



Faulty Fixes

A Review of Recent Amnesties in the Gulf
and Recommendations for Improvement



AMNESTIES IN THE GULF

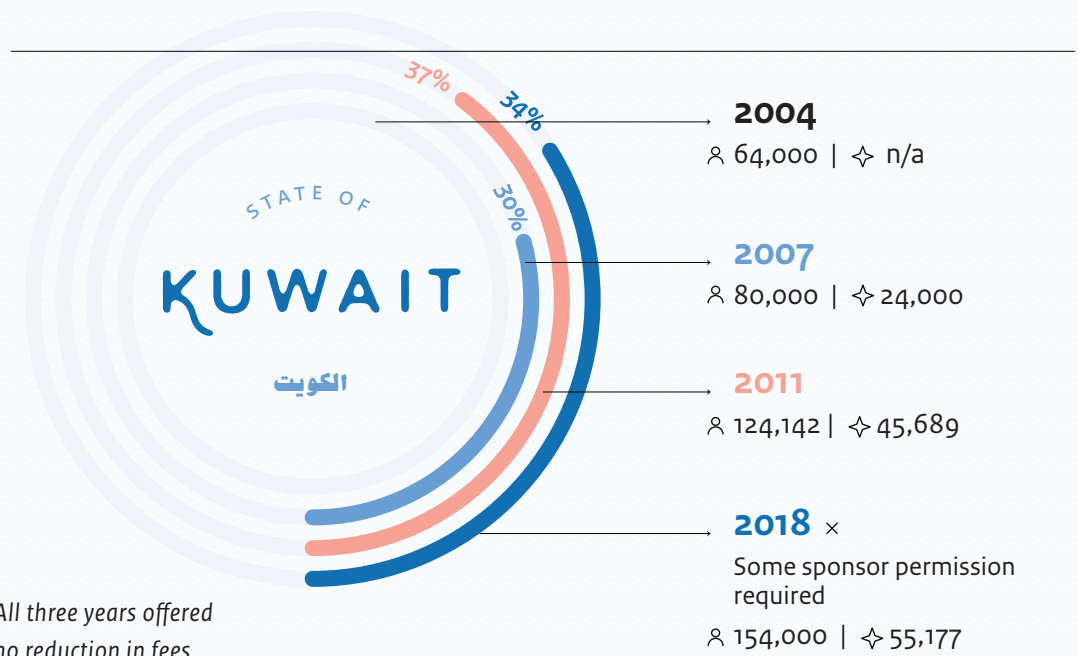
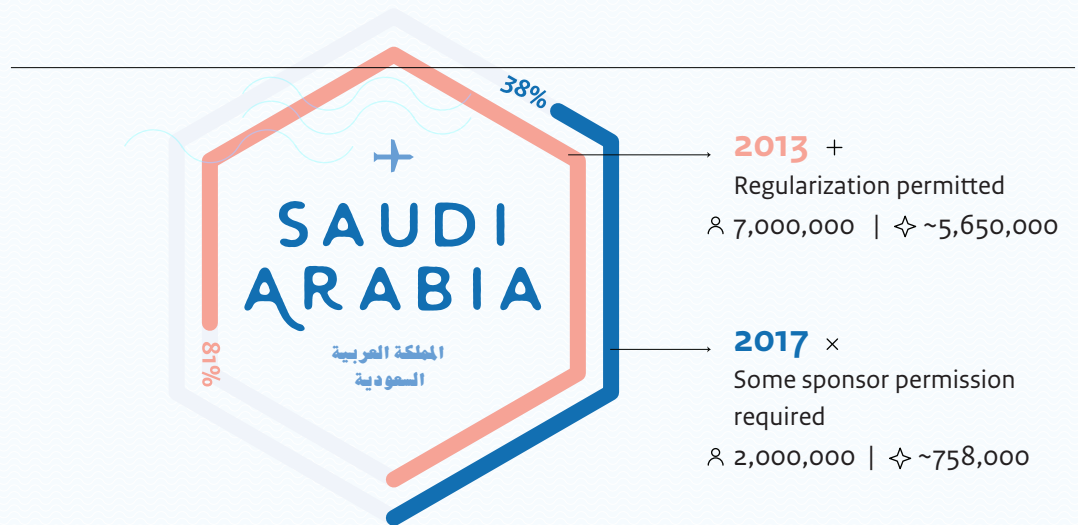
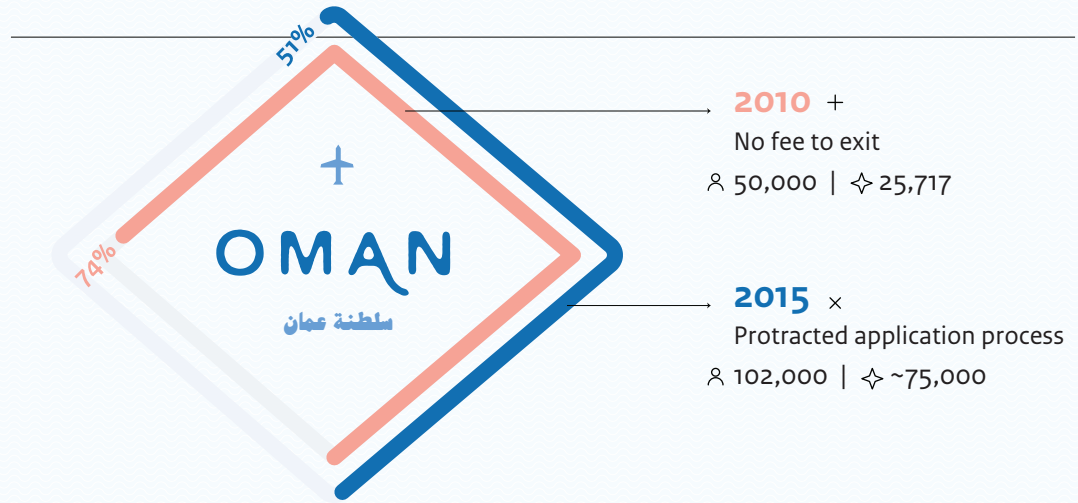
What Amnesty Practices Support Higher Turnout?

2018-2004

Data presented in these infographics are estimations based on the best available data reported by authorities in official statements and media reports.

KEY

- ⌘ Estimated irregular migrant population
- ⚡ Total amnesty seekers
- + Good practice
- × Bad practice



2
0
0
4
-
2
0
1
8



2007 +
No fee to exit or regularize
Embassies briefed before
amnesty was declared
⌘ 76,400 | ⚡ 61,128

2010
Embassies not formally briefed
until amnesty was declared
⌘ 40,000 | ⚡ ~20,000

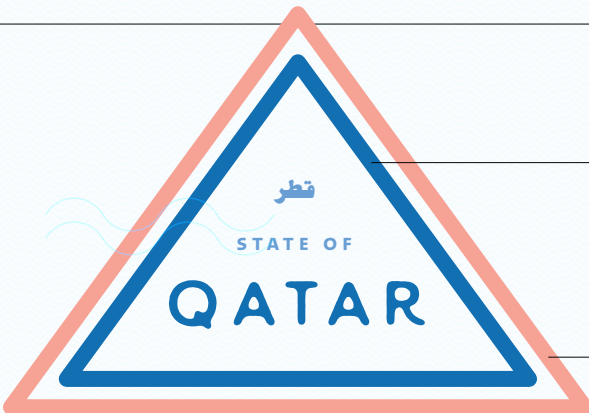
2015
No fee to exit or regularize
⌘ 60,000 | ⚡ 42,019



2007 +
No fee to regularize status
⌘ 380,000 | ⚡ 341,958

2012
⌘ n/a | ⚡ 61,826

2018
⌘ ~74,210 | ⚡ >105,000



2004
⌘ n/a | ⚡ 9,897

2016 ×
No advance communication
with embassies
⌘ n/a | ⚡ 9,000

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There are many variables in the design and implementation of an amnesty that can encourage or discourage worker participation.

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Improvements to the amnesty process could partially address the injustices that often force migrants to seek amnesty, ensure that amnesty seekers are treated fairly, and increase amnesty turnout.

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Introduction

In 2013, almost one million undocumented migrant workers were repatriated from Saudi Arabia, while another 5.5 million were permitted to regularize their status and continue to work legally in the Kingdom. This all happened during a six-month “amnesty,” a policy tool that each of the countries in the Gulf Cooperation Council (GCC) have used at least twice in the past fourteen years.

THE GCC COUNTRIES—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—are each characterized by a majority migrant workforce that is regulated by the *kafala* (sponsorship) system. Under this system, a worker’s employment visa and residency status is tied to the sponsorship of an employer who wields disproportionate legal authority over the employee’s mobility. Migrant workers who are unable to legally leave their job, or leave the country in some cases, are vulnerable to a range of abuses including occupational safety and health violations and gender based violence as well as non-payment of wages and other forms of forced labor.

For many migrants, irregularity is not a choice. Those whose sponsors fail to renew work visas or who are unknowingly recruited to fake jobs find themselves in an irregular status. The same is true for those who escape an exploitative job or working conditions that violate the local labor code, seeking fairer terms of employment. Irregular or undocumented workers become vulnerable to further exploitation when threats of detention or deportation discourage them from seeking better conditions or legal assistance. Such scenarios are populated with numerous real life cases of workers who face a series of narrow, unenviable choices and are systematically denied freedoms enshrined in international human rights law.

Over the past 30 years, GCC countries have periodically declared amnesties for irregular migrants. The objective of reducing the irregular migrant population is pursued by reducing or eliminating financial and legal penalties to enable these migrants to either regularize their employment and residency status or leave the country. Varying in their design and execution, amnesties tend to apply to migrants who have overstayed their visa, do not hold a valid residency ID or work permit, or no longer work for the employer listed on their visa. They generally exclude those who entered the country illegally or who face criminal charges.¹ Amnesty campaigns are often implemented alongside other tactics to remove irregular migrants and reduce irregular migration, including both punitive measures such as raids and deportation campaigns and legislative initiatives such as labor market reforms. For workers, Participation in an amnesty almost always means withdrawing from any legal claim to wage arrears.

The frequent use of amnesty programs indicates that irregularity is a common and recurring phenomenon; that it is a part of the *kafala* system, and that the relief brought by “amnesty” is as much for the labor market as it is for individual workers.

This report examines the design and implementation of 19 amnesties in the GCC from 2004 to 2018. The narrative follows the timeline of an amnesty campaign: the governments' motivations underlying the amnesty, the preparation and initial communications, the consequences of different designs, and the subsequent raids and deportations. An annex to the report presents the best publicly available data on amnesty participation numbers and rates. An exploration of each of these elements contributes to the specific recommendations—directed at GCC and origin-country governments—for improving access to amnesty schemes while safeguarding migrants' rights. As the first regional review of recent amnesties, the report endeavors to contribute to advocates' toolkits and establish a foundation for further research into GCC migration policies.

The report concludes that GCC governments can and should implement amnesties more effectively and with greater adherence to human rights standards. Campaigns designed and implemented to address the injustices produced by the overarching migration system are more likely to result in a higher amnesty turnout and better achieve their stated aims.

Methodology

Migrant Experiences

The report is grounded in interviews with migrants who worked in the GCC during active amnesty campaigns. Some interviews were conducted at the time of amnesties; additional interviews were conducted via a survey and follow-up interviews with over 30 workers who participated in amnesties. The majority of the respondents were from Bangladesh, Kenya, and Nepal, and had worked across the region in various occupations. Though the survey sample is too small to draw general conclusions, workers' voices invite understanding into the direct experiences of individuals targeted by these campaigns.

Media and Government

Additional primary sources for this review include archived media and official government statements. State news outlets, quasi-independent GCC-based outlets, origin country media, and blogs run by GCC-based migrants provided a rich archive of migrant experiences as well as scattered

data unavailable in official records. Official sources include announcements on GCC government websites, interviews with media, and information collected from authorized social media accounts. Similar sources from origin countries are also used, in addition to interviews with social workers from the Ethiopian consul, the Indian and Sri Lankan embassies, and various migrant organizations in Bahrain.

Data presented on amnesty participation is based on official government statements and media interviews. The calculated rates of participation are estimated because there is almost no publically available data on the irregular migrant worker populations.

While this report contextualizes the unique circumstances of irregular migrants in the Gulf—the majority of whom are undocumented workers pushed into an irregular status—its assessment is limited to amnesty procedures and does not delve into the structural reforms of the labor migration system necessary to address the root causes of irregularity. However, the recommendations express human rights principles that may be useful to policy-makers or advisors considering related reforms.

Why do GCC Governments Offer Amnesties?

Within the overall framework of reducing the irregular migrant population, GCC governments indicated a range of motivations for amnesty campaigns including ensuring compliance with new labor and residency laws or reforms; reducing the alleged economic burden of the irregular migrant population and thus improving job opportunities for nationals; and safeguarding national identity against the “demographic threat.” GCC officials often describe amnesties as a humanitarian gesture while simultaneously castigating irregular migrants as criminals and warning of impending crackdowns. In all cases, GCC governments theoretically aim for amnesties to reach the greatest number of irregular workers.

Supporting New Laws

Amnesties can be deployed to facilitate compliance with newly introduced laws or revised regulations. For example, Saudi Arabia implemented an amnesty in 2013 following an amend-

ment to the labor law that explicitly prohibited migrants from working a job different from that listed on his or her work visa.² The 2016 Qatar amnesty expired one day before a new residency law went into force, which purportedly gave workers more freedom to change jobs.³ Similarly, an amnesty campaign shortly followed Bahrain's 2007 labor market reforms, which required employers to register with the Labor Market Regulatory Authority (LMRA) and pay regular fees to sponsor workers. Employers and migrants alike were called on to regularize their status and to comply with the new regulations without paying any fines.⁴

One-sided Solutions for Stranded Workers

Some amnesties appear to have been implemented as a strategy to deal with unpaid workers stranded en masse by large construction companies. For example, thousands of workers were made irregular while waiting for their due wages following the collapse of the construction company Saudi Oger in 2017 and Kuwait's Al Kharafi in 2018. Both countries announced amnesties those same years. In order to participate in the amnesty, typically migrants must forfeit their claims. While officials often do not explicitly point to such incidents as motivations for an amnesty, reducing the financial and administrative obstacles to workers' exit helps governments manage demands for resolution from origin-country embassies and ease public relations disasters.

Labor Market Interventions or “Khaleeji-zation” and Correcting “Population Imbalances”

Migrant workers constitute the majority of the workforce in all GCC countries and between 45% to 90% of the population. Many of the GCC countries are pursuing programs to “nationalize” the labor market in order to increase employment opportunities for citizens. In Bahrain, Oman, and Saudi Arabia, especially, where some degree of perceived competition exists between nationals and non-nationals for jobs, the demographic threat of migrants is especially highlighted and irregular migrants are blamed for exacerbating declining economic conditions.

The 2013 Saudi amnesty was marketed as a campaign to lower unemployment rates for Saudis by removing “illegal competition” from the market.⁵ Saudi media, quoting sources at the Ministry of Labor, claimed the amnesty would create 60,000 jobs for Saudis.⁶ In fact, one year after the campaign ended, unemployment of Saudis had increased—epitomizing the common tendency for these claims to be more informed by xenophobia and scapegoat politics than by sound economic policy.⁷

Officials repeated similar sentiments during Oman's 2015 amnesty. An official with Oman's Ministry of Manpower said, “Amnesties are announced periodically to regulate the labor market,” and that “undocumented and overstaying migrant workers often offer their services at a lower price when compared to the documented workers. This creates many problems in the labor market.”⁸

Concerns for labor market imbalances are complemented by anxiety over the migrant population at large; when, in 2010, the head of Bahrain Central Informatics Organization revealed that migrants comprised the majority of Bahrain's total population for the first time, pundits and politicians bemoaned the “lost national identity” caused by migrants, and irregular migrants in particular.⁹ A Bahraini member of parliament called for effective measures to be taken to eliminate irregular migrants who present “negative repercussions” to “Bahraini identity.”¹⁰ An amnesty was declared a few weeks later.

The demographic threat frequently features in Kuwaiti media as well. In a 2013 statement to Kuwait News Agency, the Kuwaiti Minister of Social Affairs and Labor said that the ministry was taking measures to reduce the number of foreign workers in Kuwait by 100,000 annually. The minister said, “it's part of the ministry's efforts to regulate the labor market, curb the phenomenon of marginal labor, and restore the demographic equilibrium of the country.”¹¹

“The amnesty works better for the companies in Kuwait rather than the workers. But what can we do? We have to accept what's happening.” - A former Kharafi employee stranded in Kuwait (2018)

Xenophobic Language

Officials often emphasize that amnesties, as the term implies, are a humanitarian gesture. Saudi officials, for example, described the 2017 amnesty as a benevolent gift from the King to irregular migrants.¹² Yet, these claims are frequently undermined by officials who use incendiary language to describe irregular migrants as a threat to security, the economy, and society at large. These claims are part of a broader hostile narrative that is only rarely challenged by local media.¹³

Media reports accuse irregular migrants of everything from crime to disease to negatively influencing national culture.

Officials stir up anti-migrant sentiments to shift blame for social and economic troubles and to deflect political accountability. This characterization of irregular migrants also serves to justify the sometimes-violent crackdowns that occur when amnesty periods end. For example, during the 2015 Bahrain amnesty, a municipal councilor accused irregular migrants of causing “foul” smells and being “half naked in the streets.”¹⁴ In 2012, a Bahraini parliamentarian accused irregular migrants of practicing prostitution, bootlegging, and other “indecent” behaviors, and called for greater efforts to eliminate this “phenomenon.”¹⁵

No Human is Illegal

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Many GCC officials and local media refer to irregular migrants as “illegals.” Human rights advocates argue that the term “illegal” should not be used as a noun; that while an individual’s actions may be illegal, an individual’s existence cannot be.

The terminology is particularly misleading in the GCC context. Migrants with expired residency IDs and visas, or those who were never issued them, or who are working for someone other than the employer listed on their visa, are criminalized across the region. Official narratives suggest that migrants are willful violators of the law, though, in reality, they often have little control over these procedures.

Their compliance with residency and labor law regulations depends almost entirely on their sponsor, as migrants are unable to issue residence IDs to themselves or renew their visas independently. Additionally, strict regulations on changing employers and poor dispute mechanisms mean that migrants in exploitative or unsatisfying working conditions have little recourse except to leave their workplace (“abscond”), an act that automatically criminalizes migrants in all GCC countries.

Though no regional data is available, migrants are more likely to become irregular than enter the country irregularly. Individuals who enter the country irregularly may do so through border crossings, particularly prominent between Yemen and Saudi Arabia and through sea routes in Oman. Notably, these individuals are often seeking refuge.

There are a few exceptions where officials and state media acknowledged the culpability of the prevailing labor migration regime in forcing migrants into irregularity. During Bahrain’s 2010 amnesty, the LMRA’s communication manager told the

Gulf Daily News that “free-visa” workers and those with expired visas are no longer viewed as “illegal” by the authorities, as many of them are victims of rogue employers. He added that the LMRA now uses the term “irregular workers” instead of illegal workers because it puts a criminal label on them... Not all of these workers are intentionally here illegally... [t]hat’s why we are now going with the term irregular because it is a human rights issue.”¹⁶ However, since then, the LMRA still regularly uses the term “illegal worker.”¹⁷

“The Saudi company that hired me refused to issue a residency ID for me. I stayed undocumented in Saudi Arabia for nine months. They also did not pay my wages. When I heard of the amnesty, I chose to take advantage of it as I was not going to wait any longer for my employer to issue an ID for me or pay my wages. I contacted the NGO Pravasi Nepali Coordination Committee (PNCC) to help with my problem. PNCC was coordinating with the Nepal embassy in Saudi Arabia and the recruitment agency in Nepal to assist me. PNCC, with the support of the International Organization of Migration, helped me obtain a ticket and reach my hometown. The embassy helped with other procedures.”

– Survey Respondent (2017)

The Saudi Gazette coverage of the 2017 amnesty included several reports on the struggle migrants face with the sponsorship system that pushed them into an irregular status. Khaled Almaeena, the then-editor-in-chief, used his weekly English and Arabic columns to defend migrant workers, criticizing the sponsorship system and calling for authorities to punish those whom he described as “crooked” sponsors.¹⁸

Generally, media pieces that do highlight the plight of workers who have left exploitative employers or have been abandoned by bankrupt companies will only criticize individual employers and not the overarching migration system.

Preparation for Amnesties

In 2016, just before long-awaited *kafala* reforms would come into force, Qatar announced a three-month amnesty via Twitter and state news outlets only three days in advance of its start, generating questions and confusion from workers and embassies who had no time to prepare. Good communication and coordination is critical for both GCC governments and embassies, and can increase amnesty participation.

Communication with Embassies

Amnesties are announced to the public through state media outlets, but the way embassies and workers are informed of specific procedures and eligibility criteria varies widely between campaigns. Timely and clear instructions are important to ensure embassies can deliver services to amnesty seekers efficiently, to enable workers to make informed decisions about applying for the amnesty, and to allow enough time to organize the necessary paperwork to do so.

Embassies play a critical role in ensuring irregular migrants can participate in amnesty programs, but they are not always provided full information on amnesty procedures in advance. In some cases, embassies are informally notified of an impending amnesty but not provided with the practical details until the amnesty period begins.

Informing embassies about the amnesty is essential for three primary reasons: First, many irregular workers do not hold their passports, most often because their original employers confiscated them. Thus, embassies need to prepare to handle

increased demand for travel documents, which may involve ordering blank passport books, emergency travel certificates, and other official stationery from the country of origin.¹⁹

Second, embassies often need to hire temporary staff to handle a potentially large volume of applications. In larger countries such as Saudi Arabia, additional staff are often sent to several cities, and foreign missions may need to rent space in areas where they do not have a permanent office. For example, Nepal operated from a rented hotel floor in Jeddah during the 2013 amnesty as it lacked a consulate in the country's second-largest city.²⁰ Training new staff and setting up these new spaces require time to implement.

And third, embassies often mobilize a network of nongovernmental organizations (NGOs), volunteers, and social workers to assist amnesty participants. This assistance includes spreading the word about the amnesty, raising money for air tickets, organizing job fairs, distributing water to applicants waiting in long lines, and helping to fill out applications. Several Nepali survey respondents in Saudi Arabia noted that they were informed of the 2017 amnesty and its procedures through the Non-Resident Nepali Association (NRNA) and

Pravasi Nepali Coordination Committee (PNCC) community organizations. Even in smaller countries such as the UAE, embassies rely heavily on local community organizations to spread information on the amnesty and to help applicants through the process.²¹

In most cases, GCC governments inform embassies of amnesties concurrently with their public declaration. During the 2013 Saudi amnesty, the Ministry of Labor summoned heads of foreign missions to explain the amnesty's conditions and procedures several days after it was announced to the public. Embassy representatives complained they needed clarity on procedures as well as more time to implement them.²² In Bahrain, foreign missions were not formally briefed when the 2010 amnesty was declared. Pakistan's Embassy Committee Welfare Attaché at the time said that "although they have not received any official notification, the embassy has already begun accepting amnesty applications for all categories of visas."²³ Embassy representatives in Qatar told Migrant-Rights.org that they received no official communication from the Ministry of Interior during the 2016 amnesty and relied on the ministry's social media platforms for information.

"We also got to know about the amnesty only through social media. There is no official communication between us and the Ministry of Interior, which is surprising. But we understand there has been a meeting between community leaders and officials at the Ministry of Interior. However, people who surrender will need temporary travel documents, which the embassies have to arrange, and people call us asking details of the amnesty. They mainly ask us if they will be allowed to enter Qatar or will be blacklisted. We have no answers to such questions. We are able to provide them only with the information published on social media."²⁴

- Senior official from a South Asian country embassy (2016)

At least seven of the amnesty campaigns in the period studied were extended for several months because of low turnout rates and requests from origin country officials for more time to encourage migrants to participate and to support amnesty seekers. During the 2013 Saudi amnesty, diplomats of several sending countries pressured the Saudi government to extend the amnesty period, citing lack of preparation to cope with the heavy demand and overcrowding of application offices. Saudi authorities initially could not issue exit permits to one-fourth of the irregular migrants who had sought to leave the country; consequently, the amnesty was extended by four months.²⁵ However, further appeals by sending countries to extend the amnesty for a second time were rejected.²⁶

Kuwaiti extended its 2018 amnesty after a formal request by the Philippines' Secretary of Foreign Affairs following a low turnout of Filipino migrants.²⁷ Origin-country diplomats also often request amnesty eligibility criteria to be relaxed, however, these demands are usually rejected.^{28,29}

Some amnesty campaigns show greater coordination between governments and embassies. For example, Bahrain's LMRA briefed embassies about the 2007 amnesty procedures before its official declaration. The LMRA CEO told the Gulf Daily News, "We want to get feedback from the ambassadors on the best procedures to be followed. We want to make the whole amnesty process as smooth as possible with support of the embassies." Bahrain's 2007 amnesty had the country's highest turnout of any amnesty in the country to date.³⁰

Communication with Migrants

For many migrants, amnesty campaigns can be very confusing. When official information is unclear or lacking detail, rumors abound. None of the surveyed respondents reported hearing about amnesties from government outlets. Instead, the majority said they learned about campaigns through friends and migrant networks. One respondent seeking amnesty during the 2018 Kuwait amnesty recalled that "due to the language [barrier], I was not able to [take advantage of the amnesty] by myself." She added that she sought "support from the Nepali migrant worker[s]" who were also applying for the amnesty. Another respondent said he only came to know about the amnesty through Arabic-speaking individuals.

Gulf authorities publicize the amnesty to workers and employers primarily through local media. Press conferences announcing the program usually include an overview of the duration, conditions, and general procedures. Officials often appear on television or radio and conduct interviews with local newspapers to discuss procedures. This media exposure is almost always in Arabic, benefitting large expat communities from Egypt, Sudan, Yemen, and other Arabic-speaking countries, but excluding a significant non-Arabic speaking population. Other media, primarily online newspapers based in the GCC and origin countries, report on amnesty procedures in English, Malayalam, Urdu, and other languages dominant among migrants. Officials from origin-country embassies often make statements to local media to encourage migrants to participate in the amnesty.

Authorities also advertise amnesties on government websites and social media accounts. During the 2016 Qatar amnesty, the Ministry of Interior's Twitter and Facebook accounts disseminated information in nine languages.³¹ During the 2013 Saudi amnesty, the Ministry of Labor and Social Affairs (then the Ministry of Labor) issued guidelines for workers to regularize their status in Arabic, English, Hindi, Indonesian, Malayalam, Tagalog, Turkish, and Urdu on its website.³² During the 2015 Bahrain amnesty, the LMRA published guidelines on its website in 13 languages.³³ Pamphlets in various languages are often distributed to embassies and to workers in public markets, mosques, and factories.

GCC governments also experiment with in-person awareness raising. During the 2007 UAE amnesty, Ministry of Interior officers toured areas where migrant workers reside and congregate to speak directly with irregular workers and encourage them to benefit from the amnesty.³⁴ Several billboards advertising the amnesty appeared across various parts of Abu Dhabi.³⁵ During the 2010 Bahrain amnesty, the LMRA, embassy officials and migrant social groups organized informational roadshows and video screens projected encouraging messages from migrants who had benefited from the amnesty.³⁶

Governments sometimes establish hotlines in Arabic or both Arabic and English to help answer questions. Bahrain and Saudi Arabia typically run hotlines, as did the UAE in 2012. However, no statistics have been released regarding their

usage.³⁷ During the 2017 Saudi amnesty, authorities sent text messages to every mobile in the country. Bahrain's LMRA also uses text messaging to alert migrants of amnesties, however, they only send messages to numbers registered with them. Migrants often discard the free sim cards provided by the LMRA, fearing surveillance.

Despite more recent efforts at effective communication, government success in reaching irregular workers is unclear. A Qatari official admitted, "It is difficult to reach out to all communities in their languages."³⁸ Several Saudi media reports noted that while the amnesty itself was publicized, critical information about processes (e.g., which government offices to visit to apply for amnesty) was missing. In some instances, changes to amnesty procedures were not publicized anywhere, and applicants only discovered the changes when applying at government offices.³⁹

Female domestic workers are most likely to have limited to no knowledge of amnesties, as they are often confined to their employers' homes, have limited interaction with other migrant workers, and may have only monitored access to communication devices. Most of the female survey respondents said they were unaware of the amnesty campaigns that were ongoing while they were working abroad.

Government Agency Capacity

The preparedness of government offices to process amnesty procedures is critical to preventing the administrative backlogs that can keep migrants waiting in uncertain conditions, jeopardize approval of their application, or deter them from applying at all. Governments can prepare by ensuring adequate staffing, training all staff to apply amnesty procedures consistently, and sensitizing staff to the ways in which migrants may become irregular.

Survey respondents recalled a range of application processing times, from as quickly as one working day (Kuwait 2018) to as long as 30 days (Saudi 2017). None of the respondents indicated they encountered any trouble in dealing with government officials, and several mentioned that officials helped them to understand the process.

Media reports also offer a glimpse of migrants' and embassy encounters with government institutions. Saudi government offices were criticized during the 2013 amnesty for being overcrowded and understaffed, despite extending hours and adding extra shifts.⁴⁰ Many diplomats complained that the process was "painstakingly slow."⁴¹ Several applicants who lost their jobs due to the *Nitaqat* initiative to increase Saudi citizen employment complained that neither the Ministry of Labor nor the Ministry of Interior would grant them an exit permit, although they met the conditions of the amnesty.⁴² A Saudi *mu'qqab* (a broker who helps companies and workers fulfil bureaucratic procedures) told al-Medina newspaper that government officials do not seem to "understand the amnesty process."⁴³

During the 2015 amnesty in Bahrain, Bangladeshi migrants complained that the regularization process was complicated and unclear. One group told al-Wasat news that the LMRA required them to pay penalties to regularize their status, though the government had publicly announced that there would be no fees.⁴⁴

Permanent government offices—such as immigration or the Ministry of Interior—often process amnesty seekers, but additional offices may be established during amnesty periods to reach workers across the country and manage the workload. Increasing the accessibility is one factor that can increase the likelihood of participation in an amnesty. During the 2007 UAE amnesty, the Ministry of Interior established a temporary office in the Indian School in Sharjah in coordination with the Indian embassy to serve Indian amnesty seekers. Emirati officials said this helped alleviate pressure on government offices.⁴⁵

Procedures and Implementation

Amnesty procedures vary in complexity and accessibility depending on the amnesty seeker's specific situation (in particular, how they became irregular and whether they intend to regularize their status or exit the country) and the parameters established by the particular amnesty campaign. While all amnesties enable irregular migrants to exit the country, only some permit workers to regularize their legal status and remain in the country. For both repatriation and regularization, an amnesty generally relaxes financial and legal obstacles.

Amnesty campaigns impose different conditions for eligibility, but generally share a common exclusion: workers with debts, bank loans, or legal disputes. The exception is workers who face the legal charge of absconding, which is often dropped. Workers with smaller debts—such as unpaid phone bills—may be able to settle their dues and proceed with the amnesty.⁴⁶

Regulations eased to facilitate repatriation may include:

- a. Ability to exit the country without permission of the original sponsor
- b. Ability to exit the country without penalty of a travel ban or blacklisting
- c. Reduction of, or exemption from, fines associated with an invalid residency or work permit

Regulations eased to facilitate regularization may include:

- a. The ability to transfer sponsorship without the permission of the original sponsor
- b. Dropping absconding charges issued by a former sponsor
- c. Reduction of or exemption from fines associated with an invalid residency or work permit

In most cases, migrants who entered the country illegally are also ineligible.⁴⁷ Exceptions include amnesties in Qatar (2004), Saudi Arabia (2017), and Kuwait (2018).⁴⁸

Most amnesties provide migrants the option to regularize their status and remain in the country; Saudi's 2017 amnesty did not permit regularization and saw a considerably smaller turnout than its 2013 campaign (see Table 8).

Amnesties typically only apply to workers who became irregular before a certain date and before the amnesty is announced, such that a worker who leaves their employer during the amnesty is not eligible.

Migrants with Pending Labor Disputes

Migrant workers who have experienced labor rights violations in GCC countries face multiple barriers to pursuing justice through the legal systems. Barriers to access formal justice include language, distance, cost, time, and legal status. Those who take on the challenge of a formal labor dispute may choose not to participate in an amnesty if it means dropping their legal claim, particularly in cases regarding wage arrears, which are the most common.⁴⁹

While assigning power of attorney and pursuing legal cases from abroad is theoretically an option across GCC countries, it is often very costly to do so, especially for low-income workers already in debt from past-due wages. Because of the high cost, embassies rarely take on migrants' labor disputes except for exceptional circumstances.⁵⁰ During the 2017 Saudi amnesty, the Filipino embassy took power of attorney for a large group of Filipino workers stranded by the now-defunct Saudi Oger company.⁵¹ And in what appears to be an exceptional case, the Qatari government directly intervened to resolve some labor disputes by paying migrants directly while seeking repayment from sponsors in the 2004 amnesty.⁵²

But in most cases, migrants face a grim trade-off: return home without administrative penalties but lose months of wages, or remain in uncertain circumstances only for the slim possibility of obtaining their due. Saudi media reported on several cases of migrant workers who stayed behind to pursue their cases. More than 50 construction workers in Medina, some of whom were owed up to 100,000 riyals (\$26,666) in back salaries, told reporters "that they do not want to leave the Kingdom because they want to follow up their cases," though they were "afraid" of missing the chance of the 2017 amnesty.⁵³

Many unpaid workers with labor claims against Al Kharafi National company were effectively forced to forgo their settlements to avail of Kuwait's 2018 amnesty.⁵⁴ Commenting on the situation, the Nepali Ministry of Foreign Affairs Joint Secretary said: "We are concerned about their pending salaries. The workers could decide whether to let go their salary and return home."⁵⁵

Travel Bans

The suspension of re-entry bans or blacklisting, a penalty often imposed on irregular migrants who are caught and deported, is also a key incentive for migrants to seek amnesty. However, not all amnesties suspend re-entry bans. Oman's 2015 amnesty levied a three-year ban on migrants who availed of the amnesty, and Qatar similarly did not drop the two-year re-entry ban on migrants who took advantage of the 2004 amnesty.⁵⁶ In the UAE's 2018 amnesty, only migrants who entered the country illegally faced a two-year re-entry ban.⁵⁷

Navigating the System

In some amnesties, registering with the embassy is a mandatory initial step for every amnesty seeker. In others, migrants may head directly to government offices or to ports of departure if they are in possession of their passports and a ticket home.⁵⁸ For example, in Bahrain's 2015 amnesty, irregular migrants with passports could directly approach the Nationality, Passport and Residence Affairs to get an exit stamp and then leave the country without paying fines.⁵⁹

However, all migrants without passports must first approach their respective embassies to apply for a new passport or emergency travel document. The exception appears to be Qatar's 2004 amnesty, in which the head of the Search and Follow-up Department said Qatari authorities would facilitate the applications of all migrants, including those without passports or with fake passports. In this case, the origin-country embassy would still have had to issue the travel document, but migrants could begin the application for the amnesty without one.

Oman's 2015 amnesty provides one example of a particularly protracted process: all applicants had to first register with their respective embassies, which then prepared and endorsed the documents required for submission to the Ministry of Manpower.⁶⁰ Applicants then had to translate the

documents to Arabic at an official typing center. Next came registration at the Ministry of Manpower, on a day allocated to the workers' nationality. Last came the visit to yet another building, the emigration police, for clearance.⁶¹ This bureaucratic labyrinth may explain why amnesty turnout was significantly lower in 2015 than in 2010, despite reported improvements to coordination with embassies and awareness campaigns.⁶² Migrants in specific circumstances may be required to go through additional administrative processes; for example in Kuwait's 2018 amnesty, amnesty seekers with absconding cases against them had to first go to the General Authority of Manpower's Department of Labor Relations to have the charges dropped. Only then could they settle their fines and initiate processes to regularize their stay in the country. Those with absconding cases who sought only to leave the country could go directly to the airport.⁶³

In Saudi Arabia, most municipalities in the country have a local office for both the Directorate of Passports and the Ministry of Labor to handle amnesty procedures. Most migrants appear to have relatively easy access to local offices without needing to travel to major cities. However, two survey respondents in Saudi Arabia reported that they faced difficulties applying for the 2017 amnesty because the government offices were far away from where they lived, and they could not leave their workplace to apply.

Migrants who do not have an embassy in the country face an added obstacle: they must coordinate with an embassy in the nearest country, which prolongs the time needed to obtain the requisite documentation for exit. If a consulate is present in the country, the consulate will often liaise with the nearest embassy on behalf of the migrant.

The Employer and the Sponsor

Generally, every irregular worker in the GCC has someone who originally arranged their entry into the country (a sponsor) who is separate from their source of income (usually an employer).⁶⁴ Although the term "amnesty" implies that such campaigns are focused on workers, the roles of the sponsor and the employer are always part of the picture, even if it is the background. Sponsors usually seek a one-time or recurring payment from the workers they permit to work elsewhere. Employers have incentives to hire irregular workers: to avoid sponsorship costs and procedures, to skirt labor reg-

ulations and to control a workforce through fear of detention or deportation. Amnesty design can address the culpability of those individuals and companies who are illegally employing undocumented workers. Implementation can require or waive sponsor approval for exit or regularization.

GCC governments have recently increased penalties and fines levied during amnesties on businesses and individuals who employ or assist irregular migrants (see Table 3). These penalties aim to curb irregular employment and incentivize sponsors to employ migrant workers through regular channels.⁶⁵ Yet, enforcement of these regulations is disproportionate to the punitive measures taken against irregular migrants. The police raids and deportation campaign that followed the 2017 amnesty in Saudi Arabia offer one example: Saudi authorities arrested 611,852 irregular migrants for violating residency and labor laws but only 1,300 individuals for transporting or providing accommodation to irregular migrants. Out of the 1,300 individuals, only 198 were Saudis. Responding to the arrest and deportation of more than 1,000 irregular workers during Oman's 2015 amnesty, a Shura Council member criticized the lax measures taken against companies that hire irregular workers and called for tougher measures. "Blacklisting the companies is the only solution. At present, if a company violates the law by hiring workers illegally, the punishment is different in each case. Some get only the warning while others are fined. This has to be stopped. Punishment for violators should not differ in each case."⁶⁶

The occasional requirement of sponsor permission is another factor impacting amnesty participation. The issue of sponsor permission to change employers, or to exit the country in some cases, lies at the heart of the *kafala* system; an amnesty that maintains this requirement does not adhere to international labor rights standards and restricts migrants ability to participate due to fear or inability to contact their sponsor. Sponsors also possess a great deal of de facto control over workers' physical movement; some of the domestic workers surveyed for this report said their sponsor/employer did not allow them to benefit from the amnesty, even though the amnesty itself did not require this permission.

The role of sponsor approval or notification in a workers' own amnesty petition varied. In some campaigns, former sponsors play no role in the amnesty process. In others, the sponsor's

involvement depends on the amnesty seeker's situation. For example, absconded workers initially needed approval from their former sponsors to transfer to another sponsor during Kuwait's 2018 amnesty. A Bangladeshi survey respondent said he could not obtain the approval of his former sponsor to regularize his status during the 2018 Kuwait amnesty. Sri Lanka's ambassador observed that this requirement prevented or obstructed many amnesty seekers from regularizing their status.⁶⁷ This condition was later dropped, enabling those workers to transfer sponsorship so long as their new sponsor paid all fines levied against them.⁶⁸ In other cases, sponsors may be required or given the option to intervene in workers' impending exit. In Saudi Arabia's 2017 amnesty, migrants whose sponsors never issued or failed to renew their residency IDs were allowed to leave the country only if their sponsor applied for and paid their exit visa fees. However, irregular migrants with absconding charges were allowed to exit without sponsor approval.⁶⁹

In Oman's 2015 amnesty, sponsors had one week from an amnesty seeker's registration with the Ministry of Manpower to file a claim against them. If a claim was lodged, the embassy, sponsor and Ministry of Manpower would meet with the employer. According to researchers' interviews with the Indian embassy in Oman, claims against amnesty seekers rarely occurred.⁷⁰

Despite sponsors' overwhelming control over a migrants' legal status, only a few amnesty campaigns directly targeted sponsors to regularize migrants' status. Saudi's 2013 amnesty called on sponsors to ensure employees' visas listed the correct job. In 2006 and 2015, the UAE targeted regularization campaigns at employers, summoning them to issue or renew work permits to their workers.⁷¹ The penalties for failing to issue or renew work permits were heavily reduced.⁷² The status of 58,365 out of an estimated 100,000 workers without permits were corrected in 2015.⁷³

Employers who confiscate workers' passports present a significant obstacle for amnesty seekers. GCC governments tend to "urge" employers to hand over passports, but do not systematically penalize those who keep them, despite region-wide laws prohibiting the confiscation of workers' passports.⁷⁴

Financial Costs

Financial Penalties and Administrative Fees

Workers considering participation in an amnesty program take note of the financial penalties and other administrative fees they will be required to pay. GCC governments may waive or reduce visa overstay penalties during an amnesty to encourage participation and streamline administrative procedures. Official announcements make clear this waiver is temporary and often forewarn heavy fines and detention once the amnesty period ends.

The temporary elimination of visa overstay penalties is a strong incentive for irregular migrants for whom fines can become

insurmountable, especially for families, as each individual is charged a daily fee for overstaying. During the 2012 UAE amnesty, accounts of migrants owing fines up to 50,000 dirhams (USD 13,612) were reported.⁷⁵ Though some countries, including the UAE, offer limited opportunities to clear fines outside of general amnesties, many migrants await the perceived security of an amnesty before attempting an encounter with authorities.

Distinct from overstay fines, some GCC amnesty programs charged program-specific administrative fees, either to regularize employment status or to exit.

TABLE 1 Fees Levied on Amnesty Seekers for Regularizing their Status and Exiting the Country

Country	Year	Fee to regularise?	Fee to exit?
Bahrain	2007	No ⁷⁶	No ⁷⁷
	2010	Yes, 15 BHD (\$40) for expired work visa; 25 dinars for expired visit visa ⁷⁸	Yes, 15 BHD for expired work visa; 25 dinars for expired visit visa ⁷⁹
	2015	No ⁸⁰	No ⁸¹
Oman	2005	Unknown	Yes, OMR 250 (\$649) ⁸²
	2010	No ⁸³	No ⁸⁴
	2015	No ⁸⁵	No ⁸⁶
Kuwait	2004	Yes, KWD 2 (\$7) per each day after visa expiration, up to a maximum KD 600 ⁸⁷	No ⁸⁸
	2011 ⁹⁰	Yes, KWD 2 (\$7) per each day after visa expiration, up to a maximum KD 600	No
	2007 ⁸⁹	Yes, KWD 2 (\$7) per each day after visa expiration, up to a maximum KD 600	No
	2018 ⁹²	Yes, KWD 2 (\$7) per each day after visa expiration, up to a maximum KD 600	No
Saudi Arabia	2013	No ⁹³	No ⁹⁴
	2017	Not Applicable	No, however, sponsors must pay a fee of SR 500 for workers with expired residency ID ⁹⁵
Qatar	2004	Yes, penalties for overstaying visa ⁹⁶	No ⁹⁷
	2016	Not Applicable	No ⁹⁸
UAE	2007	No, but sponsor might be required to pay fees ⁹⁹	No ¹⁰⁰
	2012	Yes, AED 25 (\$7) per day after visa expiration and other charges for processing documents ¹⁰¹	No ¹⁰²
	2018	Yes, AED 500 (\$136) to transfer sponsorship ¹⁰³	Yes, AED 220 (\$60) ¹⁰⁴

Visa overstay penalties are generally waived for workers choosing to exit the country, but are frequently kept in place for workers who are regularizing their employment status to stay in the country.

In Kuwait, all amnesties since 2004 have required migrants correcting their status to pay the usual overstay penalties: a 2 dinar (\$7) per day fine for each day of residence after visa expiry, up to a maximum of 600 dinars (\$2,000).¹⁰⁵ During the 2012 UAE am-

nesty, only workers who wanted to regularize their status had to pay penalties accrued from overstaying their visas.¹⁰⁶ Those who sought to exit the country were exempted.¹⁰⁷

Bahrain's 2010 amnesty levied the same fees on those seeking regularization and exit; amnesty seekers were required to pay 25 dinars (\$66) if they overstayed a visit visa and 15 dinars if they had an expired employment visa.¹⁰⁸

“Partial Amnesties”

Some GCC countries have declared “partial amnesties,” where irregular migrants must meet certain conditions and/or pay a fee for amnesty. For example, in 2007 Oman announced a partial amnesty that waived all overstay penalties for irregular migrants with expired visas who arrived in Oman before 1993, while those who overstayed their visas between 1994 and 2001 had to pay 50 percent of accumulated charges.¹⁰⁹ In 2016, Kuwait announced a partial amnesty to allow irregular migrants to legalize their status or exit the country without being blacklisted, provided they paid their financial penalties and voluntarily participated in the scheme.¹¹⁰ This partial amnesty was criticized by foreign missions for not being “attractive enough” and similar to the voluntary repatriation program already in place outside amnesty periods. The Sri Lankan ambassador told *Kuwait Times* that “a regular amnesty means that you are allowed to leave the country without paying fines and that you are free to return. In the current amnesty, you have to pay. Even without the amnesty, the government of Kuwait dispenses goodwill, and we thank them for this. However, I think this amnesty is similar to the voluntary repatriation program which has already been in place for years.”¹¹¹

From May 10 to August 15 2015, in the first months of the Saudi-led coalition's war in Yemen, Saudi Arabia provided an amnesty exclusively for Yemeni nationals. The amnesty offered a visitor visa extendable every six months and a work permit.¹¹² The work permit extended to male Yemenis only and allowed for employment in all sectors except engineering, health, and education. To qualify for the amnesty, Yemeni nationals had to pay 200 Saudi Riyals (\$53)¹¹³ for a visa, provide a medical examination report, and be sponsored by a “local host.” Local hosts differed from traditional sponsors or *kafeels*, in that they could be either Saudi citizens, Yemeni citizens who hold a valid work visa and a residency ID, or Saudi businesses. Each Saudi or Yemeni citizen could host up to five Yemenis, while businesses could host up to 10% of their workforce.¹¹⁴ The Saudi government said 463,562 (of the estimated 850,000) Yemeni nationals participated in the amnesty and obtained visitor visas.¹¹⁵

Airfare to Return Home

Amnesty seekers are usually required to purchase their own travel ticket in order to secure an exit permit to return home. There are some notable exceptions, including the 2004 Qatar amnesty in which sponsors were expected to pay tickets for returning workers.¹¹⁶ During the 2007 UAE amnesty, Ministry of Interior officials said sponsors who were found to have mistreated workers and caused them to abscond would be required to pay the workers' return tickets.¹¹⁷ During the 2012 UAE amnesty, a Ministry of Interior official told a local newspaper that the government could help pay all or part of the cost of tickets in certain circumstances where workers could not afford to pay.¹¹⁸ During Bahrain's 2010 amnesty, the Labor Market Regulatory Authority announced that it would provide tickets to workers who suffered labor violations or “mistreatment” by the employer and, in such cases, the tickets would be reim-

bursed by the employer through legal procedures. However, in all cases it is unclear how many tickets were provided by the government or how many employers ended up paying for the tickets.¹¹⁹ In some cases, the Labor Market Regulatory Authority also paid for tickets in coordination with the worker's home embassy.¹²⁰

In limited circumstances, embassies provide free tickets to their citizens. During Kuwait's 2018 amnesty, the government of the Philippines offered free tickets to all amnesty seekers.¹²¹ During Bahrain's 2007 and UAE's 2007 and 2012 amnesties, the Indian embassy purchased tickets for Indians unable to afford them.¹²² The local government of the Indian state of Kerala provided 1,000 free tickets to migrants returning during the 2012 UAE amnesty.¹²³ However, the then Indian ambassador to the UAE noted that "90 percent of Indian expats financed their own tickets and procedures" during the two amnesties.¹²⁴ Given that many embassies are often resource-strapped, free tickets may only be provided as a last resort, in only the most desperate situations. In Bahrain, the Indian embassy has provided tickets to some victims of labor violations, depending on criteria such as age and physical and mental health.¹²⁵

In addition to embassies, businesses and migrant diaspora associations raise funds to purchase tickets for migrants who cannot afford them.¹²⁶ Nepali survey respondents said they received financial and logistical assistance from the Nepal-based NGOs NRNA and PNCC during the 2017 Saudi amnesty. The organizations provided airline tickets and covered the cost of local travel to their hometowns. Similarly, the Indian Social Worker's Club provided tickets to irregular workers in Oman's 2015 amnesty.¹²⁷

These endeavors are often conducted in collaboration with the embassy. Some workers lack the social network to connect with migrant associations or are from countries that are unable to provide additional resources and support. Those who cannot afford tickets may be forced to wait, indefinitely, for deportation.¹²⁸

In many cases, it would be cheaper for GCC governments to purchase a one-way ticket than to manage the financial and administrative burden of a protracted detention period, which often ultimately culminates in the government paying for deportation months or years later. Yet, the prevailing practice

remains to require amnesty seekers to provide their own ticket, with only very limited consideration of their circumstances. Those unable to secure a ticket home will remain irregular, and subject to arrest and detention once the amnesty campaign ends.

Other Transportation Costs

Transportation costs to the embassy or administrative offices where paperwork is processed can also pose an obstacle to amnesty seekers. Many migrants work in secluded areas, remote villages or labor camps far from city centers, and multiple visits to government offices may require a considerable amount of time and money.¹²⁹ GCC states often open temporary offices and embassies establish mobile consular services or camps across the country to make services more accessible, although even short distances can pose an obstacle for migrants who depend on their daily earnings. Shahid, a Bangladeshi worker, told Gulf News that to get his paperwork done his "entire day goes wasted travelling to Dubai," meaning a day of lost wages. Shahid said that he "can't afford taxi fare" so he could only take public transportation, which takes longer.¹³⁰

In smaller countries like Qatar and Bahrain, migrants who sought amnesty may have faced relatively fewer difficulties since most migrants are located in the capital where embassies and government institutions are also located. However, there is often a fair amount of back and forth required to complete all the necessary paperwork, and transportation logistics and cost can still be an obstacle. The majority of survey respondents said they did not endure difficulty reaching government offices to apply for amnesties, though some noted that distance and leaving work presented an issue.

Some embassies arranged transportation for their citizens. For example, the Indian Community Relief Fund, the community outreach wing under the Indian embassy in Bahrain, transported migrants to the embassy upon request.¹³¹ However, most embassies do not have the resources to coordinate logistics for the large volume of asylum seekers.

Embassy Fees

Some under-resourced embassies charge amnesty seekers administrative fees, generally used to cover typing, transla-

tion into Arabic, and passport-size photographs.¹³² In Kuwait's campaign in 2018, the Indian embassy charged 5 dinars (\$17) per outpass application (an outpass is an official emergency travel certificate which may be used in lieu of a passport).¹³³ Similarly, during the 2012 UAE amnesty, the Indian embassy charged 60 dirhams (\$16) per outpass application but waived typing and other consular fees. The Bangladeshi embassy charged 20 dirhams (\$5) for an outpass. The Filipino, Pakistani, and Sri Lankan embassies did not charge outpass fees.¹³⁴ During Bahrain's 2015 amnesty, the Indian embassy charged the usual rate of 10.700 dinars (\$28) for an outpass, however, applicants could submit a waiver for the cost.¹³⁵

Sponsorship Transfer - Extortion and Illegal Charges

Migrants may incur high costs to pursue amnesty because of sponsor and middlemen abuses. In amnesties that permit regularization, migrants must secure a new sponsor. The administrative costs associated with transferring sponsorship, which are the legal responsibility of the new sponsor, are often reduced or waived during amnesties. Still, some sponsors take advantage of migrants' irregular status and vulnerability to deportation. For example, Saudi Arabia's 2013 amnesty waived sponsorship transfer fees to facilitate regularization. However, Saudi media reported that some sponsors illegally demanded workers to pay them between 3,000 riyals and 15,000 riyals (\$800 and \$4,000) to accept sponsorship transfer requests.¹³⁶ Saudi officials acknowledged the issue but did not pursue action against unscrupulous sponsors.

Middlemen or agents also take advantage of amnesty seekers, demanding money in return for help navigating bureaucratic procedures. Embassies and local officials routinely warn migrants not to pay them.¹³⁸ During the 2015 Bahrain amnesty, the LMRA CEO warned about clearing agents and middlemen collecting money from workers. "It is illegal to collect money from workers for the services offered by the amnesty, either by employers or middlemen," he said.¹³⁹ During the 2012 UAE amnesty, irregular Indian migrants in Oman were cheated by agents who promised them access to the UAE's amnesty scheme.¹⁴⁰ A survey respondent from Bangladesh, whose passport had been confiscated by his employer, reported he paid a broker 80 dinars (\$260) to obtain a passport with expedited delivery from the Bangladesh embassy during the 2018 Kuwait amnesty.

Another Bangladeshi survey respondent who worked in a Saudi cleaning supplies company reported that his employer confiscated his passport and did not renew his residency ID. After eight years, he left for another employer. When the 2013 amnesty was announced, he wanted to regularize his status but could not retrieve his passport and feared authorities would arrest him for absconding. He decided to exit the country instead. Though there were no administrative fines, a broker charged him 2,700 riyals (\$700)—the entirety of his savings—to process his exit permit. The respondent believes the money was distributed among embassy officials and Saudi security agents.

“The Labor Ministry wants to clarify that expats should not obey sponsors who are looking for money,” he said. He added that there are no penalties for such illegal behavior. “We don’t have any law to punish sponsors who are asking for money or commission. What we can do is to just warn expats not to pay money, when it’s the sponsor’s duty to pay the fees.”¹³⁷

– Saudi Ministry of Labor Spokesperson (2013)

Fear of Detention and Raids

Several survey respondents reported fear of detention as one reason they did not pursue amnesty. This fear is a deterrent to some migrants eligible for amnesty and, despite procedures that guarantee migrants will not be punished, is not unfounded. Fears that punitive action may be the real aim of the amnesty are stoked by reports of raids and deportations during amnesty campaigns without a clear explanation of who is being targeted.

TABLE 2 *Detention and Raids Conducted During Amnesty Periods*

Country	Year	Detention of applicants during processing of paperwork?	Raids during amnesty period?
Bahrain	2007	Likely ¹⁴¹	Yes ¹⁴²
	2010	Yes ¹⁴³	Yes ¹⁴⁴
	2015	Yes ¹⁴⁵	Yes ¹⁴⁶
Kuwait	2004	Unknown	Unknown
	2011	Unknown	Unknown
	2018	Likely ¹⁴⁷	Likely ¹⁴⁸
Oman	2010	Unknown	Unknown
	2015	Yes ¹⁴⁹	Yes ¹⁵⁰
Qatar	2004	No ¹⁵¹	Yes ¹⁵²
	2016	Unknown	Unknown
Saudi Arabia	2013	Likely ¹⁵³	Yes ¹⁵⁴
	2017	Yes ¹⁵⁵	Yes ¹⁵⁶
UAE	2007	Unknown	No
	2012	Yes ¹⁵⁷	Yes

Reports of raids or “inspections” during amnesties were consistent throughout almost all campaigns implemented between 2004-2018. Irregular migrants discovered during these raids may or may not be allowed to participate in the amnesty; during Qatar’s 2004 amnesty, officials noted that only irregular migrants who turned themselves in “voluntarily” would be allowed to participate in the amnesty, while those uncovered during inspections would face the full penalty of the law.¹⁵⁸ In contrast, UAE authorities reportedly carried out so-called “neighborhood inspections” to enable migrants to apply for the amnesty.¹⁵⁹ However, it is unclear if these workers were then detained against their will.

Oman, which regularly carries out raids, intensified raids during the 2015 amnesty, carrying out weekly inspections and arresting many undocumented workers in the process.¹⁶⁰ During the 2015 amnesty in Bahrain, many irregular migrants were rounded up and arrested by the police in several raids. The governor who oversaw the raids said that the arrested men were referred to the public prosecutor, who would then decide whether the men would be allowed to apply for amnesty.¹⁶¹ Many Indonesian domestic workers, in particular, feared arrest because of the ban on Indonesian domestic workers.

“The workers do not understand the amnesty rules, and they fear being jailed if they visit the embassy.”

– *Indonesian Ambassador to Bahrain (2015)*

Based on available reporting, most campaigns do not seem to have a systematic policy on detention. However, in some amnesties, voluntary amnesty seekers have been administratively detained until they exit the country. In the 2012 UAE campaign, applicants were placed in facilities and allowed up to 14 days to arrange their travel.¹⁶² During the 2004 Qatar amnesty, officials reassured voluntary amnesty seekers that they would not be detained, but those in need of housing would be provided accommodation.¹⁶³

Post-Amnesty Procedures and Campaigns

Scaled-up Raids, Detentions, and Deportations

While raids against irregular migrants occur frequently across the GCC—and, as noted above, sometimes during the amnesties themselves—these campaigns tend to scale up significantly in the weeks and months following an amnesty. Allegations of human rights abuses increase dramatically during this period. Those caught in raids face indefinite detention, the full penalty of the law (inclining fines and re-entry bans), and eventual deportation.

Irregular migrants attempting to leave the country outside of an amnesty period are usually detained, especially if they cannot afford to pay visa overstay fees or return airfare costs, which may leave them indefinitely stranded at the state’s expense. Bahrain built a facility exclusively to detain irregular migrants but it closed after two years as the government balked at the cost of running the facility.¹⁶⁴ In Qatar, detention centers become so overcrowded that authorities turn away irregular migrants, telling them to return closer to their exit date.¹⁶⁵

“I do have worries. I have a paper that I received from the court, and now I am afraid to go to the police about this paper. I don’t want to have to go to jail... and that is why I can’t go to the courts anymore or ask the police for help. I will wait for amnesty. If amnesty came tomorrow, I would go.”

– *An undocumented worker in Bahrain*¹⁶⁶

Table 3 indicates the number of migrants deported during the periods immediately following an amnesty as reported by officials to the media. The number deportees may be far larger. Some states, Saudi Arabia in particular, report on amnesty-specific deportation campaigns more consistently than others.

TABLE 3 Number of Irregular Migrants Deported Following Amnesty Periods

Country ¹⁶⁷	Year	Number of deportees reported after amnesty period ¹⁶⁸
Bahrain	2007	4,611 ¹⁶⁹
	2010	4,219 ¹⁷⁰
	2015	2,724 ¹⁷¹
Oman	2010	4,501 ¹⁷²
	2015	548 ¹⁷³
Saudi Arabia	2013	1,367,498 ¹⁷⁴
	2017	358,604 ¹⁷⁵
UAE	2007	Hundreds ¹⁷⁶
	2012	12,345 ¹⁷⁷

Considering the variance both in GCC country populations and the period reported on, the above data is more useful to compare between amnesty periods within a single country rather than between countries.

Reintegration in Country of Origin

Comprehensive reintegration programs are vital for the thousands of irregular migrants who return to their home countries. Many of them return empty-handed, if not in debt, in poor health, and often traumatized from living under stressful conditions. Some countries of origin provide reintegration services to help amnesty seekers find jobs locally, deal with trauma, or return to their homes. During Kuwait's 2018 amnesty, the Philippines' Overseas Workers Welfare Administration provided amnesty seekers with psychosocial counseling, transport services, cash assistance, and technical-vocational courses.¹⁷⁸

The Indian state of Kerala also offered financial and technical support to the returnees of Saudi's 2013 amnesty. Kerala's Chief Minister said the support would help the returnees start

their own businesses. The Kerala Pravasi League formed 100 self-help groups across the state to help returnees reintegrate into the Kerala economy as soon as they arrived.¹⁷⁹

In some cases, country of origin governments collaborate with local NGOs and international organizations to provide post-arrival support to migrants returning home. When Saudi Arabia deported more than 160,000 irregular Ethiopian migrants in 2013, the government organized a vast reintegration program to facilitate arrival and help reintegrate returnees with the support of NGOs.¹⁸⁰

Conclusion and Recommendations

The GCC's large irregular migrant populations are a symptom of the restrictive employment policies and practices that violate international labor and human rights standards and push migrants into irregularity. Under the *kafala* system, the vast majority of migrants become irregular due to issues beyond their control. Amnesties target irregular workers as aberrations in the system though they have the least agency, while generally ignoring the more powerful actors (employers) who are also skewing the system.

Amnesties remain the GCC's preferred policy tool to manage irregular migration in part because they do not require meaningful sanctions on citizens or business, and do not require legislative changes. Yet, as evidenced by the pattern that emerges in the data, even amnesties with significant turnout can only reduce irregular migration in the short-term if the underlying system is not reformed. Successful alternatives to a recurring cycle of amnesties will require an approach that not only regularizes workers but also affords migrants full protection of labor and employment laws.

Amnesties do, however, offer a lifeline to many migrants, including many of those interviewed for this report. Improvements to the amnesty process could partially address the injustices that often force migrants to seek amnesty, ensure that amnesty seekers are treated fairly, and increase amnesty turnout.

"When I got to know about the amnesty, I was happy that I could get to return."

– Survey respondent (2018)

Recommendations for GCC Governments

The recommendations presented here are based on assessments of existing procedures as well as best practices.

Coordinate and communicate with embassies at least four weeks in advance.

Once informed of requisite procedures, embassies can work to increase staff capacity, translate procedures for their constituency, order official documents, strategize reintegration programs, and coordinate with migrant associations. Embassies are the primary information resource for migrant communities, so any changes to procedures should also be officially communicated to avoid rumors and misinformation. Advance coordination with embassies to design amnesty campaigns could also increase program success.

Communicate clearly with irregular migrants, paying special attention to domestic workers.

Eligibility criteria and procedures should be made available in all languages spoken by target beneficiaries and made easily accessible through official social media channels. Efforts should be made to coordinate with diaspora news and entertainment, such as local editions of origin country newspapers, radio, and television, to disseminate information in advance of the amnesty's start. In addition, 24/7 hotlines should be provided in migrants' languages through the amnesty period. SMS notifications should also be considered.

Allow for and support regularization by facilitating sponsor transfer without fees, offering irregular migrants temporary visas to remain in the country to seek employment, and support job matching through online job portals and career fairs. Amnesties that facilitated regularization had the highest turnout of amnesty participants, therefore were the most effective to reduce the number of irregular workers. Regularization should afford workers full protections under labor and employment law.

Reduce costs.

Fees can prevent workers from participating in amnesty programs, and often unfairly penalize those workers who were forced or coerced into irregularity. No fees should be charged to leave the country or to regularize their status, especially considering that many migrants become irregular due to legal transgressions of the sponsor. Governments should also coordinate with airlines to reduce flight costs for amnesty seekers and/or declare amnesties during the off-season, when flights are cheaper.

Guard against anti-migrant language by officials and media.

Thoughtless rhetoric can promote xenophobia. Language that promotes distrust of migrants may unnecessarily stoke aggressive behavior and violence and intimidate potential amnesty seekers.

Suspend detention of irregular migrants during amnesty periods.

Detaining irregular migrants during grace periods weakens the trust needed to ensure that workers avail themselves of the amnesty. Reports from the media and surveyed returnees indicate that many irregular migrants do not take advantage of the amnesty out of fear of arrest.

Do not blacklist.

Migrants are unlikely to take advantage of amnesty if they believe they may be blacklisted from re-entry to the country or the region. Government officials should further investigate blacklisting requested by employers or recruiters, and penalize those who use blacklisting as punishment.

Eliminate requirement for sponsor permission.

Amnesty seekers should not need permission, even passive approval, from former sponsors to regularize their status or leave the country. Involving sponsors significantly slows down the amnesty process and unfairly reverts authority to them.

Resolve pending labor disputes.

As part of amnesty programs, governments should fast-track outstanding labor cases to ensure that amnesty seekers are able to settle their cases ahead of departure. Alternative or complementary measures could facilitate the transfer of power of attorney or allow for temporary residence permits to pursue court cases. More workers will participate in the amnesty program, more legitimate petitioners will receive the wages they are owed, and more rights violators will be brought to justice. Workers with labor disputes should never be compelled to seek amnesty or be criminalized if they choose not to do so.

Prepare relevant government offices.

Officials should be well-informed of the procedures and have the time and capacity to process amnesty requests. Hours should be extended to ensure that migrants taking time off from work or traveling far distances can complete an appointment without a burdensome wait time. Processing offices should be accessible in all towns, and efforts should be made to reach migrants in remote areas through mobile offices. Specific efforts should be made to reach female domestic workers who are often confined to their employers' houses. Allow for delegates from embassies to be present at immigration offices for translation and consultation. Develop standards of practice to ensure that staff are courteous and helpful to applicants.

Streamline procedures.

A simpler process with fewer steps would help avoid long waiting periods and chance of error, and would reduce the administrative and financial burden on both officials and migrants. If the amnesty application is rejected, the migrant should be informed of the reasons behind the rejection and what he or she can do to address them. At least two of the surveyed respondents said they were not told why their applications were not accepted.

Provide accommodation other than non-voluntary detention centers.

Amnesty seekers needing shelter, particularly accommodation close to ports of departure, should be provided with the option of lodging and food but should not be prevented from leaving these shelters.

Allow adequate time and provide extensions when necessary.

There will be cases of amnesty seekers who initiated procedures but were unable to obtain all requisite documents in time. The volume of requests for emergency certificates for travel, for example, can take a long time to process, in particular for workers whose home country does not have an embassy in the host country. Provide dedicated resources and support to migrants from countries without embassies or consulates in the country.

Investigate absent and abusive sponsors.

Almost all irregular workers have an original sponsor who facilitated their entry into the country. If the worker claims that any human or labor rights violation took place leading to his or her irregular status, governments should investigate that sponsor to document the case and respond appropriately.

Create standardized protocols to protect legal status of migrants engaged in labor disputes.

Allowing migrants to work legally while engaged in a pending labor dispute will encourage workers to seek legal redress rather than abscond to work illegally, thereby reducing the number of irregular workers and the need for blanket amnesties.

Provide transparent, easy-to-access data.

Information that details the number of amnesty beneficiaries, sorted by gender, income, country of origin, job, and other categories should be gathered and published. A representative sample of amnesty beneficiaries, government officials, and origin-country diplomats should be surveyed or interviewed to obtain qualitative information about all aspects of the program—including, but not limited to, reasons behind irregularity, obstacles to accessing amnesty procedures, total cost, and recommendations to improve the process in the future. This data will serve GCC and origin-country government officials to co-design better campaigns in the future. It will also allow academics and NGOs to provide an evaluation of the amnesty that is comprehensive and independent.

Recommendations for Origin Country Governments

Implementation of the above recommendations by GCC states would help origin-country embassies to offer improved citizen services during amnesty periods. In tandem with steps taken by the countries of employment, origin countries may consider the best practices listed below: of existing procedures as well as best practices.

Centralize amnesty procedures in one location.

For example, enable amnesty seekers to obtain passport photos at the embassy while waiting for documents. Where possible, provide embassy representatives at immigration centers or other offices where amnesties are processed.

Support labor dispute resolution.

Where possible, embassies may take on or facilitate power of attorney for workers with pending cases.

Inform workers of their rights and options.

Break down amnesty rules and procedures so they are easily understood. Make these available online so they can be circulated via social media. Provide printed copies to social workers and diaspora support organizations. Include reassurances that amnesty seekers will not be criminalized either by the GCC government or their own government, as per the specific terms of the amnesty (if this is true). Clarify where there is a risk of blacklisting (if it exists).

Explain the return process.

Many amnesty seekers aren't sure what to expect when they reach the airport and when they return home. Specifically, embassies should ensure that amnesty seekers understand that the emergency certificate for travel is not a passport and that it will be taken from them at immigration. Inform them how to re-apply for a new passport in the home country.

Reduce costs.

Embassies should waive all administrative costs where possible and enable seekers to apply for fee exemptions.

Establish mobile consular services.

This will facilitate communication and essential services with migrants in remote areas.

Authorize and support consulates to provide emergency travel certificates.

This is a critical function of origin countries with an embassy presence. If there is no diplomatic presence, the origin country should deploy an emergency team to support workers and/or diaspora organizations to assist amnesty seekers.

Provide reintegration programs.

Fears related to returning home with no support is one reason migrants may not pursue amnesty. Countries of origin can collaborate with local and international organizations to provide counselling, financial and psychosocial assistance, and vocational training for returnees.

Interview returning workers.

Officials should talk to returning workers to document any labor or human rights violations experienced and help them to pursue justice. This could help to blacklist companies charging illegal recruitment fees to workers. The interview could also recognize and document upgraded skills and credentials.

Annex 1: Amnesty Data by Country

Official estimates of irregular migrant populations are scarce. In order to get a sense of the turnout rate for amnesties, the below tables provide an estimate of irregular migrant populations based on officially reported figures of total amnesty participants plus those deported following the amnesty period. The estimated percentage of those who participated in the amnesty program is, therefore, a high estimate, as it does not account for irregular migrants who did not participate but were also not deported.

TABLE 4

Estimated Participation in Bahrain Amnesties

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2007	76,400 ¹⁸¹	12,977	48,151	61,128	+80% ¹⁸²
2010	40,000 ¹⁸³	6,000 ¹⁸⁴	-14,000 ¹⁸⁵	-20,000	50%
2015	60,000	10,125 ¹⁸⁶	31,894 ¹⁸⁷	42,019 ¹⁸⁸	70%

TABLE 5

*Estimated Participation in Kuwait Amnesties*¹⁸⁹

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2004	65,000 ¹⁹⁰	Not Available	Not Available	Not Available	Not Available
2007	80,000 ¹⁹¹	Not Available	Not Available	24,000 ¹⁹²	30%
2011	124,142	32,036	13,653	45,689	37%
2018	154,000 ¹⁹³	34,452 ¹⁹⁴	20,725 ¹⁹⁵	55,177	34%

TABLE 6

Estimated Participation in Oman Amnesties

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2010	-102,000 ¹⁹⁶	-60,000 ¹⁹⁷	-27,000 ¹⁹⁸	-75,000	74%
2015	50,000 ¹⁹⁹	18,012 ²⁰⁰	7,706 ²⁰¹	25,717	51%

TABLE 7*Estimated Participation in Qatar Amnesties*

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2004	Not Available	Not Available	9,897 ²⁰²	9,897 ²⁰³	Not Available
2016	Not Available	Not Applicable	~9,000 ²⁰⁴	9,000 ²⁰⁵	Not Available

TABLE 8*Estimated Participation in Saudi Arabia Amnesties*

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2013	> 7,017,498 ²⁰⁶	~950,000	~4,700,000	~5,650,000	81%
2017	>2,000,000 ²⁰⁷	~758,000	Not applicable	~758,000 ²⁰⁸	38%

TABLE 9*Estimated Participation in UAE Amnesties*

Year	Estimated Irregular Migrant Population	Repatriated	Regularized	Total Amnesty Seekers	Estimated Percentage Availed Amnesty
2007	Not Available	246,599	95,259 ²⁰⁹	341,958 ²¹⁰	Not Available
2012	Not Available	61,826	Not Available	61,826 ²¹¹	Not Available
2018	Not Available	30,387 ²¹²	~74,210	>105,000 ²¹³	Not Available

Annex 2: Penalties for Employing Irregular Workers

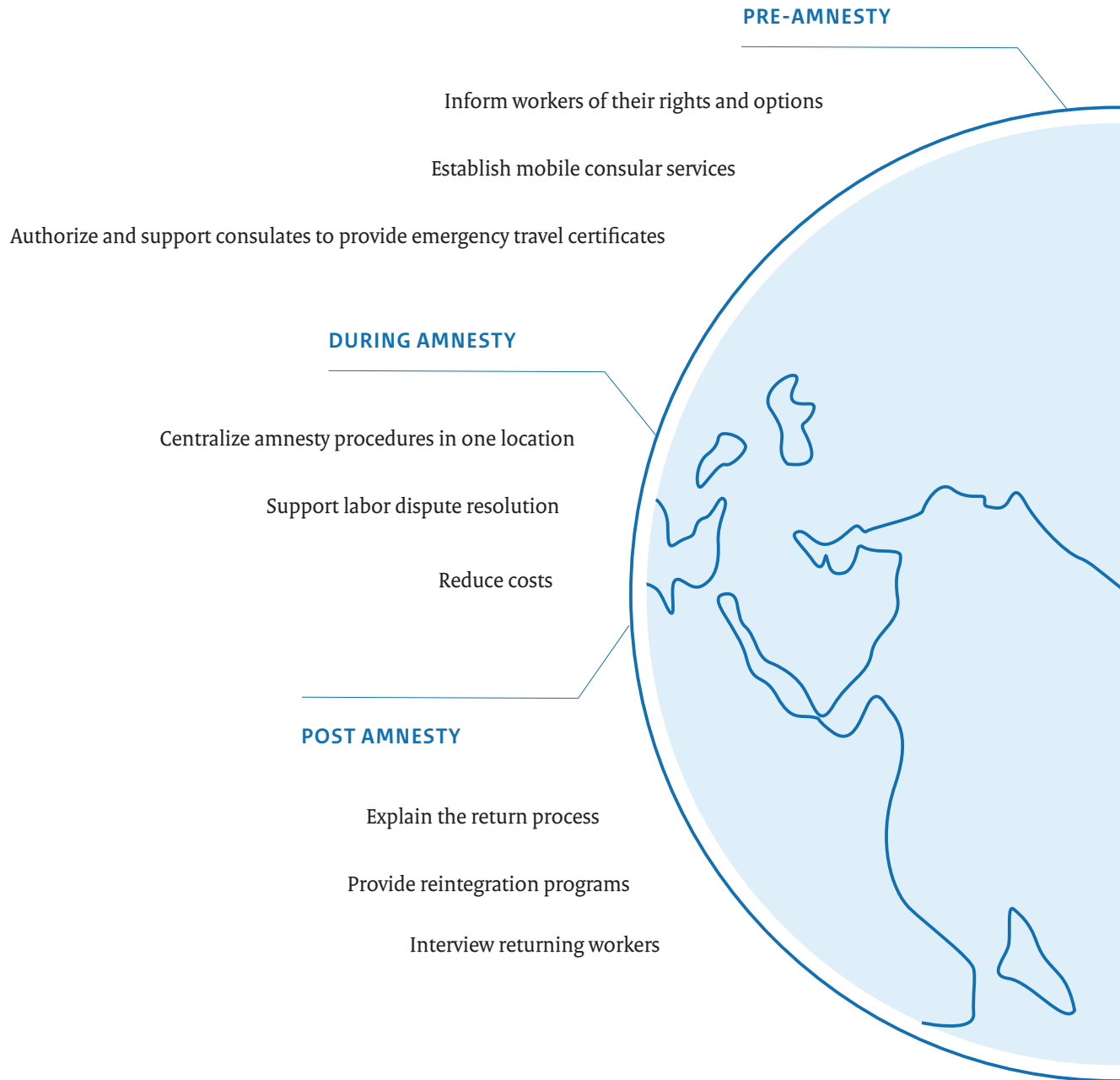
The laws governing GCC labor markets have various provisions relevant to amnesty campaigns. The table below lists the prohibitions and penalties for employing irregular workers. However, these penalties are rarely enforced on sponsors. Migrants bear full responsibility for their legal status, even if their employer's actions pushed them into irregularity.

TABLE 10

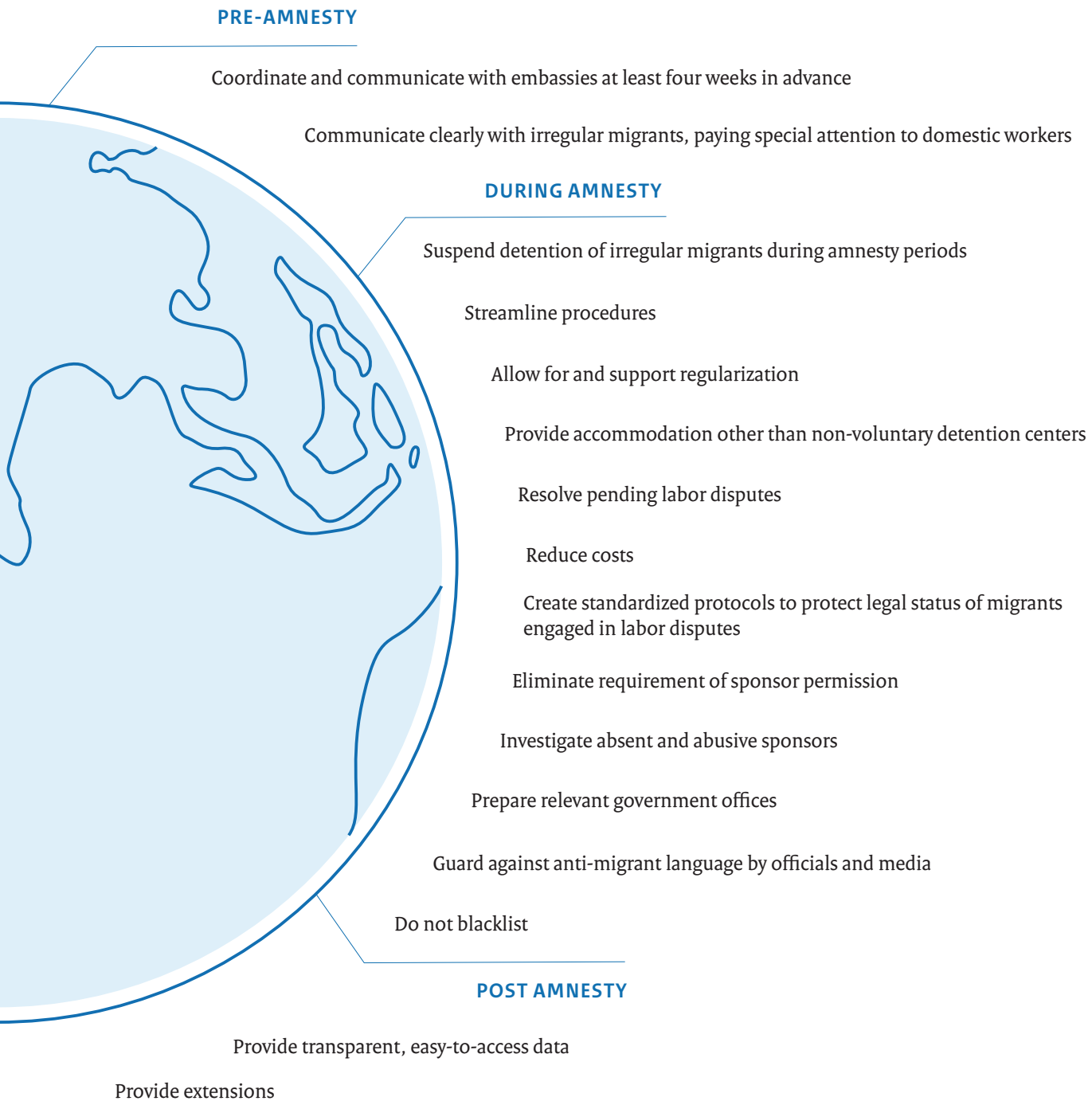
Penalties for Employing Irregular Workers

Country	Law	Penalty for Employer
Bahrain	Act No. (19) (2006) With Regard to the Regulation of the Labor Market	Between three months and one year in prison and a fine of no less than 1,000 dinars (\$2,700) and no more than 2,000 dinars (\$5,300). In the case of a repeat offense, between six months and two years in prison, with a fine of not less than 2,000 dinars (\$5,300) and not more than 4,000 dinars (\$10,600). ²¹⁴
Kuwait	Kuwait Labor Law 6 of 2010 (Article 138, amended in 2016)	Up to 10,000 dinar (\$33,000) fine and three years of imprisonment. ²¹⁵
Oman	Royal Decree 35/2003 (Oman Labor Law)	Up to 1,000 rial (\$2,600) fine. ²¹⁶
Qatar	Law No. 4 of 2009 Regarding Regulation of the Expatriates Entry, Departure, Residence and Sponsorship	Up to three years of imprisonment and a 50,000 rial (\$13,700) fine. ²¹⁷
Saudi Arabia	Saudi Labor Law (Amendments Resolution No. 258 of 2015)	Up to six months of imprisonment and a 100,000 riyal (\$26,700) fine. Deportation if the employer is a foreigner. ²¹⁸
UAE	Federal Decree Law No. 7 for 2007	Up to a 50,000 dirham (\$13,600) fine. Up to six months imprisonment if the employer is a national and deportation if the employer is a foreigner. ²¹⁹

Recommendations for Origin Governments



Recommendations for GCC Governments



Endnotes

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