance in Kuwait had on human rights relating to workforce development within migrant communities during the covid 19 pandemic? How does the kafala system function to provide basic social services to migrant workers? How do Kuwait's policies influence the actions of labor brokers? How do labor policies function between the private and public sector? What social services has the government introduced to protect the migrant community during the pandemic? This paper identifies the flaws of labor policies that have allowed for visa trafficking and exploitation to occur, such as the lack of protection of private sector workers, as well as corruption leading to senior officials within different governmental entities engaging as visa traffickers.

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PLIGHTS OF A PANDEMIC: THE DISCONNECT BETWEEN MIGRATION, POLICY, AND PRACTICE IN KUWAIT

Nour Jafar

A THESIS

in

City and Regional Planning

Presented to the Faculties of the University of Pennsylvania in Partial Fulfillment of the Requirements of the Degree of

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Abstract

Labor laws within the State of Kuwait are in need of reform. The country’s labor and residency policies create legal loopholes for exploitation, abuse, and human trafficking. The COVID-19 pandemic worsened living conditions for low-income migrant communities, exacerbating these and related problems. Lockdowns forced migrants to stay at home for long periods of time with no income, food shortages, constant threats of eviction from landlords, and higher infection rates.

This research uses semi-structured interviews and policy analysis to trace how labor and residency policies within Kuwait impact migrant communities, particularly in the context of the pandemic. Interviews are conducted with experts from different governmental agencies, while policy examination highlights what discrepancies exist. What effects have policies and governance in Kuwait had on human rights relating to workforce development within migrant communities during the covid 19 pandemic? How does the kafala system function to provide basic social services to migrant workers? How do Kuwait’s policies influence the actions of labor brokers? How do labor policies function between the private and public sector? What social services has the government introduced to protect the migrant community during the pandemic?

This paper identifies the flaws of labor policies that have allowed for visa trafficking and exploitation to occur, such as the lack of protection of private sector workers, as well as corruption leading to senior officials within different governmental entities engaging as visa traffickers.

Keywords: Kuwait, labor laws, kafala system, migrant workers, COVID-19
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Introduction

The beginning of the evolution of Kuwait’s workforce development can be traced to the early 20th century. Kuwait is located in the Middle East and is part of the Gulf Cooperation Council, also known as the GCC, which consists of Saudi Arabia, Bahrain, Qatar, Oman, and the UAE. These countries are known for their petroleum and natural gas dominated economies, as well as their former status as part of the British Commonwealth as protectorates or colonies. As a British Protectorate, before the discovery of oil, Kuwait was heavily dependent on trade with India, fishing and pearl diving, as well as shepherding nomadic tribes. In 1938, the British colonial powers discovered petroleum in Kuwait, and by 1946 the first oil barrel was processed and exported (Khalaf et al., 2015).

This new source of income allowed for modernization to sweep through the country. With major infrastructure projects underway, the country was in need of a labor force that it did not possess, from manual labor to more technical and “skilled” labor (Al-Rayes, 2019; Shah & Al-Qudsi, 1989). This began the first wave of migration to the country, mainly from nearby Middle Eastern countries and consisted of 69% of the total workforce (Shah & Al-Qudsi, 1989). The Ministry of Education contracted migrants from Syria and Palestine to teach within the public education system, while others worked as consultants and laborers within the construction, finance and oil industries (Shah & Al-Qudsi, 1989).

As migration diversified, citizens began to exploit the residency laws for monetary gain through visa trading. In the 1970s, the oil boom brought in a second wave of migrant workers, this time from Southeast Asia, as they began to replace Arab
migrants and making up 52% of the workforce (Khalaf et al., 2015; Shah & Al-Qudsi, 1989). The migration shift from Arab workers to Southeast Asian workers depended on factors like their willingness to work for lower wages, exploiting workers due to the language barrier making them more easily controllable, and political turmoil within the Arab region at the time (Shah & Al-Qudsi, 1989). These factors, along with loosely written legislation that regulate migration and labor within Kuwait, created the current ongoing human trafficking crisis (Roper & Barria, 2014; Khan & Harroff-Tavel, 2011; Shah & Al-Qudsi, 1989). The two main factors that have enabled the crisis of human trafficking are the residency laws and labor laws.

The COVID-19 pandemic forced the issue of human trafficking onto the foreground of Kuwaiti politics and news. Kuwait largely consists of expatriates, as they make up 70% of the population (Public Authority for Civil Information, 2021). Unskilled migrant workers have suffered the most during the economic shutdown due to the pandemic, making up 65% of the migrant workforce in 2020 (Central Statistical Bureau, 2020). Through the examination of the kafala system, this research aims to understand the social services required by the system, as well as how it impacted the migrant crisis during COVID-19. With COVID-19 impacting global economies and draining healthcare systems, lower income communities have faced the highest impact (Alkhamis et al., 2020).

Human trafficking of migrant workers within Kuwait is a policy-based crisis. Employment within Kuwait is attached to a sponsorship system, known as the kafala system, where expatriates must have a sponsor in order to gain a residency permit. Under normal circumstances, expatriates are sponsored by their employers, and in return they
provide them with health insurance, and basic social services (Residency Law, 1959). Human traffickers use this system to charge exorbitant fees in exchange for becoming a sponsor without providing any form of guaranteed employment, let alone social services (Afsar, 2009). Some traffickers have made false claims of a position existing, collecting fees and not delivering anything once migrants arrive to Kuwait (Al-Qabas, 2020). Other cases have led to migrant workers becoming classified as undocumented and unlawful residents within the country as a result of sponsors promising paperwork renewal but never getting around to it, forcing them to freelance illegally within construction, logistics, or food and beverage industries (Al-Qabas, 2020).

The significance of this thesis revolves around how Kuwait and the GCC receive a significant flow of migrant labor internationally through the kafala system (Cohen, 2006). The kafala system is not exclusive to Kuwait, as the GCC countries and Lebanon also use it to regulate migration (Jureidini, 2010). This system is an economic asset for sending countries due to migrant remittances, however it is also a source of human rights violations and political challenges (Khalaf, et al., 2015). The maintenance of the kafala system within the GCC with all its abuse depends on the absence of free press within most countries, Kuwait being the exception. Kuwait is also the only GCC country that allows Human Rights Watch into the country and works with them to rectify humanitarian issues (Human Rights Watch, 2019). While this is a step towards remediating harm caused by the kafala system, there is a long history of corruption within the Council of Ministers that governs the country. Kuwait’s kafala issues are relatively typical and representative of broader patterns and trends within the other countries that apply this migration control system (Longva, 1999).
This research will look into labor laws and the kafala system in Kuwait. By mapping out a framework of how labor policies function in Kuwait, this will clarify gaps and loopholes within the system that led to the humanitarian crisis faced by migrant workers during the COVID-19 pandemic in Kuwait. The failures of the kafala system have led to deterioration of numerous social services such as inadequate transportation, deteriorating housing, and lack of job training. Other general issues include lack of freedom to find better employment opportunities, wage theft and deductions, as well as human trafficking through visa trading (Malaeb, 2015). Such failures during normal circumstances are dire, but within the context of a pandemic, this led to vulnerable communities being evicted, deported, starved, the absence of job stability, as well as higher risk to contract the novel virus.

A steep increase of COVID cases within the migrant community led to the harsh decision to lockdown areas where mainly migrants reside. This decision was made as an attempt to curb the increase of cases within the country but has instead created a breeding ground for the virus (Almohsen, 2020). In addition to creating an environment for higher infection rates, the lockdown has essentially barred workers from leaving the area, including many essential workers. Many have not been paid their salary since March 2020, suffering from food insecurity as well (Ibrahim, 2020).

The overarching research question that dictates this paper is what effects have policies and governance in Kuwait had on human rights within migrant communities during the covid 19 pandemic. This introduces a series of subquestions that will analyze legislation and government initiatives to remediating this crisis such as how the kafala system functions to provide social services to migrant workers, whether there are
regulations for labor brokers, how the labor law functions between private and public sectors, and what programs the government has introduced to protect migrant workers during the pandemic. The literature review explores what social scientists and scholars have discussed pertaining to the kafala system, patterns of abuse, labor brokers and human trafficking, and its impact on migrants during the pandemic. The findings and discussion of this study address legal ambiguity that allows for human trafficking and migrant worker abuse to occur, highlighting migrant worker rights in different sectors, as well as pandemic responses in Kuwait. Lastly, this paper will conclude with main takeaways and recommendations for Kuwait’s Council of Ministers, and touch on future research required to expand this study.

Literature Review

Social scientists have critiqued the kafala system for its abusive nature. They argue that the kafala system became an effective mechanism for human trafficking and sexual slavery (Jureidini, 2010; Al-Rayes, 2019; Damir-Geilsdorf, 2017; Malaeb, 2015). The regulatory bodies for the Kafala system are structured in violence, providing no accountability for abusive sponsors. The lack of protection from labor laws was also a common factor where the kafala system was in place in other neighboring countries within the GCC and Middle East in general (Malaeb, 2015; Malit & Naufal, 2016). Migration scholars have pointed out that governments resort to deportation methods for any migrant worker issue rather than resolving the systemic problem, such as workers who flee from abusive sponsors (Longva, 1999; Khan & Harrof-Tavel, 2011).
Social scientists have agreed that labor brokers play a large part in the abuse of migrant workers worldwide (Flecker et al., 2015). The issues and lack of regulations are commonplace no matter the country (Flecker et al., 2015). Fraudulent practices perpetrated by labor brokers include exploitation, falsifying contracts, offering non-existent jobs, and misrepresenting wages and conditions (Flecker et al., 2015; ILO, 2010; Afsar, 2009). Flecker (2015) and Afsar (2009) argued that the demand for labor brokers grew as more governments began to only recruit for the public sector, creating a new market for brokers to dominate in. Brokers became an effective tool in visa trading and human trafficking of migrants as most countries do not regulate their activities (Flecker et al., 2015;). However, Jureidini (2010) argues that visa trading cannot be classified as human trafficking, categorizing trafficking as “when a person is taken against their will or under threat.” He argues that consenting to migration through labor brokers is not trafficking, that there is no conspiracy between sponsors and brokers to traffic migrants, but there are violations that occur when migrants arrive to their receiving countries.

Low-income migrant workers faced increasing stressors during the COVID-19 pandemic. Medical scholars agree that low-income migrant workers are the most vulnerable group to contracting COVID-19 (Alahmad, Kurdi, Colonna et al., 2020; Alkhamis et al., 2020; Hamadah, Alahmad, Behbehani, et al., 2020). Chaabna, Cheema, and Mamtani (2017) argue mortality rates of the GCC are decreasing because migrant workers are being screened for diseases. However, this goes against Alahmad, Kurdi, Colonna et al., 2020) stating that migrant workers are more likely to contract the virus because of their living conditions, and dangerous workspace environments. Within Kuwait and much of the GCC countries, migrant workers are housed in high density
shared living quarters. This made an already vulnerable community more likely to become infected with the novel virus (Alahmad, Kurdi, Colonna et al., 2020; Alkhamis et al., 2020). Their living arrangement prior to COVID-19 were overcrowded, ill-maintained, and unsuitable for living comfortably, and research has shown that they are at higher risk of COVID-19 (Alahmad, Kurdi, Colonna et al., 2020; Alkhamis et al., 2020; Kronfol, Saleh, & Al-Ghafry, 2014).

While scholars have discussed the abusive nature of the Kafala system, and migrant trafficking in great depth, very little research has covered migrant workers during the COVID-19 pandemic. The topic of migrant workers and the pandemic has been covered mainly through journalism, but due to the relatively new nature of COVID-19 literature, there is very little peer-reviewed writing published with regards to the GCC. This thesis covers previous themes mentioned in the literature reviewed, such as patterns of abuse and human trafficking, expanding the field by introducing legislative gaps and reasoning as to why these issues are occurring. This research will introduce in depth scholarly analysis of Kuwait’s migrant workers during the pandemic struggles and analyze the disconnect between existing policy and its lack of application through a series of expert interviews.

**Methodology**

1. **Explanation of Methods**

This study employs two main methods: policy evaluation, and expert interviews. The policy evaluation looks at the Constitution of Kuwait, labor laws, residency laws, and how they apply to the private sector. An analysis of the residency law explains what
is needed from expatriates to maintain legal status, while legal framework outlines what current protections exist, and who the law protects. The expert interviews allow for insight not readily available to the public, including what policies are enacted, and which ones are not. Five semi-structured interviews were conducted with experts from the Ministry of Health, the Anti-Corruption Authority, the General Supreme Council for Planning and Development, the Kuwait Fire Force, and NGOs. The comparison between the written policy and application will become more apparent through the expert interviews.

Following the brief introductory research of migrant workers in Kuwait historically, newspaper articles are analyzed to provide supporting facts. The articles focus on migrant workers during the pandemic, policy changes, what social services were introduced, and what was the outcome of these services. Video reports from Al-Qabas are also analyzed, as migrant workers were interviewed during the lockdown. This will be organized in a list according to subtopic and referenced accordingly.

2. Limitations

2.1 Sample

There are several sets of possible interviews that are required to provide primary data for this research. These interview sets could over generalize the community, as only a few representatives will be interviewed. Interviews with migrant workers will not be implemented, as many have rejected outreach concerning interviews as it is a direct threat to their livelihood should their employers find out, even with anonymity on the table. This research is also conducted remotely from Philadelphia, making it more difficult to interview migrant workers in Kuwait.
2.2 Data Collection

Data collection through interviews will not provide similar results due to different protocols being used depending on who is being interviewed. There is also possible discrepancies due to the different platforms being used to conduct the interview, whether it’s through video conferencing or phone calls. The different methods will not allow for equal decoding opportunities due to lack of body language being seen in phone calls.

3. Biases

Biases are a part of human nature and will be apparent through qualitative research such as this thesis. There are several different governmental figures being interviewed for this research, and each one will bring a different level of bias that will impact the research process. In order to eliminate possible biases from interfering with accurate analysis, newspaper articles are used to refute possible biased claims. Overlap between several interviews exists, pertaining to migrant worker lockdown areas, where power hierarchy will be considered when analyzing answers from each expert and carefully considering their answers in regard to their position within the institution. My involvement as an activist in social justice advocacy in Kuwait, advocating for legal reform, migrant rights, and intersectional feminism, will raise possible biases against the government and legal system.
Findings and Discussion

1. The Kafala System

1.1 Origin of the Kafala System

Prior to the independence of Kuwait from the British Empire in 1961, Amiri¹ Decree 17/1959 was issued, outlining foreigner residency laws. This legal code contains 28 articles charting the process of entry into the country and how to obtain a residency permit, maintain legal status, as well as ordain the process of deportation, and its aftermath (Residency Law, 1959). Articles 9 to 15 discuss how to maintain residency within the country, while articles 16 to 22 discuss deportation. The introduction of the Kafala system began with the British Foreign Office rather than Kuwait’s own ruling family at the time, attempting to weed out “opportunists…[that the] oil state attracted,” and to create a system that would regulate the entrance of foreigners into the country (Lienhardt, 1993). According to Lienhardt (1993), the British Foreign Office had a prerequisite to issuing visas into Kuwait: find a host to sponsor your entry and residence in the country.

As the country began shifting its economy away from trade, and focusing more on the petroleum industry, development increased within Kuwait. Nationals were now benefitting from free education, scholarships abroad and guaranteed public sector employment as a constitutional right, resulting in a socio-economic shift (Shah & Al-Qudsi, 1989). Kuwaiti citizens now “[enjoyed] a higher standard of living than ever before,” (Al-Rayes, 2019) By investing in a welfare state due to the influx of the oil economy, Kuwait created new infrastructural issues in the job market. As nationals

¹ Amiri refers to Royal, the head of Kuwait is referred to as the Amir.
became more educated, there was a shift from more ‘unskilled’ and manual labor towards more skilled and white-collar public and private sector employment. This shift left a gap in the workforce that required manual labor, forcing the government to consider and recruit foreign workers to fill this deficit as Kuwaitis now saw manual labor jobs as “socially inferior,” (Al-Rayes, 2019; Diop, Li, et al., 2017). This superiority complex birthed new structural issues: specific sectors now lacked a national labor force, and the State’s heavy dependence on foreign and ‘unskilled’ labor (Roper & Barria, 2014; Longva, 1999; Shah & Al-Qudsi, 1989).

This dependence on a foreign workforce to take on ‘unskilled’ labor or fill any gaps in other sectors in both the public and private job market created the fear of job competition for Kuwaitis (M. Al Sabah, personal communication, February 16, 2021). In 1989, the Council of Ministers addressed this fear by introducing Ministerial Resolution 87/1989, stating how foreign workers operate within the job market through the kafala system. This resolution focused on outlining the sponsorship system’s work visa issuances, transfers, and registration by giving local labor authorities the jurisdiction to issue work permits. These labor authorities fit into two categories: governmental entities, and private companies and individuals (Longva, 1999; Roper & Barria, 2014).

1.2 Abuse of Power

The kafala system is set up to create a dependent relationship between migrant workers and their employers. The system places legal and economic responsibilities entirely on the employer, creating a more impactful power structure between the two parties (Roper & Barria, 2014; Khan & Harroff-Tavel, 2011; Longva, 1999; Shah & Al-Qudsi, 1989). This forced migrants in the country to be tied to their work contract and
restricting their movement within the labor market, thus ending any form of competition between migrants and nationals for lucrative jobs. Migrants looking for a different job or employer would need the permission of their sponsor. The process of changing employers can be costly due to the paperwork and processing between the two parties (N. Al Obaid, personal communication, February 24, 2021).

The lack of a free labor market impedes attempts for workers to look for more rewarding employment elsewhere and encourages or forces them to stay within their current employment situation. Should an employer agree to let their employee find a new job, this has to be coordinated ahead of time. The worker does not have the luxury of quitting their job and looking for another, as this risks deportation due to no sponsor hosting them (Longva, 1999; Al-Rayes, 2019). If migrants want to switch sectors, a new visa must be issued, and in order for a new visa to be issued, the migrant must leave the country and reapply to enter. While there have been several amendments to the residency law, there has not been clarity defining the relationship between the sponsor and the employee (Al-Rayes, 2019). The ill-defined roles and duties of the sponsorship relationship has led to abuse of migrant worker rights through passport confiscations, inadequate living conditions, and forced labor without pay (D. Al Jarrah, personal communication, February 17, 2021).

Due to the absence of regulations dictating the relationship between the sponsor and the sponsored, “customary laws” have been developed by sponsors to fill in the gaps. The confiscation of migrant workers’ legal documents and passports is a common “customary law” between sponsors (N. Al Obaid, personal communication, February 24, 2021). This is not a requirement within the residency law issued in 1959, yet the Ministry
of Interior in Kuwait recommends this practice to all sponsors who have employees on the basis of security (Longva, 1999). Although this practice is illegal, it is commonplace with lower income migrants and their sponsors (Al-Rayes, 2019). It disincentivizes leaving their current employer for a different one, reduces chances of running away successfully, which serves as a crime-prevention measure in the case of domestic workers.

The labor laws are loosely written, making them open to the interpretation of the sponsor. This creates an environment where migrant workers can be forced to continue working for their sponsor with reduced wages, or even withheld wages (D. Al Jarrah, personal communication, February 17, 2021). The sponsor has the authority to terminate the contract for whatever reason they see fit, rendering the status of the migrant worker illegal (Longva, 1999; Al-Rayes, 2019). This forces them into one of two situations: either deported or forced into hiding while illegal. The threat of termination and deportation introduces fear of retaliation into the power structure of the sponsor and migrant worker should they report any abuse or contract violations.

1.3 Transient Status & Expendability

The kafala system was introduced in order to aid central governments in regulating labor flow and monitor migrant activity. The residency law set up the framework for regulating migrant workers within the country, to ensure that they were only transient and temporary as there is no form of permanent residency opportunities available (Residency Law, 1959). The attitude of Kuwaitis towards unskilled migrants is emboldened by the government’s dependency on their financial and legal contributions to sponsor migrants. This power structure, coupled with the guaranteed job within the public
sector, renders the citizen to refuse unskilled labor and seeing it as inferior to their skill levels, as lower income migrants are willing to take on such manual labor. Kapiszewski has even coined the term to describe this phenomenon as “labour aristocracy” (1999).

Work contracts in Kuwait determine the if and when residency permits are renewable. “[Turnkey] construction contracts” are common in the public sector; these contracts are between the government and subcontracted company that ensures the departure of migrant workers as soon as their contract expires (Richards & Waterbury, 1996). Public, skilled private, and domestic sector work visas are renewable without the expatriate needing to leave the country; ‘unskilled’ private sector workers are restricted from this simplified process. “Unskilled foreign laborers may only be retained on short-term contracts, most of which are valid for a maximum of five years,” forcing this sector of workers to leave the country at the end of their contract for a specified time (Al-Rayes, 2019). The lack of option to renew their contracts while in the country, as well as requiring time spent outside of Kuwait before submitting a new work visa application is one method of restraining the flow of migration into the country. The process to apply for another visa can be complicated and costly, forcing some migrants to not return after their first contract expires (N. Al Obaid, personal communication, February 24, 2021). In 2019, the number of residencies issued for the first time was 20,072, in comparison to the skilled private sector, which issued only 22 first-time residency permits (Central Statistical Bureau, 2019). The skilled private sector is very stable, noted by its low number of residencies granted for the first time, while the ‘unskilled’ private sector has a very high turnover rate indicated by the large number of residencies granted for the first time yearly.
Kuwait demands a constant stream of low-income migrant laborers as citizens shun specific sectors that require more manual labor such as construction, janitorial services, and the service industry. Kuwait depends on migrants to ensure the country is functioning properly, yet there are little protections provided to guarantee the ability to control this large population (M. Al Sabah, personal communication, February 16, 2021). “The length of stay for unskilled foreign workers is always restricted, so as to limit their overall presence within Kuwaiti society, and [to serve as] a constant reminder that they are only welcome as long as they fulfill a certain role,” (Al-Rayes, 2019). It is important to note that ‘unskilled’ migrants do not fall under the control of the Ministry of Social Affairs and Labor as all other sectors do, but rather the Ministry of Interior. The explanation of this selectivity falls under the guise of “securitization of migration,” as unskilled migrant workers are forced to reckon with their temporality and become isolated from the rest of society (Migrant Forum in Asia, n.d.). Al-Rayes (2019) even goes on to state that “the temporary nature of a migrant’s employment in Kuwait suggest that unskilled migrant workers are viewed as disposable labour, and that there exists an endless supply of migrants willing to accept the current labour conditions in the country.”

1.4 Legislation & Accountability

There are three entities that have jurisdiction over the kafala system: Ministry of Interior, Public Authority for Civil Information, and Ministry of Social Affairs and Labor; they each have a set of laws that dictate how expatriates can remain in legal status in the country (D. Al Jarrah, personal communication, February 17, 2021). However, there is no specific law that clearly states what the sponsor is responsible for beyond universal health insurance. Those who have been abused have the right to reach out to the
Public Prosecution and file a lawsuit against them providing proof of abuse. There is no reparation offered by the State should there be a guilty verdict, but the abusive sponsor will face legal consequences (D. Al Jarrah, personal communication, February 17, 2021).

If a contract explicitly states it will provide a social service and it does not follow through, a formal complaint can be filed with the Public Prosecution. This covers the state of the social services outlined in a contract, as migrant workers have the right to take legal action should the place be not suitable for living if the contract states accommodation will be provided (D. Al Jarrah, personal communication, February 17, 2021). The legal procedure will force the sponsor, through the Ministry of Interior, to either solve the issue, or send the laborer back to their home country. In many cases, migrants are not filing class action lawsuits within the Public Prosecution (D. Al Jarrah, personal communication, February 17, 2021).

The main issue with filing lawsuits is the bureaucratic process. On average, lawsuits take several years within the courts; it is difficult to provide evidence due to the lack of documentation. Many companies pay their employees with cash and do not keep records, rendering their claims to a hearsay argument, and thus resulting in difficulty to prove abuse (D. Al Jarrah, personal communication, February 17, 2021). However, if it is proven, the licensing within the Ministry of Social Affairs and Labor for that company is revoked, as well as any contracts between the company and the State. The State now forces companies to open up bank accounts for their employees and directly deposit their salaries (D. Al Jarrah, personal communication, February 17, 2021).

There are recurring migrant worker strikes because of wages being withheld from large corporations prior to the COVID-19 pandemic. The State stepped in to address this
issue, as these large corporations were subcontracted by them for basic services such as janitorial, construction, and logistics, halting major sectors of the country (D. Al Jarrah, personal communication, February 17, 2021). The Ministry of Interior has claimed that all strikes are illegal, and migrant workers will be deported should they protest abuse rather than seeking legal action through the Public Prosecution. However, protests and strikes have no clear legislation. It not possible to clearly classify these practices as legal or illegal; it would be determined on a case-by-case basis (D. Al Jarrah, personal communication, February 17, 2021). Most lawsuits would be filed as a group of migrant workers, rather than individuals. Migrants would refer to human rights organizations to find better legal representation. This is a long and bureaucratic process that most would avoid and would rather make ends meet doing whatever job is available on a daily basis (D. Al Jarrah, personal communication, February 17, 2021).

Deportation is a risk that migrant workers always face, as the government utilizes this method to control the migrant population within the country. This tool is used to both control migrants and force them to endure abuse in the workplace, as well as to reduce the number of migrants within the country (Longva, 1999; Al-Rayes, 2019). While the right to protest is protected by the constitution, the Ministry of Interior claims that right is reserved for citizens, declaring peaceful protests or strikes by migrants an offense that can result in deportation (Al-Rayes, 2019; D. Al Jarrah, personal communication, February 17, 2021). Deportation results in returning to their home country where there is a possibility of unpaid debts waiting for them, with a lack of sufficient funds to cover it (Longva, 1999; Shah, 2011; Al-Rayes, 2019). According to the International
Organization for Migration, migrant workers pay an average of $1,900 to migrate to
Kuwait (Al-Rayes, 2019).

2. Visa Trading & Government Corruption

2.1 Visa Trading

With lack of a regulatory body to ensure no foul play by sponsors, a glaring issue has arisen from the kafala system: visa trading and trafficking. Perpetrators of visa trading and trafficking are both citizens and expatriates (D. Al Jarrah, personal communication, February 17, 2021). In accordance with Kuwait’s Labor Law, only citizens may have business licenses, and act as sponsors. This forces any expatriate looking to open up a business to have a Kuwaiti partner, even if it is only on paper. The Kuwaiti partner would then charge a fee in exchange for sponsoring a set number of workers for the expatriate business owner (Al-Rayes, 2019). This process is defined as visa trading; visa trafficking occurs when the same visa promised is sold to numerous migrant workers, leaving them undocumented (D. Al Jarrah, personal communication, February 17, 2021).

Visa trading is a very lucrative business venture within the country as it rakes in large profits for very little effort on both the sponsor and middleman’s part (Shah, 2009; Al-Rayes 2019; N. Al Obaid, personal communication, February 24, 2021). The process involves setting up fraudulent companies by nationals and hiring middlemen to recruit migrant workers. These middlemen would charge migrants fees to have them sponsored through a fraudulent company; this fee would then be transferred to the sponsor who is orchestrating a nonexistent company in return for a visa that is sometimes not even issued (Al-Rayes, 2019). Visa traders have charged migrant workers between KD 450 ($1,539)
to KD 1,200 ($4,104) (Bureau of Democracy, Human Rights, and Labor, 2007). While this practice is illegal, there is no consequence to curb visa trading and trafficking as many of the trafficking rings are comprised of senior officials in different governmental agencies (D. Al Jarrah, personal communication, February 17, 2021). This practice commodifies low-skilled workers into pawns within a profitable trading system, leaving them at the mercy of their sponsors to not become undocumented (Malit & Naufal, 2016; Al-Rayes 2019).

Within Kuwait’s penal codes, there is no law that specifically addresses visa trading. Visa trading is criminalized through several laws that address abuse of power, abuse of influence, indentured servitude, and benefitting through conflict of interest (D. Al Jarrah, personal communication, February 17, 2021). There have been a series of lawsuits targeting visa traders resulting in fines and imprisonment since the beginning of the pandemic. One of the largest visa trading rings was under the management of several senior officials from different governmental entities. The high-profile corruption and trading case was brought against Major General Sheikh Mazen Al-Jarrah Al-Sabah, member of the Royal Family and senior official at the Ministry of Interior, Salah Khorshid, former MP and former senior official of the Public Authority for Manpower, and Bangladeshi MP Mohammed Shahid Islam (Izzak, 2021). Charges included MP Islam bribing the Major General and other Kuwaiti MPs to recruit Bangladeshi workers and burden them with high visa fees for profit. Initially the courts fined the accused KD 1.97 million, and sentenced them to 4 years in prison, but acquitted MP Khorshid (Izzak, 2021). However, Court of Appeals sentenced all three men to 7 years in prison (Izzak, 2021). This lawsuit is important, highlighting how visa trading is a form of corruption
within the government, as top Ministry of Interior officials have been a part of this illegal activity, while also regulating residencies of migrant workers and cracking down on visa violations.

The skewed relationship between a sponsor and their migrant employee reflects systemic corruption within the State. Sponsors have the authority to terminate work contracts with no justification, which will result in work and residency permits being canceled, forcing migrant workers to leave the country or face a legal dispute with the State for their newly illegal status (D. Al Jarrah, personal communication, February 17, 2021). The State granting full legal jurisdiction to sponsors to write contracts for their sponsored migrant workers is a form of corruption within itself, as it assumes sponsors will uphold similar protections for their migrant employees as the public sector labor law without actual consequences should they not. This abuse of power is one of the major issues of the kafala system. While it is a major issue that needs addressing and reform, it deflects responsibility from the State for setting up a system that allows for abuse to occur without legal consequences because of the vagueness of the legal system (D. Al Jarrah, personal communication, February 17, 2021).

2.2 Corruption & Transparency

Corruption in Kuwait is not reserved to a few individuals, but rather spans the infrastructure within the government. In March 2006, Kuwait Transparency Society (KTS) was initiated as a licensed NGO and an accredited chapter of Transparency International (Bureau of Democracy, Human Rights, and Labor, 2007). This NGO was tasked with combating corruption within the country through the promotion of transparency and encouraging reform (Al-Rayes, 2019). In 2015, less than a decade after
its instigation, KTS was dissolved by the Ministry of Social Affairs and Labor under the guise of falsifying reports in order to harm Kuwait’s transparency and corruption rankings. Member of Parliament Youssef Al-Zalzala demanded a probe looking into KTS, citing that the NGO was pushing a political agenda to defame Kuwait by falsifying reports (Human Rights Watch, 2015).

The probe and dissolution of KTS was the aftermath of a meeting with parliament members and Mario Marcel, the senior director of the World Bank. This meeting came one day prior to the announcement of a probe into KTS, having Marcel raise concerns over Kuwait’s low ranking in the Corruption Perceptions Index released by Transparency International (Human Rights Watch, 2015). Rather than addressing the issue of transparency, National Assembly members began looking for ways to invalidate the NGO and have the Ministry of Social Affairs and Labor revoke their non-profit status, citing political interference, insulting the Council of Ministers, National Assembly, and its speakers as violations of its mandate. Non-profits are difficult to register in Kuwait, as the laws are quite strict and rarely will they be issued official paperwork. Most non-profits operate without being registered as an official organization (N. Al Obaid, personal communication, February 24, 2021). The Council of Ministers dissolved the independent board of KTS, and had them replaced with several government appointees, who terminated staff contracts, and disposed of the NGO’s assets (Human Rights Watch, 2015). “Kuwait has put into question both its willingness to tolerate criticism and its commitment to combat corruption,” Joe Stork, the deputy Middle East and North Africa director of Transparency International commented. At the time of dissolution, Kuwait’s ranking within the Index was 55 out of 168 countries (Al-Rayes,
2019); in 2020, the ranking is 78 out of 180 countries, dropping two spots lower according to Transparency International’s Index (Transparency International, 2020). As a replacement for KTS, the Council of Ministers initiated the Anti-Corruption Authority for people to report corruption in 2016 (D. Al Jarrah, personal communication, February 17, 2021).

3. Public & Private Sector

There are two main categories for migrant worker positions: low to mid-skilled laborers, to mid to high skill professionals. While the shift between migrant workers gravitated towards Southeast Asian workers, the positions they filled were primarily the lower skill jobs in construction and low-tech industries. Arab migrant workers, while not as large of a labor force as they used to be, were still dominant in high-skill industries, such as accounting and legal work (Shah & Al-Qudsi, 1989; Rahman, 2010; Khan & Harroff-Tavel, 2011; Roper & Barria, 2014). These two distinct categorizations determine the autonomy of migrant workers, Arab migrant workers enjoy more basic freedoms, such as individual housing and possession of their own legal documents. Migrant workers from Southeast Asia are more likely to be housed in a high-density dormitory-style lodge, and have their passport confiscated by their employer (Longva, 1999; Afsar, 2009; Rahman, 2010; Khan & Harroff-Tavel, 2011). The Residency Law was amended in 1975, and now differentiates between public, private, and domestic sector visas, outlining different sets of rules for each of these sectors (Al-Rayes, 2019).

Visa types dictate what labor laws apply to each migrant group, as well as indicate how restrictive the kafala system is towards them. There are four main visas categories that are issued: visit, work, study, and dependent (N. Al Obaid, personal
communication, February 24, 2021). All visas require a sponsor; however, specific nationalities receive different treatment. For example, visit visas require an application at the consulate of Kuwait in their respective countries, but if a visitor is from the United States, or European Union countries, they may apply for this visa on their arrival to Kuwait (Shah, 2011). Within the work visas, there are four subgroups that divide migrants based on skill level and work sector: visa 17 is tied to employment within the public sector, visa 18 is for private sector employment, visa 19 is for skilled private sector employees within professional and business fields, and visa 20 is for domestic workers.

In specific cases, migrants can act as sponsors for themselves and their families, which is dictated by their monthly income. Low wage workers are not permitted to sponsor their family members, and preferential treatment is given to men to host their families (N. Al Obaid, personal communication, February 24, 2021). Rarely will the government allow women to sponsor their husbands (Shah, 2011). For self-sponsorship, the requirements are difficult to fulfill: the expatriate must have lived in Kuwait for at least 20 years, own KD 100,000\(^2\) in company shares, and said company must have “been operational for at least two years from the time it was issued a commercial license,” (Shah, 2011).

There is a hierarchy of legislative protection that depends on both the nationality and educational level of the worker. The most protected by law is the Kuwaiti citizen within the public sector. The labor law specifically outlines limits of how many hours a day and a week an employee can work, their right to an annual paid vacation, amongst

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\(^2\) Equivalent to $335,170 in April 2021 according to Yahoo Finance.
other protections within the workplace. Kuwaiti citizens are also allowed to form unions, while expatriates are barred from such activities (N. Al Obaid, personal communication, February 24, 2021). Expatriates who are working in Kuwait in the public sector under visa 17 also reap the benefits of the labor law. However, the public sector is dominated by Kuwaiti citizens as it is their constitutional right to have guaranteed employment, making up 75% of the public sector workforce (M. Al Sabah, personal communication, February 16, 2021). Working ‘skilled’ professionals and businesspeople in the private sector are the second most protected group. Skilled workers under visa 19 are dictated mainly by work contracts drafted by their respective employers; due to their educated status and high literacy rate, contracts are more inclusive of benefits and outline specific protections rather than legislation implemented by Kuwait (N. Al Obaid, personal communication, February 24, 2021).

Table 1: Employees in the Public Sector According to Sex and Nationality (2018)

Source: Central Statistical Bureau

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kuwaiti</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>126,333</td>
<td>175,381</td>
<td>301,714</td>
</tr>
<tr>
<td>Percentage (%)</td>
<td>68.8</td>
<td>80.7</td>
<td>75.2</td>
</tr>
<tr>
<td>Expatriate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>57,404</td>
<td>41,939</td>
<td>99,343</td>
</tr>
<tr>
<td>Percentage (%)</td>
<td>31.2</td>
<td>19.3</td>
<td>24.8</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>183,737</td>
<td>217,320</td>
<td>401,057</td>
</tr>
<tr>
<td>Percentage (%)</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
‘Unskilled’ private sector workers under visa 18 are the least protected working class of migrants; domestic workers previously were the least protected group. In 2015, Legislative Decree 68/2015 was issued, now protecting domestic workers and outlining their rights, working hours, and protection from physical, and emotional abuse (D. Al Jarrah, personal communication, February 17, 2021; N. Al Obaid, personal communication, February 24, 2021). This also includes regulating how labor brokers recruit and sign contracts between the domestic worker and the employer. However, this is not the case for ‘unskilled’ workers; there is no specific legislation that outlines how many hours they work, what social services they have, or any legislative code that protects them (D. Al Jarrah, personal communication, February 17, 2021). The only protections are what is included in their contract and set by their employers; the only social service that is required by law is universal health insurance. The level of protection workers receive through labor policy is completely contradictory to the constitution, as it states that all are equal and cannot be discriminated against based on sex, nationality, or religious beliefs.

4. Pandemic Responses

There have been several interventions introduced by the Council of Ministers, and the National Assembly to curb infection rates and alleviate grievances suffered by the expatriate communities in Kuwait since the beginning of the pandemic. Prior to the pandemic, there have not been many interventions by the Council of Ministers that alleviate stressors on unskilled migrant workers. The only intervention the Council of Ministers introduced was an amnesty program that allows expatriates with illegal residency status and fines to come forward, pay their dues and leave the country without
being barred future entry under the jurisdiction of the Ministry of Interior (Izzak, 2021). This limits the amount of people being deported for petty crimes such as littering, or having outstanding traffic violations, which would ban them for a period of 5 years from entry to any GCC state, or depending on the crime, barred indefinitely from Kuwait (D. Al Jarrah, personal communication, February 17, 2021).

Another intervention the Council of Ministers introduced is the reserved warranty fund, which protects migrants from wage theft from their employers (D. Al Jarrah, personal communication, February 17, 2021). When dealing with subcontracted companies, it is difficult to trace wage theft when there is no paper trail. To combat wage theft, the State now holds a specific amount of money from the company in a “reserved warranty;” this fund is utilized when there is substantial proof from the direct deposit logs that the company has not paid its employees (D. Al Jarrah, personal communication, February 17, 2021). Should the company follow through with the contract and pay workers their salaries, the reserved warranty is returned to them once the contract cycle has ended. As a regulatory body, the State Audit Bureau now pushes for this to be implemented in all contacts regarding migrant workers (D. Al Jarrah, personal communication, February 17, 2021).

Reserved warranty was introduced as a way to keep companies that the State subcontracted in its projects accountable for paying their employees their due wages. There are two issues with this intervention: the intervention was introduced after many of the governmental agencies’ operations suffered due to worker strikes, and the reserved warranty fund does not apply to old contracts signed before its introduction, and contracts
that are up for renewal, as it is not enforced as a necessary amendment (D. Al Jarrah, personal communication, February 17, 2021).

The Council of Ministers and the National Assembly have not introduced policies that improve living and working conditions for expatriates. Beyond the Amir, the Council of Ministers and National Assembly are the two branches of government that have the power to introduce and enact legislation. Kuwait Public Policy Center (KPPC) is a think tank within the General Secretariat of the Supreme Council for Planning and Development that develops policy recommendations that would then be raised up to the National Assembly and the Council of Ministers for further legislative action (M. Al Sabah, personal communication, February 16, 2021). While policy recommendations are made, there is no actual power to enforce it as the KPPC, as well as the GSSCPD as a whole, lack legislative authority and have no possibility for executive action. “This pretty much … handicaps us, as an organ that could be able to materialize productive change, because our role depends on whether the [National Assembly or the Council of Ministers], in which we're trying to advise heeds our advice,” (M. Al Sabah, personal communication, February 16, 2021). The lack of cooperation between the Council of Ministers and the National Assembly is known to create legislative deadlocks, government opposition MPs strike down most legislation proposed by the Council of Ministers and by pro-government MPs, resulting in no substantive change in legislation in most election cycles (M. Al Sabah, personal communication, February 16, 2021).

4.1 Amnesty

As a core issue concerning the migrant worker communities, visa trafficking and trading had left many in violation of the residency law, yielding them to become illegally
residing within the country. Every few years, the Council of Ministers through the Ministry of Interior set up amnesty programs to resolve this issue for migrants without the need of deportation. Should violating residents not use the amnesty program during the grace periods set by the Ministry, they would face deportation if caught.

Local authorities claimed the decision to not grant amnesty in 2020 stemmed from the sheer number of workers that were reported as missing by their sponsors but were now working illegally elsewhere. Just a few days prior to the pandemic shutting down the country, the Ministry of Interior had released a statement on February 20, 2020 saying that there would be no amnesty program (Kuwait Times, 2020). Authorities reasoned that many domestic workers were running away from their sponsors prior to the Ramadan season, where domestic help is more coveted because of the many banquets hosted, to work in homes on an hourly basis to collect larger paychecks. Citing the “harm this situation causes for citizens and their families” is a large factor in their decision to not extend an amnesty period that year, as to discourage migrant workers fleeing their employers (Kuwait Times, 2020).

A little over a month later, March 30, Minister of Interior Anas Al Saleh announced an amnesty program that would help residents once again avoid deportation should they be violating the residency law (Kuwait Times, 2020). The retraction of the prior statement by the Ministry announcing no amnesty program was taken as one of the “precautionary measures” taken against the pandemic, including new adjustments to ensure the welfare of residents. The Ministry of Interior introduced the option to pay fines, update, and remain in the country, as well as dropping all fines and including an all-expenses paid repatriation flight to their home country (Saleh, 2020). Should residents
choose the second option, several lodging sites had been set up where residents would stay and receive hot meals until their paperwork is finalized and they depart the country. Embassies within Kuwait began reaching out to their citizens and encouraged them to take up the offer provided by the Ministry of Interior (Garcia, 2020). Designated days were assigned to different nationalities to streamline any issues that may arise with expired passports or other necessary paperwork.

While the amnesty program did evacuate many residents, there were many issues that arose during the application process, as well as the lodging sites. Several residents had their amnesty pleas rejected due to outstanding bank loans, loans to individuals, and telecommunication bills (Garcia, 2020). Another issue was the unwillingness of the Sri Lankan Embassy to cooperate with its nationals. The Embassy urged its Sri Lankan nationals to not show up, citing the excuse that the airport in Sri Lanka is closed, disregarding the coordination between Kuwait’s Ministry of Foreign Affairs and their own government (Garcia, 2020). Lines formed outside of the application processing center, yet Embassy personnel did not attend the designated times assigned by the Ministry of Interior towards Sri Lankan nationals. Personnel only arrived at the location to see if their nationals showed up. Many Sri Lankans voiced their frustrations to local newspapers, stating that their government representatives at the embassy did not care for them, and that they were purposely informing them to not apply for amnesty just so they would not have to process paperwork (Garcia, 2020).

The issues surrounding the amnesty program have mainly stemmed from foreign governments not cooperating and repatriating their nationals, even as Kuwait is covering the expenses of the lodging, meal plans, and airfare. Residents who registered for
amnesty were promised by their respective embassies and the Ministry of Interior that they would be able to return home within a short time period of registration and finalization of their paperwork. What the Ministry did not anticipate was the lack of cooperation by the Egyptian and Indian governments to repatriate their citizens. This led to a series of riots by Egyptian nationals across several of the amnesty shelters, resulting in riot police intervention (Kuwait Times, 2020). Several MPs requested a special session with the Ministry of Foreign Affairs to discuss how to approach embassies who refuse to repatriate their citizens, as well as withholding loans from the Kuwait Fund for Arab Economic Development that refuse their citizens entry (Kuwait Times, 2020).

With the launch of the amnesty program at the beginning of the pandemic, the Ministry of Interior claimed that 160,000 residents are in violation of their residency visas (Izzak, 2020). There have been 30,000 applicants for amnesty and have been dispersed amongst 34 different shelters across the country (Izzak, 2020). With the large turnout, both the Minister of Interior and Members of Parliament announced a crackdown on visa traders and traffickers. A formal campaign was launched against traffickers and abusive sponsors, having Al Saleh state “There will not be any backtracking on this issue, and we will deal with [traffickers and abusers] firmly and fiercely,” (Kuwait Times, 2020). The campaign targeted visa traders, both at the individual and agency level, holding them liable for extorting exorbitant fees from migrant workers without providing employment. The Ministry of Interior referred upwards of 12 cases of trafficking to the Public Prosecution (Kuwait Times, 2020). Several NGOs launched a campaign running in parallel to the Ministry of Interior’s, called “I am responsible,” seeking action from citizens and residents to report any and all information regarding visa traders to the
authorities. This prompted a response from opposition MP Shuaib Al Muwaizri, questioning the involvement of Ministers and MPs in visa trafficking rings (Kuwait Times, 2020).

4.2 Living Conditions & Lockdowns

The living conditions differ between income levels of different expatriate groups. Skilled migrants, and those working in the public sector tend to have steady and higher salaries, and their contracts either outline that accommodation is provided or include an accommodation allowance. Higher-income migrant workers usually reside in accommodation that is more private in nature, as they are able to afford studio apartments, or shared apartments with a small number of roommates. Higher-income migrants sponsor their family members as dependents, or both adults are working, which allow for more flexibility in choosing more suitable accommodation (N. Al Obaid, personal communication, February 24, 2021).

Lower-income migrant workers are not afforded the same luxury of choice of accommodation or how many people they will be living with. While most contracts either allot an accommodation allowance or provide accommodation for their workers, the standard of the accommodation that is provided is subpar: overcrowded, and dilapidated (N. Al Obaid, personal communication, February 24, 2021). To combat this, a Ministerial Order was issued in 1995 to outline minimum requirements for migrant worker accommodation. Decree 113/1995 states a maximum of 4 migrant workers can reside in a single room, where each must have a minimum of 4 square meters of space, should the employer provide the accommodation (D. Al Jarrah, personal communication, February 17, 2021). If the employer is providing an accommodation allowance, it should be 25%
of what the base salary of a low-income migrant worker is. Housing must also include a kitchen, basic furniture, restrooms, and maintenance of these facilities (D. Al Jarrah, personal communication, February 17, 2021).

Figure 1: Kuwait low density suburbs, high density districts, and isolated areas
Source: N. Al Obaid, personal communication, February 24, 2021

In Kuwait, there are specific districts that are ethnic enclaves. The formation of these enclaves is due to the zoning codes that separate purely residential districts and commercial mixed-use districts. There is a difference between the two residential zones: the residential-zoned districts are mainly populated by nationals and are exclusively detached homes, while the commercial mixed-use districts are populated by expatriates in mid-to-high density apartment complexes. The quality of these complexes is also
reflective of their rental price, the higher the rent, the better maintained these buildings are (N. Al Obaid, personal communication, February 24, 2021).

Lower-income migrant workers are mostly located on the outskirts of residential districts. The districts of Jleeb Al Shuyoukh, Farwaniya, Khaitan, Bneid El Gar and Mahboula are where lower-income migrants find or are assigned accommodation. These districts are known for having ‘bachelor apartments,’ units can be rented out by the room and targeted towards ‘unskilled’ migrant workers as they are not allowed to bring their family with them (N. Al Obaid, personal communication, February 24, 2021). While there are minimum spatial requirements outlined by Ministerial Decree 113/1995, there is no application of these minimums (D. Al Jarrah, personal communication, February 17, 2021). There have been cases where in a single apartment unit is home to 12 to 15 men, while some other apartment units have been rented out to around 50 men, one two-story house in Bneid El Gar, located behind a luxury apartment complex, was rented out to 1,000 men (N. Al Obaid, personal communication, February 24, 2021). Pre-pandemic, these migrants all worked different hours a day, so they were renting their space of either a bed or the floor depending on their schedule. With the pandemic and full lockdown, they were forced to stay together 24 hours a day (N. Al Obaid, personal communication, February 24, 2021). There is a higher ratio of overcrowding between apartments that cater to men in comparison to those that cater to women, as on average women had a single roommate per room, having a total of 6 to 8 women in an apartment (N. Al Obaid, personal communication, February 24, 2021).

At the beginning of the pandemic, low-income migrant workers who lived in substandard and overcrowded accommodation had higher rates of infection from
COVID-19 (H. Jafar, personal communication, February 12, 2021). In May 2020, the Council of Ministers announced that the country would be under a full lockdown, and only essential workers are allowed to go to work, unless they lived in a lockdown zone (N. Al Obaid, personal communication, February 24, 2021). As a precautionary measure based off of the fear of highly infected migrant enclaves, Jleeb Al Shuyoukh, Farwaniya, Khaitan, and Mahboula had physical barriers and police checkpoints introduced to ensure no one left or entered these districts (A. Al Bairami, personal communication, February 13, 2021). Through informational campaigns run by the Ministry of Health in several languages, COVID-19 cases between expatriates began to decrease as migrants tried to the best of their abilities to follow health precautions, while cases between nationals began to increase (H. Jafar, personal communication, February 12, 2021). Districts heavily populated by nationals did not receive the same treatment as migrant enclaves did, they were not physically boarded up and had military checkpoints.
Figure 2: Barbed wire fencing surrounding an isolated district
*Source: Al-Qabas Newspaper*

With migrant populated districts facing even more restrictions under the country-wide lockdown, this created issues of evictions, furloughs, and starvation (Alhatab, 2020). In Kuwait, evictions are illegal, and in order to have tenants move out, a court order must be provided to make an eviction legal (D. Al Jarrah, personal communication, February 17, 2021). A large number of migrants under lockdown had no source of income, as companies began following a ‘no work, no pay’ policy (N. Al Obaid, personal communication, February 24, 2021). This opened them up to several issues, as now they were unable to afford their rents and their landlords began evicting them. As there were no court orders to legally evict tenants who are behind on rent, landlords ordered property managers to shut off utilities such as water and electricity (Al-Qabas, 2020). This method made it unbearable to stay indoors in overcrowded accommodation during the summer heat. Another method landlords employed to evict tenants was having property managers
wait until people left their apartments to remove all their belongings and change the locks. Migrants were now becoming homeless in large numbers; those who were not homeless were now forced to stay in overcrowded accommodation (N. Al Obaid, personal communication, February 24, 2021).

The districts that faced additional restrictions during lockdown faced high food shortages. The State stepped in to provide food aid through the Kuwait Red Crescent Society (KRCS), and employed the Ministry of Interior, Kuwait Fire Force, and the National Guard as the manpower to distribute daily hot meals, essential supplies, and groceries to those who lived within these lockdown zones (A. Al Bairami, personal communication, February 13, 2021; Kuwait News Agency, 2020). Aid programs that were run by the State were not performing adequately, nor were they open to receiving help from local NGOs (N. Al Obaid, personal communication, February 24, 2021). There were several attempts to provide manpower to the KRCS, but they were not responsive. Restaurants began preparing donated meals for the KRCS to distribute, but NGOs would be called last minute to distribute them because KRCS did not pick them up as was previously scheduled (N. Al Obaid, personal communication, February 24, 2021).
Corruption within the State has also impacted aid efforts. According to Colonel Al Bairami, there were no food shortages, nor was there an issue with logistics of food aid reaching migrant workers within lockdown districts. “To be frank, [the headlines] are lying… We even provided gas cylinders, and everything was provided for free: the food, or the gas if they wanted to cook something. Even the cigarettes… we provided for them,” (A. Al Bairami, personal communication, February 13, 2021). There have been efforts by the State to address the food insecurity issue through food aid baskets and monetary donations, but there have been discrepancies through missing funds and aid baskets that were never delivered. A specific number of aid baskets would be announced, but only a fraction would be given to those in need (N. Al Obaid, personal communication, February 24, 2021). The State denies that there was an issue with food logistics, and
renounces that there was a starvation crisis between migrants (A. Al Bairami, personal communication, February 13, 2021). However, NGOs managed to deliver 13,000 food aid baskets to those who did not receive anything from the government or their employers, proving the opposite to be true contrary to what the State has claimed (N. Al Obaid, personal communication, February 24, 2021).

Figure 4: National Guard passing out gas cylinders in an isolated area
Source: Arab Times

4.3 Medical Treatment, Institutional Quarantines & Vaccine Rollout

The only guaranteed protection migrant workers have is universal healthcare provided through health insurance by their employers. This grants access to all major and elective surgeries, access to outpatient clinics and prescription medication for a nominal
fee, dental clinics, and immunization requirements (H. Jafar, personal communication, February 12, 2021). Outpatient clinics are organized by separate hours for expatriates and nationals in order to avoid crowding. Workday mornings are reserved for expatriate appointments, while nationals have evening hours with the possibility to schedule appointments in the morning. There are certain medications that are only prescribed to nationals. However, COVID-19 treatments were provided to with no discrimination between expatriates and nationals, both populations received identical medical treatment (H. Jafar, personal communication, February 12, 2021).

While medical procedures and treatment were identical, the spaces that migrants received COVID-19 treatments were not. Institutional quarantines were segregated by nationality, and their locations differed accordingly. Nationals were quarantined in hotels within urban districts, or beach resorts that were farther from the metropolitan area, while migrant workers were quarantined in desert campgrounds located near Kuwait Oil Company (A. Al Bairami, personal communication, February 13, 2021). All quarantine facilities received the same complementary services: three meals a day, housekeeping, and laundry. Some of the migrant quarantine campgrounds accommodated Kuwaiti students who study abroad, as the hotels and resorts did not have enough space (A. Al Bairami, personal communication, February 13, 2021).

Like institutional quarantines, hospitalization procedures for COVID-19 differed between nationals and migrant workers. When a positive case that requires hospitalization arrives at one of the public hospitals, doctors examine the state of the patient. If they are in a state too fragile to be relocated, such as the need for a ventilator, they are hospitalized at the same location they checked in; this applies to both migrant
workers and nationals (H. Jafar, personal communication, February 12, 2021). However, should the patient be transferred, migrant workers were relocated to Mishref Field Hospital located at the International Fair Grounds in one of the suburbs, while nationals were transferred to Jaber Hospital which was designated for treating COVID-19 cases only (H. Jafar, personal communication, February 12, 2021). Jaber Hospital follows a controversial and discriminatory policy prior to the pandemic, as it elected to only treat nationals after many complaints of the failures of the public health system (Kuwait Times, 2017). At the beginning of the pandemic, anyone who tested positive was admitted to Jaber Hospital, but when cases began to increase, the hospital returned to its ‘nationals only’ policy, making exceptions for expatriate medical staff to be hospitalized in the facility (H. Jafar, personal communication, February 12, 2021). This discriminatory policy has been justified by the expert interview as “the field hospitals are fine, [on the contrary] the patients there enjoy being with people from similar nationalities, because then they can at least socialize…which is a lot better than being in a hospital room by yourself;” (H. Jafar, personal communication, February 12, 2021).

There are disparities with vaccine rollout in Kuwait as the Ministry of Health prioritized citizens over expatriates with their inoculation plan. During the daily press conference, Dr. Abdullah Al Sanad – the Ministry of Health’s Spokesperson – introduced the platform to gather all vaccination requests from nationals and residents in the country. The vaccination plan covered all residents in Kuwait, including those who are deemed illegal, and would be phased according to priority (Kuwait Times, 2020). The first phase initially comprised of healthcare workers and populations aged 65 and older and would start late December 2020 (Sky News Arabia, 2020). However, many young nationals
began receiving their first doses of the COVID-19 vaccines before many expatriates aged 65 and over, prompting questions of priority and transparency on the Ministry’s behalf (MacDonald, 2021). In early February, the Ministry of Health released a statistic stating that 119,000 total doses have been administered, to which 18,000 were to expatriates, mainly frontline healthcare workers. Due to the constant questions on their social media sites and public outrage over the vaccine statistics released, the Ministry of Health announced it would begin to vaccinate expatriates in 6 weeks – beginning in April 2021 and starting with domestic workers (Alkhaleej Online, 2021; Alaraby, 2021). The expatriate vaccination plan announced still prioritized citizens’ health over the expatriate majority as it chose domestic workers as the first group to be inoculated, as they live with their Kuwaiti employers. This plan did not give priority to essential workers, high risk, or even elderly expatriates.

International media pressure and social media outrage has been consistent in forcing policy change within the country. Following the statistical release of inoculation, Bloomberg ran an article about citizen prioritization rather than herd immunity, causing the Ministry of Health to override their discriminatory policy by beginning to vaccinate some elderly and high-risk expatriates, while not releasing daily dose breakdowns (Al Mulla, 2021). The lack of transparency on their behalf forcefully diverted the public’s attention away from keeping them accountable for an equitable vaccine rollout. Vaccine rollouts are still inequitable between citizens and expatriates as COVID-19 cases are now mainly expatriates, while citizens have seen a drop in infection (Alaraby, 2021).

Transparency with how the Ministry of Health has handled COVID-19 in Kuwait has decreased throughout the pandemic. The Ministry of Health releases daily COVID-19
infections, deaths, and recoveries on their social media platforms as a form of transparency; daily case reporting changed from detailed breakdown to general numbers when more nationals became infected (Ministry of Health). This ended the narrative that covid spread was due to expatriates. This lack of transparency gave no room for the negative narrative to be applied to citizens, while the hospitalizations were mainly citizens due to their lack of application of health and safety protocols (H. Jafar, personal communication, February 12, 2021). The Ministry of Health has taken legal action against former MPs who questioned “financial irregularities in the [Ministry’s] purchase of COVID-19-related medical equipment,” and possible corruption (Bureau of Democracy, Human Rights, and Labor, 2020). Former MPs Dr. Hassan Johar and Dr. Obaid Al Wasmi were arrested initially, but later acquitted of all charges. These allegations are currently being investigated by the Anti-Corruption Authority (D. Al Jarrah, personal communication, February 17, 2021).

Figure 5: Daily COVID-19 statistics with detailed breakdown

Source: Ministry of Health - Kuwait
4.4 Airport Restrictions & Mass Exodus

Kuwait shut down its airport at the beginning of the pandemic as a precautionary response to the spread of COVID-19 (Al Jazeera, 2020). The closure policy created panic between citizens and expatriates alike as many were abroad on vacation for the National and Liberation Day weekend at the end of February. Kuwait initially stated that the closure would last two weeks, but the airport has yet to operate at full capacity over a year later (Al-Arabiya, 2021; Al Sherbini, 2021). Citizens who were stranded abroad were repatriated at the expense of the State, while expatriates were told to be patient and wait for future policies that would allow them to return to Kuwait (Moghrabi, 2021).

Since the initial closure of the airport, Kuwait has been indecisive with its entrance policy regarding expatriates (Alkhaleej Online, 2021). When the airport reopened at limited capacity, initially high-risk countries were barred from direct flights (Jamal, 2020). Transit stops were mandatory should anyone want to enter the country from one of the banned countries. This evolved over time to include a forced 14-day hotel quarantine in the transit country and an exit swab before returning to Kuwait, where
another 14-day hotel quarantine would be implemented (Xinhua News Agency, 2021). However, that policy was short-lived as the Council of Ministers announced that no expatriates would be able to enter the country until further notice (Al-Arabiya, 2021).

Kuwait’s indecisive nature with traveling policy had serious implications on expatriates in the country and those stranded abroad. In November 2020, the Public Authority for Civil Information reported 147,000 residency permits have expired, while a total of 365,000 are still stranded abroad (Al Mulla, 2021). Residency permits require expatriates to spend no longer than 6 months abroad in order for their paperwork to remain valid (N. Al Obaid, personal communication, February 24, 2021). Wavering travel policies has frustrated many residents in the country, as the latest policy allows for vaccinated nationals the ability to travel, yet bans expatriates, regardless of vaccination status and negative PCR results, to travel freely and return to Kuwait. Residents are left making difficult life decisions should they decide to visit family abroad, not knowing if they’ll ever be able to return to their life in Kuwait (Al Mullah, 2021).

Increasingly discriminatory policies in Kuwait have created a mass exodus of expatriates amidst the pandemic. During the pandemic, the only topic Members of Parliament addressed regarding migrant workers was the demographic imbalance of the country’s population (M. Al Sabah, personal communication, February 16, 2021). The demographic imbalance refers to the overwhelming majority of the population being expatriates, and MPs have suggested different policies to rectify it. One of the most recent policies was no renewal or issuance of residency permits for expatriates who are 60 years old and without a college degree (Fattahova, 2020). The policy itself has received backlash from both nationals and expatriates alike, prompting the Public
Authority for Manpower to reconsider this policy that would expel 70,000 elderly migrants by the end of 2021 (Garcia, 2021).

Anti-expatriate rhetoric has increased for the past several years, and the pandemic was the breaking point for some expatriates. Kuwait is now facing a mass exodus as residents reckon with a country that no longer welcomes them (Garcia, 2020).

“Kuwaitization” policies, or replacement of expatriates with nationals in the workforce, forced migrants to leave the country in order to free up employment positions within the public sector for nationals (Alhatab, 2020). Private sector workers are also leaving the country for good as many companies were forced to shut down permanently because of the pandemic. This mass exodus of expatriates will have negative effects on the country, both in how it functions, as well as economically. Should Kuwaitization policies pass, Kuwait is expected to lose 2 million expatriates from the workforce (Peter, 2020).

Conclusion

The issues within Kuwait’s migrant community are a result of loose labor regulations, exploitative residency laws, and corruption that has encompassed all segments of government and society. The pandemic did not create any new issues, but rather heighten and expose systemic issues that have existed for a while, such as lack of labor protections in the private sector, visa trading, and discriminatory policies that hinder economic development. Government initiatives put in place to aid migrant communities during the pandemic were lacking significant beneficial impacts on migrant lives. While the amnesty evacuation program aided illegal residents return to their home countries without issue, other initiatives such as isolated lockdown zones, food aid
programs, and medical care were not functioning as effectively as the government intended or implied.

The kafala system in Kuwait is regulated through the residency law and the labor law. The system itself is a form of migration control and does not provide any social services to those who are sponsored by it. Although sponsors are financially and legally responsible for those that they sponsor, there is no defined role and duties of the sponsor. There is no legal consequence should there be abuse reported through the kafala system.

Labor brokers are largely unregulated in Kuwait. There is no mandate or regulatory body that holds labor brokers accountable when dealing with migrant workers from the unskilled private sector. The only labor brokers regulations cover domestic workers, and were recently introduced in 2015, outlining what would be included in their contract, and other labor protections. These regulations can be extended to cover unskilled migrant workers in the private sector to limit exploitation and visa trading opportunities.

Labor policies are only applicable within the public sector. Labor policies cover worker protections within the public sector, and more recently within the domestic help private sector. All other private sector workers depend on their contracts to outline duties and protections while employed. One recommendation that this thesis proposes to combat unskilled migrant worker abuse is to extend the domestic labor law protections to the unskilled private sector. This will provide basic legal framework to reduce wage theft and forced labor. Another recommendation is defining the right to peacefully protest and unionize as expatriates. Nationals are granted this right, and it should be extended to expatriates should the need to speak out against abuse and corruption arise.

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The limitations of this thesis are consolidated to the limited timeframe. Future research should look into the Ministry of Health’s think tank, as they are responsible for all COVID-19 curbing policies, including but not limited to lockdowns, airport closures, and quarantines. Expert interviews should target Members of Parliament and probe legislation regarding migrant workers, as well as ask about the different legislative committees’ mandates at the National Assembly.
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فهد سالم

https://news.kuwaittimes.net/website/moi-details-amnesty-procedures/.


**Interviews**

Colonel Ahmed Al Bairami, General Director of Kuwait Fire Force – Al Ahmedi Governate

Dawoud Al Jarrah, Esq., Former Undersecretary and Founding member of the Board of Trustees at the Anti-Corruption Authority

Dr. Hana Jafar, Medical Doctor at Al-Amiri General Hospital - Emergency Room

Mubarak Al Sabah, Behavior Analyst at the General Secretariat of the Supreme Council for Planning and Development

Noor Al Obaid, Human Rights Activist, Founder of Bake & Educate, Founder of Good Deeds Squad, Co-Founder of Kuwait Humanitarian Initiative
Appendix A

Amiri Decree 17/1959: Foreigners Residence Laws

Article (1): It is not permissible for a foreigner to enter or leave Kuwait unless he holds a valid passport issued by the competent authorities of his country or any other recognized authority, or he holds a document that acts as a passport and is issued by one of the aforementioned authorities.

Article (2): The passport or its equivalent must be marked with an entry permit from one of the consulates entrusted with this abroad. A decision shall be issued by the Head of the Police and Public Security Departments regarding the types of procedures to be followed to obtain the visa and the fees required.

Article (3): Nationals of Arab counties are exempt from obtaining an entry visa; in which a decree is issued based on the proposal of the Head of Police and Public Security Departments.

Article (4): It is not permissible for a foreigner to enter or leave Kuwait except from the places designated by a decision issued by the head of the police and public security departments, and after marking the passport (or document that takes its place) by the employee in charge of supervision.

Article (5): Captains of ships, planes and cars, upon their arrival or departure from Kuwait, must present to the authorities a list of the names of the men of their ships, planes, cars, and passengers and their data, and they must inform the authorities of the names of passengers who do not have passports and whether their passports are invalid or invalid. They must prevent them from leaving or boarding the ship, plane, or car.

Article (6): Every foreigner who has entered Kuwait must present, within forty-eight hours of his entry, to the Department of Nationality, Passports and Residence. He must write a declaration of his entry. If he changes his place of residence, he must inform of his new address within a week.

Article (7): Hotel managers and the like must inform the Department of Nationality, Passports and Residence of foreigners who stay in or leave their hotels within forty-eight hours from the time of their stay or departure. Likewise, whoever takes in or lives with a foreigner must notify the name and address of the foreigner within forty-eight hours from the time of the foreigner's arrival or departure.

The landlord of the place of residence or his deputy must indicate in the lease the passport number of the non-Kuwaiti tenant and all that proves his identity, and he must inform the mayor of the area in which the place is located of the name of the tenant, his nationality, workplace, the names of those who live with him and their nationality. He must also notify before vacating the tenant of the leased place. The notification shall be in writing within ten days from the date of the contract or eviction. The landlord or his
deputy, in case of violating this article, shall be penalized with a fine not exceeding two hundred dinars.

**Article (8):** Whoever takes in a foreigner or allows him to reside in his home must inform the Immigration Department in whose jurisdiction the property is located of the foreigner's name, address, nationality, and passport number within forty-eight hours from the time of the foreigner's arrival or departure. A decision shall be issued by the Minister of Interior regarding the procedures to be followed for reporting.

**Article (9):** Every foreigner who wants to reside in Kuwait must obtain a residence permit from the head of police and public security departments.

A Kuwaiti woman has the right to obtain a residence permit for her foreign husband and children, provided that none of them works for a public or private entity, and provided that the Kuwaiti woman did not obtain citizenship by extension from her marriage to a Kuwaiti. A non-Kuwaiti - the widow of the Kuwaiti who has children with him - is entitled to obtain a residence permit.

**Article (10):** If the foreigner does not intend to reside in Kuwait, but rather his purpose is to visit, he may remain without a residence permit for a maximum period of one month. If he does not leave Kuwait after the end of this period, he may be sentenced to imprisonment for a period not exceeding one week and to a fine not exceeding one hundred rupees or one of these two penalties.

**Article (11):** The head of the police and public security departments may give a foreigner who wants to reside in Kuwait a permit for temporary residence for a period of three months. Upon its expiration, he must leave Kuwait, unless he requests, at least a week before the end of this period, to be given a permit for regular residence.

**Article (12):** It is permissible for a foreigner licensed to enter Kuwait without an entry visa to obtain a license for ordinary residence for the length of time that his passport remains valid for work, as long as the period of his residence does not exceed five years from the time he obtained the license. If this period expires, he must request the renewal of the residence permit, and the Head of Police and Public Security Departments may renew the permit for another five years, time after time, or refuse the renewal. This foreigner, in all cases, must inform the Department of Nationality, Passports and Residence of every trip abroad or upon change of address. He may not be absent abroad for a period exceeding six months unless he obtained permission before his departure or before the end of the period set by the Head of the police and public security departments. Otherwise, his right to the authorized residency shall be forfeited.

It is prohibited to harbor, reside or employ any foreigner whose residence in the country is illegal. It is prohibited to employ any foreigner brought in by others during the validity of his contract.
Article (13): The five-year period stipulated in the previous article shall apply to foreigners who reside in Kuwait at the time this law is published, and the provisions of the aforementioned article apply to them from the time this law comes into force.

Article (14): A foreigner who is required to enter Kuwait with an entry visa may obtain a license for ordinary residence for the length of the period during which his passport remains valid for work, so that the period of his residence does not exceed one year from the time he obtained the license. If this period expires, he must request the renewal of the residence permit, and the Head of Police and Public Security Departments may renew the permit for another year, over and over again, or refuse the renewal.

Article (15): As an exception to the provisions of the previous three articles, a foreign employee in a government department is given a permit for regular residence for the period in which he works as an employee, provided that he holds a valid passport to work with. If his term of service ends, he must leave Kuwait within a week of the end of this period, unless he obtains another permit for ordinary residence. The government department in which the foreigner was working must notify the police and public security departments of the expiry of the foreigner's service upon its termination.

In all the cases mentioned in Articles 10, 11 and 12, the foreign applicant must notify the Immigration Department of the governorate in which the foreigner resides of the end of the foreigner's visit or his temporary or regular residence within a week of the expiry date. If the applicant decides to renew the residency, he must take legal measures one month before its expiry.

Article (16): The Head of Police and Public Security Departments may issue a written order to deport any foreigner, even if he has obtained a residence permit, in the following cases: First - If the foreigner is sentenced and the court recommends in its ruling to deport him. Second - If the foreigner has no apparent means of subsistence. Third - If the head of the police and public security departments believes that the deportation of the foreigner is required by the public interest, public security or public morals.

Article (17): The deportation order for a foreigner may include the foreign members of his family whom he is a guardian.

Article (18): A foreigner who has been issued a deportation order may be detained for a period not exceeding two weeks, if such detention is necessary to implement the deportation order.

Article (19): It is not permissible for a foreigner who has been previously deported to return to Kuwait without special permission from the Head of Police and Public Security Services.

Article (20): A foreigner shall be removed from Kuwait by order of the Head of Police and Public Security Departments if he does not have a residence permit or the term of this
permit has expired. He may return to Kuwait if he fulfills the conditions for entry in accordance with the provisions of this law.

**Article (21):** The Head of Police and Public Security Departments may order that the expenses of deporting a foreigner and his family or deporting him from Kuwait be from this foreigner's money, if he has money.

**Article (22):** If the foreigner issued a deportation order has interests in Kuwait that require liquidation, he shall be given a grace period for their liquidation after paying a fee. The Head of Police and Public Security Departments determines the amount of this grace period, which should not exceed three months.

**Article (23):** Residency licensing fees and renewal fees are determined by a decision of the Head of Police and Public Security Departments.

**Article (24):** Whoever violates the provisions of Articles 1, 4, 5, 6, 7, 8, 19 and 20 shall be punished with imprisonment for a period not exceeding one month and a fine not exceeding one thousand rupees, or by either of these two penalties.

It is permissible to accept reconciliation from the accused who violates the provisions of Articles (10, 11, 12) and (14 Paragraphs 2 and 3) and (15) and (15 repeated) from this law or the regulations and decisions implementing them on the following grounds:

**First:** To pay an amount of ten dinars for each day of delay in the case of violating the provisions of Article (10).

**Second:** To pay an amount of one hundred dinars for each month of delay or part of the month in case of violating the provisions of Articles 11, 12 and 14, paragraphs 2 and 3, and Article 15.

**Third:** To pay an amount of ten dinars for each day of delay in case of violating the provisions of Article (15 repeated) if the foreigner enters the country for a visit, and an amount of one hundred dinars for each month of delay or part of the month in case of temporary or regular residence. In all cases, the amount of reconciliation shall not exceed the maximum limit of the fine penalty determined for the crime over which reconciliation is to be made. The amount of conciliation shall be paid at the headquarters of the Immigration Affairs Department in the relevant governorate within ten days from the date the accused is notified of the violation, and the payment of the conciliation sum shall result in the lapse of the criminal case and all its effects. The director of the General Administration of Immigration Affairs or whoever he delegates may refuse the conciliation if he thinks what is justified based on the behavior of the accused and the length of the violation.

Without prejudice to any stricter penalty stipulated in another law, a person shall be punished with imprisonment for a period not exceeding three years and a fine not exceeding three thousand dinars, or one of these two penalties whoever helps a foreigner
obtain a visit or residence permit in the country in return for money or benefit or acceptance of a promise. The penalty will be doubled if he returns to committing this crime within five years from the date of the judgment against him. A penalty of imprisonment for a period not exceeding one year and a fine not exceeding one thousand dinars, or one of these two penalties, shall be inflicted on whoever obtains this permit in return for providing money, benefit, or a promise to do so.

**Article (25):** The following are excluded from the application of the provisions of this law: a- Heads of state and members of their families. B- Heads of political missions, their families, official employees, consuls, their families and their official employees, on condition of reciprocity. C- Holders of political passports, subject to reciprocity. D- Members of the tribes who enter Kuwait by land from the authorities that provide them to carry out their usual duties. E - Men of ships and aircraft coming to Kuwait who carry sea or air tickets from the relevant authorities of their jurisdiction. F- Those whom the head of the police and public security departments consider excluding with special permission for considerations related to international courtesy.

**Article (26):** The provisions of this law are without prejudice to the residency agreements to which Kuwait is a party, nor to the established customs.

**Article (27):** Without prejudice to the provisions of Article 20, it is permissible, at any time after the issuance of this law, to set up a committee to register foreigners residing in Kuwait without a residence permit to consider granting them a license in accordance with the aforementioned provisions. A decree shall be issued, upon the proposal of the Head of Police and Public Security Services, to form this committee and the rules and procedures that it follows in its work. In the formation of the committee, it is taken into account that representatives of the police and public security departments, the nationality, passports and residency department, the social affairs department, and Kuwaiti representatives of contractors and businessmen are represented in it.

**Article (28):** This law shall be published in the Official Gazette and shall be enforced from the time of its publication. The Head of Police and Public Security Services issues the necessary decisions for its implementation.
Appendix B

Migration Statistics from the Central Statistical Bureau

Table 2: Visa 17 Residency Permits granted for the first time

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### Table 4: Visa 19 Residency Permits granted for the first time

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