

## COI QUERY

<b>Country of Origin</b>	<b>SAUDI ARABIA</b>
<b>Main subject</b>	<b><u>Migrant workers, including Yemenis</u></b>
<b>Question(s)</b>	<ol style="list-style-type: none"> <li>1. <u>Background on legislation regulating migrant workers in Saudi Arabia</u></li> <li>2. <u>Legal framework and implementation of the law on access to residency, employment, marriage, education for foreign nationals (including Yemenis)</u></li> <li>3. <u>Situation of Yemeni foreign workers in Saudi Arabia, January 2021 - January 2022</u></li> </ol>
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## COI QUERY RESPONSE – Saudi Arabia

### Migrant workers, including Yemenis

#### 1. Background on legislation regulating migrant workers in Saudi Arabia

The current legislation that regulates employment matters in Saudi Arabia is the 2005 ‘Labor Law’ (as amended).<sup>1</sup> Provisions that address employment of foreign workers, but not applying to domestic workers<sup>2</sup>, can be found in the ‘Implementing Regulations of the Labour Law’ (as amended)<sup>3</sup>. Meanwhile, the key legislation affecting domestic workers is the ‘Regulation of Domestic Workers and the like’, implemented by Ministerial Decision No.310 of 1434 (2013).<sup>4</sup>

Saudi Arabia follows a sponsorship (*Kafala*) system for regulating employment of expatriate workers. Through the *Kafala* System, an individual or company receives sponsorship permits from the government to employ foreign workers. The work permit is closely linked to the residence permit, so that only the sponsor has the right to extend or terminate it. In addition, foreign workers need their sponsor's permission to terminate employment, change jobs and leave the host country.<sup>5</sup>

#### 2. Legal framework and implementation of the law on access to residency, employment, marriage, education for foreign nationals (including Yemenis)

##### Residence

Residence in Saudi Arabia is regulated by Law No. 17/2/25/1337, called ‘The Residence Regulations’.<sup>6</sup>

Article 2 of the Residence Regulations stipulates that:

‘A foreigner’s entry into, or exit from the Kingdom of Saudi Arabia and his exit therefrom may not be deemed legal unless he has a legal, and valid passport issued by the government of his home country, or a document, which His Majesty’s Government may be given permission as a substitute for passport. A foreigner may not be given permission to enter the country, land on its soil or pass through it unless he holds a legal passport or an entry visa document issued by the consular or diplomatic representations of His Majesty’s Government abroad or an entry

<sup>1</sup> ICLG, Employment & Labour Law Report 2021-2022 Saudi Arabia, 26 March 2021, [url](#); Saudi Arabia, Labor Law, Royal Decree No.M/51, 27 September 2005, [url](#)

<sup>2</sup> ICLG, Employment & Labour Law Report 2021-2022 Saudi Arabia, 26 March 2021, [url](#); ILO, Saudi Arabia, Regulatory Framework Governing Migrant Workers, last updated March 2021, [url](#), p.1

<sup>3</sup> Saudi Arabia, The Implementing Regulations of Labor Law and its Annexes, November 2019, [url](#)

<sup>4</sup> ICLG, Employment & Labour Law Report 2021-2022 Saudi Arabia, 26 March 2021, [url](#); ILO, Saudi Arabia, Regulatory Framework Governing Migrant Workers, last updated March 2021, [url](#); Saudi Arabia, Regulation of Domestic Workers and the like, 07/09/1434 (2013), [url](#). See also the following factsheet by the United Nations International Labour Organization (ILO) for an overview of the legislation affecting migrant workers: [Saudi Arabia Regulatory Framework Governing Migrant Workers, updated March 2021](#).

<sup>5</sup> Council on Foreign Relations, What Is the Kafala System?, last updated 23 March 2021, [url](#)

<sup>6</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 1, [url](#)

visa issued by the Ministry of Foreign Affairs if the foreigner was coming from a country, having no representation for His Majesty's Government. However, Pilgrims coming from countries, which have no embassies, commissionaires, consulates for His Majesty's Government (or substitutes shall be there at), are exempted from obtaining entry visas.'

Article 32 of the Residence Regulations provides the following:

'Residence permit shall not be granted to a foreigner except after six months of his entry to the Kingdom, during which he will be under surveillance of foreigners' control authority to ensure that he has legitimate reasons for residence'.<sup>7</sup>

Article 33 of Saudi Arabia's Residence Regulations provides the following:

'Ministry of Interior is entitled to withdraw the right of residence and its permit from any foreigner and instruct him to leave the country at any time and without mentioning any reasons'.<sup>8</sup>

According to Article 36 of the same Regulations:

'A foreigner may obtain a residence permit according to prior written application attached with the special form of residence permit request. Applications should be submitted to the director of Foreigners Control Office or its substitute security authority in the region where the foreigner lives. If the applicant meets the conditions stipulated in this Regulation, a residence permit may be issued to him provided that his passport at the time of application is still valid'.<sup>9</sup>

Article 37 of the Residence Regulations provides that:

'Duration of residence permit is one year which can be renewed in case conditions stipulated in this Regulation are still met for another year. However, the same permit may not be renewed more than three times'.<sup>10</sup>

Article 50 of the Residence Regulations, provides the following:

'A foreigner who enters the Kingdom illegally as stipulated in Articles (2) and (3), if not seeking political asylum or forced to do so due to compulsory reasons like emergency of forced landing by airplane, shall be imprisoned until he is deported from the country'.<sup>11</sup>

In a 2017 correspondence with the Immigration and Refugee Board of Canada (IRB), a scientific coordinator who specializes in political demography at the Gulf Labour Markets, Migration and Population (GLMM) Programme, noted the following:

'A foreigner can only acquire residence in Saudi Arabia through:

1. Marriage with a Saudi citizen, subject to a number of administrative restrictions, especially where the man is the foreigner, since he cannot be naturalized by marriage

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<sup>7</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 32, [url](#)

<sup>8</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 33, [url](#)

<sup>9</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 36, [url](#)

<sup>10</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 37, [url](#)

<sup>11</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 50, [url](#)

2. Family reunification to reunite with a foreign spouse legally settled in Saudi Arabia: this specific case only applies to the family (spouse, children under 18 years old) of an employee bearing the status of "manager" or "professional"
3. A work contract, by far the most frequent type of case. The work contract (and, therefore, residence) is of a limited duration and renewable under certain circumstances
4. The intervention of a powerful protector, in very rare cases, can assist entry into the country, as well as access to social services and other advantages normally reserved to citizens, even residence of long duration or naturalization'.<sup>12</sup>

According to the Saudi National Portal for Government Services the prerequisites for issuing a residence permit (*Iqama*) are the following:

1. The applicant must pay for the residency issuance fees. The applicant must also pay for the fine of delay if any are pending.
2. The applicant must pay for traffic violations registered against a family member or worker, if any are pending.
3. The applicants family member or worker must pass a medical examination in any of the approved medical centers in the Kingdom.
4. The individual looking to receive a residency permit must be present within Saudi Arabia.
5. The individual looking to receive a residency permit must hold a valid passport.
6. The individual looking to receive a residency permit must record their fingerprint and provide a recent photo.
7. The worker should not be registered as absent from work'.<sup>13</sup>

In May 2019, the Saudi Shoura Council<sup>14</sup> approved a new residency scheme for expatriates, the Premium Residency, enabling expatriates to reside in the country, do business, buy property and sponsor visas for relatives with their families without a Saudi sponsor. There are two types of residency offered: a permanent residency for a fee of SAR 800,000 (\$213,000) and a renewable temporary residency for an annual fee of SAR 100,000 (\$27,000).<sup>15</sup> According to the Saudi National Portal for Government Services the prerequisites for the Premium Residency are the following:

- Present a valid passport.
- Applicant at least 21 years of age.
- Submit a criminal record demonstrating the applicant's lack of precedents.
- Provide proof of the applicant's financial solvency.
- Submit a health report on the applicant's condition of being free from contagious diseases, no later than six months from the date of progress.

<sup>12</sup> IRB, Palestine and Saudi Arabia: Residence status of stateless Palestinians, including access to employment, education, health care and other services, and the ability to travel in and out of the country; requirements and procedures to renew residence status, including whether stateless Palestinians whose permits have expired face deportation and detention (2015-November 2017) [ZZZ106013.E], 14 November 2017, [url](#)

<sup>13</sup> Saudi Arabia, Unified National Platform, Services, Issuing a Residence Permit (Iqama), n.d., [url](#)

<sup>14</sup> The Majlis al-Shura, or Consultative Council, is a legislative body that advises the King on issues that are important to Saudi Arabia. It is a modern version of a traditional Islamic concept – an accessible leader consulting with learned and experienced citizens – which has always been practiced by Saudi rulers see Embassy of Saudi Arabia in Washington, Majlis Al-Shura (Consultative Council), n.d., [url](#)

<sup>15</sup> Arab News, Saudi 'green card' online platform is open for business, 24 June 2019, [url](#); Arab News, The Saudi 'Green Card' gets a green light, 12 May 2019, [url](#)

- The applicant's current residency status is legal if he applies from within the Kingdom'.<sup>16</sup>

In its report covering the human rights situation for 2020 in Saudi Arabia, the United States Department of State (USDOS) reported that 'foreign male spouses of female citizens can obtain permanent residency in the country without needing a sponsor' but 'in general they cannot apply for citizenship on the basis of their marriage and residence'.<sup>17</sup>

## **Employment**

Article 43 of the Residence Regulations provides the following:

'The foreigner who is coming according to previous agreement for performing temporary business, like commercial deals or execution of industrial or engineering job for a company, administration or a factory, may be granted residence permit, if the concerned authority was convinced of the legitimacy his reasons for staying beyond the expiry the period stipulated in Article No. (22). In such a case, the foreigner may be granted the residence right provided that he meets one or more of the following conditions:

1st: He has a contract with a company, registered commercial house, contractor or a well-known businessman in the country and the contract includes an item according to which his deportation from the country is guaranteed upon the end of its duration or renewal of the contract.

2nd: The owner of the company, commercial house, contractor or a well-known businessman shall submit a statement of reasons for his hiring and assessment of work need and no country citizen can substitute him in performing such job along with a guarantee of deportation upon the end of his assigned work, or renewal of contract'.<sup>18</sup>

Article 44 of the same regulations stipulates that:

'The foreigner coming to work in the country without prior agreement or a contract with any financial or industrial body or the like, after completion of procedures stipulated in Article No. (5) and after expiry of the period stipulated in Article No. (22), shall be granted the residence right provided that he meets the 1st or 2nd condition beside the 3rd and 4th of the following conditions:

1st: He shall be one of technical, industrial or scientific competencies, which is not available among country citizens provided that it will be proved from his certificates.

2nd: The concerned authority in the Kingdom will be convinced after investigation that his technical, industrial or scientific competence is one of those competencies required by the country.

3rd: He and his family (if any) have a constant source of living he carries with him upon coming to the country or he will have a satisfactory source inside or outside enough for his living and his family's living till he becomes capable for earning his living through his competence or his work. 4th: He shall have submitted a financial credit enough for his deportation to the country where he was granted an entry visa, when necessary'.<sup>19</sup>

<sup>16</sup> Saudi Arabia, Unified National Platform, Services, Premium Residency, n.d., [url](#)

<sup>17</sup> USDOS, 2020 Country Report on Human Rights Practices: Saudi Arabia, 30 March 2021, [url](#)

<sup>18</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 43, [url](#)

<sup>19</sup> Saudi Arabia, Residence Regulations No. 17/2/25/1337 of 1952, 4 June 1952, Art. 44, [url](#)

Article 49 of the Royal Decree No. M/21 dated 6 Ramadan 1389 (15 November 1969), also known as Labour Law, provides the following:

- No foreigners shall be brought into the country to work nor may he be permitted to work with companies and private establishments except after the approval of the Minister of Labour and after securing a work permit in accordance with the form, procedures, and rules to be prescribed by the Minister of Labour. Such permit shall not be granted except after fulfilment of the following conditions:
  - That the workman shall have entered the country in a legal manner and shall have satisfied the conditions prescribed in the Residence Regulations.
  - That he shall possess the vocational skills and educational qualifications of which the Country is in need, provided that the nationals possessing such qualifications are either lacking or insufficient in number.
  - That he shall be under contract with and guaranteed by a Saudi employer, or a non-Saudi employer authorized under the Regulations for the Investment of Foreign Capital, or shall be a member of a liberal profession, guaranteed by Saudi national, or under contract with and guaranteed by a concessionaire company.
- The term "work" as used in this Article shall mean any industrial, commercial, agricultural, financial, or other work, and any service, including domestic service'.<sup>20</sup>

The website of Saudi Arabia's Ministry of Interior provides, *inter alia*, regarding the residence permit (*iqama*) that 'employers must obtain residence permits for their employees to enable them move freely in the city where they work'. The same source also indicates that 'companies, establishments and individuals must obtain residence and work permits for their employees. It is illegal to employ an alien who does not possess a residence or work permit. Employing individuals who are sponsored by others is a violation of the system.'<sup>21</sup>

As already noted in [Part I](#), Saudi Arabia follows a sponsorship (Kafala) system for regulating employment of expatriate workers. Several sources have reported that migrant workers<sup>22</sup> in Saudi have been vulnerable to exploitation and forced labour, mainly due to the Kafala system.<sup>23</sup>

## The Kafala System

The *kafala* system of sponsorship is a system regulating the temporary employment of non-nationals.<sup>24</sup> The system is based on 'the concept of *kafala* which in classical Arabic draws connotations of

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<sup>20</sup> Saudi Arabia, Royal Decree No. M/21 dated 6 Ramadan 1389 (15 November 1969), 15 November 1969, Art. 49 available at Embassy of Kingdom of Saudi Arabia, Washington D.C., n.d., [url](#)

<sup>21</sup> Saudi Arabia, Ministry of Interior, Residence Permit (Iqama), n.d., [url](#)

<sup>22</sup> The Saudi Arabian Monetary Authority (SAMA) annual statistics for 2020 released in 2021 reflected that 49,600 foreigners worked in the public sector and 6.3 million in the private sector during that year see SAMA Saudi Central Bank, Yearly Statistics, Annual Statistics 2020, 31 May 2021, [url](#)

<sup>23</sup> Human Rights Watch, World Report 2022 - Saudi Arabia, 13 January 2022, [url](#); USDOS, 2020 Country Report on Human Rights Practices: Saudi Arabia, 30 March 2021, [url](#); Freedom House, Freedom in the World 2021 - Saudi Arabia, 3 March 2021, [url](#); DW, Saudi 'kafala' labor reforms leave devil in the detail, 7 November 2020, [url](#)

<sup>24</sup> CFR, What Is the Kafala System?, last updated 23 March 2021, [url](#)

“guarantee”, “provide for”, and “take care of”<sup>25</sup>. According to think-tank Council on Foreign Relations (CFR), the *kafala* system ‘defines the relationship between foreign workers and their local sponsor, or *kafeel*, which is usually their employer’<sup>26</sup>.

The ‘modern’ *kafala* system emerged in the 1960s, as a way of regulating ‘the entry of migrant labour in the GCC [Gulf Cooperation Council] countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE [United Arab Emirates]’<sup>27</sup>, and is currently applied in Jordan and Lebanon as well.<sup>28</sup>

According to the International Labour Organisation (ILO), ‘under *kafala*, a migrant worker’s immigration and legal residency status is tied to an individual sponsor (*kafeel*)’ during the worker’s contract period. As a consequence, ‘the migrant worker cannot typically enter the country, resign from a job, transfer employment, nor leave the country without first obtaining explicit permission from his or her employer’.<sup>29</sup>

The *kafala* system is described as ‘increasingly controversial’<sup>30</sup> and ‘inherently ripe with opportunities for employers to violate the fundamental human rights of the migrant workers under their sponsorship’.<sup>31</sup>

According to the ILO, ‘through *kafala*, migrant workers are placed in a position of vulnerability and have very little leverage to negotiate with employers, given the significant power imbalance embedded within the employment relationship’<sup>32</sup>. Some of the issues that surround the system include ‘the lack of regulations and protections for migrant workers’ rights’, which result in ‘low wages, poor working conditions, and employee abuse’<sup>33</sup>, as well as in ‘restrictions on free movement, confiscation of passports, delayed or non-payment of salaries, long working hours, untreated medical needs, and violence – all conditions that can give rise to situations of forced labour and human trafficking’.<sup>34</sup>

The ILO further stated:

‘Arguably, the most problematic feature of *kafala* is the delegation or “outsourcing” of responsibility by the state to the private employer to oversee both a migrant worker’s immigration and employment status. Through the linking of residence and work permits, a migrant worker’s immigration status is dependent on the contractual relationship with the

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<sup>25</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>26</sup> CFR, What Is the Kafala System?, last updated 23 March 2021, [url](#)

<sup>27</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>28</sup> CFR, What Is the Kafala System?, last updated 23 March 2021, [url](#)

<sup>29</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>30</sup> CFR, What Is the Kafala System?, last updated 23 March 2021, [url](#)

<sup>31</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>32</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>33</sup> CFR, What Is the Kafala System?, last updated 23 March 2021, [url](#)

<sup>34</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3



sponsor. If the employment relationship is terminated, there is no longer a legal basis for the migrant worker to stay in the country.<sup>35</sup>

In January 2021, non-governmental organisation Human Rights Foundation described the *kafala* system as a 'key component of human trafficking in Saudi Arabia'. The source further noted that 'the most impacted by human rights violations under the *kafala* system are domestic workers, female workers, and those from developing nations, [...] while authorities make little effort to suitably investigate these abuses'.<sup>36</sup>

A further issue related to the *kafala* system is the punishment for absconding. According to the ILO:

'the term "absconding" refers to an administrative offence specific to the sponsorship systems in the Middle East whereby migrant workers, especially migrant domestic workers, leave their employer/sponsor without permission. These workers are rendered an irregular migrant worker and are subject to arrest, detention and deportation. This also applies to workers who have escaped an exploitative or abusive situation'.<sup>37</sup>

Thus, if an employer reports a worker as missing, then 'the worker automatically becomes undocumented and can be arrested, imprisoned and deported'.<sup>38</sup> Moreover, situations exist where an employer falsely claims that a worker has absconded', in what is referred to as 'fake absconding'.<sup>39</sup> According to Human Rights Watch, 'some employers file false absconding cases to sidestep their legal obligations to pay wages or to provide food and accommodation'.<sup>40</sup>

### Recent reforms of the *kafala* system

In 2000, Saudi Arabia 'removed the term [*kafala*] from its laws and replaced it with language referring to contractual relationships while allowing employers to retain the same powers.' Further, while in 2015 the Saudi authorities introduced more worker-friendly labour reforms, such as 'prohibitions on confiscating migrant workers' passports, failing to pay salaries on time, and failing to provide copies of contracts to employees', these did not apply to domestic workers and other categories of professions.<sup>41</sup>

Later, in 2016, Saudi Arabia 'announced reforms enabling workers to change employers without permission under certain circumstances. These include if the employer has failed to renew the worker's residence permit and if wages have not been paid for three consecutive months'.<sup>42</sup>

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<sup>35</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 3

<sup>36</sup> Human Rights Foundation, Is Saudi Arabia's Kafala System Truly Reformed?, 14 January 2021, [url](#)

<sup>37</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 2

<sup>38</sup> HRW, What Will it Take for Saudi Arabia to Abolish Abusive Sponsorship System?, 30 October 2020, [url](#)

<sup>39</sup> ILO, Employer-Migrant Worker Relationships in the Middle East: Exploring scope for internal labour market mobility and fair migration, March 2017, [url](#), p. 2

<sup>40</sup> HRW, Saudi Arabia: Labor Reforms Insufficient, 25 March 2021, [url](#)

<sup>41</sup> HRW, Saudi Arabia: Labor Reforms Insufficient, 25 March 2021, [url](#)

<sup>42</sup> Migrant Rights, Reform the Kafala System, n.d., [url](#)



Recent labour reforms were announced in November 2020 and introduced in March 2021 ‘as a ministerial resolution and available through the *Absher*<sup>43</sup> and *Qiwa*<sup>44</sup> online platforms’<sup>45</sup> (Ministry of Human Resources and Social Development, Resolution No. 51848 of 1442 (2020)<sup>46</sup>). According to Human Rights Watch, if implemented, the reforms ‘will allow some migrant workers to change jobs without employer consent under certain narrow circumstances’.<sup>47</sup> Additionally, ‘migrant workers, who previously could not leave and re-enter Saudi Arabia without their employer’s consent, may now submit an online request for an exit and re-entry visa, or a final exit visa, from the Ministry of Human Resources and Social Development’, subject to satisfying certain conditions.<sup>48</sup>

The reforms however, exclude migrant workers not covered by the labour law, including domestic workers and farmers, while workers are still required to submit requests to leave the kingdom to the government.<sup>49</sup> Human Rights Watch noted that it is not clear ‘what criteria the ministry intends to use to determine whether to accept workers’ exit requests, and whether the employer’s inquiry could be used to deny the worker the exit permit’.<sup>50</sup>

Moreover, ‘a migrant worker against whom an “absence from work complaint” has been filed cannot benefit from the job change reforms’.<sup>51</sup>

USDOS reported that in April 2020, due the pandemic:

‘Article 41 was inserted in the Implementation Regulation of the Labour Law, which enabled the employer and employee, between April and October 2020, to agree to any of the following: a reduction in salary provided that there is a corresponding reduction in working hours; placing the employee on paid annual leave (as part of their holiday entitlement); or implementing a period of unpaid leave’.

The same source noted that ‘undocumented workers were not protected by labour laws and were particularly susceptible to forced labour, substandard wages, and deportation by authorities’.<sup>52</sup>

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<sup>43</sup> Absher ‘is a smartphone application which allows citizens and residents of Saudi Arabia to use a variety of government services’. Siasat, Saudi Arabia: Expats can now renew residency permit digitally, updated 6 November 2021, [url](#)

<sup>44</sup> Qiwa ‘e-platform consolidates workforce services in one digital location. Through it, expatriate workers in the private sector will not only be able to access and update their contracts with ease, but help them move from one employer to another at the end of their current contracts’. Arab News, Saudi Arabia’s Qiwa to make labor market competitive, increase productivity in private sector, 29 March 2021, [url](#)

<sup>45</sup> HRW, Saudi Arabia: Labor Reforms Insufficient, 25 March 2021, [url](#); Saudi Arabia, Ministry of Human Resources and Social Development Launches Labor Reforms for Private Sector Workers, updated 4 November 2020, [url](#)

<sup>46</sup> ILO, Saudi Arabia, Regulatory Framework Governing Migrant Workers, last updated March 2021, [url](#), p.4; L&E Global, Saudi Arabia: Decision of the Minister of Human Resources and Social Development no. 51848/1442 dated 19/03/1442 H, 24 February 2021, [url](#)

<sup>47</sup> HRW, World Report 2022, Saudi Arabia, 13 January 2022, [url](#)

<sup>48</sup> HRW, Saudi Arabia: Labor Reforms Insufficient, 25 March 2021, [url](#)

<sup>49</sup> Human Rights Watch, Saudi Arabia: Labour Reforms Insufficient, 25 March 2021, [url](#); Business and Human Rights Resource Centre, Saudi Arabia: Rights groups say kafala (sponsorship) system reforms fall short on freedom of movement, 15 March 2021, [url](#); USDOS, 2021 Trafficking in Persons Report: Saudi Arabia, 1 July 2021, [url](#)

<sup>50</sup> HRW, World Report 2022, Saudi Arabia, 13 January 2022, [url](#)

<sup>51</sup> HRW, Saudi Arabia: Labor Reforms Insufficient, 25 March 2021, [url](#)

<sup>52</sup> USDOS, 2020 Country Report on Human Rights Practices: Saudi Arabia, 30 March 2021, [url](#)

## Marriage

According to Harvard Law School Library, 'there is no family law as such in Saudi Arabia, except for the law on civil status. Marriage, divorce and other matters of domestic relations are governed by Islamic law'.<sup>53</sup>

Article 48 of the Basic Law of Governance stipulates the following:

'The Courts shall apply rules of the Islamic Sharia in cases that are brought before them, according to the Holy Qur'an and the Sunna, and according to laws which are decreed by the ruler in agreement with the Holy Qur'an and the Sunna'.<sup>54</sup>

In February 2021 Saudi Arabia announced its plans to implement a series of legal reforms to be finalised by the end of the year, among which is a codified Personal Status Law (PSL).<sup>55</sup>

According to a January 2018 article by Arab News, the Ministry of Justice gave 'marriage officers in the Kingdom the power to hold home-based marriage contracts for expats, just like Saudi citizens, after it was previously limited to the courts'. The same source reported that before this decision was announced, all wedding ceremonies for expats could only be held in courts. As pointed out by Arab News, this service is 'available in the personal status courts in Riyadh and Madinah in this initial stage. It will extend to 14 other personal status courts in other areas, namely, the courts of Makkah, Jeddah, Buraidah, Dammam, Taif, Tabuk and Al-Ahsa, as well as the general courts in Alkhobar, Hafr Al-Batin, Najran, Al-Kharj and Abha.' A legal marriage officer told Arab News that 'It is important to have a valid Iqama ID, also the presence of the wife's guardian, in case if she was divorced a divorce contract should be there'.<sup>56</sup>

According to an expats platform, two foreigners can get married in Saudi Arabia if both have a valid residence permit. The same source provides an analytical guide for the marriage procedure of expats in Saudi Arabia.<sup>57</sup> According to expat.com, two foreigners can get married in Saudi Arabia only if both are Muslim.<sup>58</sup>

For Saudi women to marry non-Saudis, the Ministry of Interior of Saudi Arabia requires the following:

- 'Applications and inquiries are received daily from 08.30 am until 11.30 except Thursdays and Fridays.
- Would-be wife must be resident of the region or governorate.
- Age of wife must not be less than 25 years.
- Work letter of the husband authenticated by the chamber of commerce.
- Work letter of the wife authenticated by the Chamber of Commerce if an employee or a certificate from the mayor's authority and police that she has no work.

<sup>53</sup> Harvard Law School Library, Islamic Family Law Home, last updated 9 October 2020, [url](#)

<sup>54</sup> Saudi Arabia, Basic Law of Governance, 27th Sha'ban 1412 H (1 March 1992), Art. 48, available at Embassy of Kingdom of Saudi Arabia, Washington D.C., n.d., [url](#)

<sup>55</sup> Jaber, N., The New Saudi Personal Status Law: An Opportunity for Meaningful Gender Reform? (LSE blogpost), 15 February 2021, [url](#)

<sup>56</sup> Arab News, Marriage contracts for expats are now easier in Saudi Arabia, last updated 2 January 2018, [url](#)

<sup>57</sup> LifeinSaudiArabia.net, How can Foreigners get married in Saudi Arabia, n.d., [url](#)

<sup>58</sup> Expat.com, Getting married in Saudi Arabia, last updated 3 March 2022, [url](#)

- Work letter for the wife if she is employee.
- A copy of the civil affairs card or of the family card of the wife or her father in case she is added to his documents.
- A copy of divorce certificate or death certificate for the husband or wife who had once married.
- The original and copy of passport and residence permit of the husband.
- One personal photo of the husband.
- File to keep the documents.
- Consent certificate from the wife showing her full name, dates, numbers and her fingerprints.

**Note:**

- If the couple are relatives, evidence must be provided from the court.
- The husband must attend personally (no proxy is allowed).
- The wife's guardian must attend personally to ensure her consent.<sup>59</sup>

USDOS reported that 'female citizens must be between the ages of 30 and 50 to marry a non-Saudi man'<sup>60</sup>

## Education

Article 13 of the Basic Law of Governance provides that 'The aim of education is to implant the Islamic Creed in the hearts of all youths, to help them acquire knowledge and skills, to qualify them to become useful members of their society, to love their homeland and take pride in its history'.<sup>61</sup>

Article 30 of the same Law stipulates that 'The State shall provide public education and commit itself to the eradication of illiteracy'.<sup>62</sup>

According to the Saudi National Portal for Government Services, public education, from primary to high school, is free for citizens and residents of Saudi Arabia.<sup>63</sup> According to the Embassy of Saudi Arabia in Washington,

'Saudi Arabia's education system includes over fifty public and private universities, with more planned; some 30,000 schools; and a large number of colleges and other institutions. The system is open to all citizens, and provides students with free education, books and health services'.<sup>64</sup>

With regard to access to basic services for refugees and asylum seekers, USDOS reported the following:

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<sup>59</sup> Saudi Arabia, Ministry of Interior, Services and Procedures, Saudi Women marriage to non-Saudis, n. d., [url](#)

<sup>60</sup> USDOS, 2020 Country Report on Human Rights Practices: Saudi Arabia, 30 March 2021, [url](#)

<sup>61</sup> <sup>61</sup> Saudi Arabia, Basic Law of Governance, 27th Sha'ban 1412 H (1 March 1992), Art. 13, available at Embassy of Kingdom of Saudi Arabia, Washington D.C., n.d., [url](#)

<sup>62</sup> <sup>62</sup> Saudi Arabia, Basic Law of Governance, 27th Sha'ban 1412 H (1 March 1992), Art. 30, available at Embassy of Kingdom of Saudi Arabia, Washington D.C., n.d., [url](#)

<sup>63</sup> Saudi Arabia, Unified National Platform, Education and Training, n.d., [url](#)

<sup>64</sup> Embassy of Kingdom of Saudi Arabia, Washington D.C., Education, n.d., [url](#)

‘The government provides preferential access to education, health care, public housing, and other social services to citizens and certain legal residents. The UNHCR office in Riyadh provided a subsistence allowance covering basic services to a limited number of vulnerable families, based on a needs assessment’.

The same source reported that foreign male spouses of female can obtain free government education.<sup>65</sup>

### **3. Situation of Yemeni foreign workers in Saudi Arabia, January 2021 - January 2022**

In July 2021, ‘Saudi authorities began to terminate or not renew contracts of Yemeni professionals working in Saudi Arabia, leaving them vulnerable to arrest, detention and deportation to the conflict and humanitarian crisis in Yemen as a result of not having legal status in the country’.<sup>66</sup>

According to Human Rights Watch, quoting media sources, in July 2021, the Qiwa platform ‘run by the Saudi Human Resources Ministry, had issued a statement about new regulations requiring businesses to limit the percentage of their workers from certain nationalities, including 25 percent for Yemeni nationals. Workers who cannot find another employer to act as a sponsor are forced to leave the country or face deportation, which for Yemenis can mean a risk to their lives’.<sup>67</sup>

An August 2021 media report, referring to Yemeni citizens in Saudi Arabia, stated that ‘hundreds of medical staff, academics and other professionals in the Saudi Arabia’s southern region bordering Yemen [had] in recent weeks been told they are being let go’. The same source further reported that there had been ‘no official explanation’, while ‘Yemeni sources said they did not know why the dismissals were happening’.<sup>68</sup> According to a report by Reuters, quoting ‘a Saudi analyst speaking on condition of anonymity’, the layoffs were planned ‘to free up jobs for citizens in the south as part of efforts to tackle Saudi unemployment of 11.7%’, as well as due to ‘security considerations in areas near the war’.<sup>69</sup>

Also in August 2021, a petition by 13 human rights organisations was sent to the United Nations Committee on Migrant Workers, denouncing ‘Saudi Arabia’s termination of the work contracts of thousands of Yemeni workers in the south of the kingdom’. According to the source, Saudi authorities had ‘recently’ requested that Saudi citizens ‘dismiss all their Yemeni workers and replace them with workers of other nationalities’ within four months.<sup>70</sup> The same source highlighted the risk that Yemenis migrants who found themselves suddenly without work were at risk of deportation.<sup>71</sup>

In October 2021, the Sana’a Centre for Strategic Studies, in a briefing before the UN Security Council, stated that ‘Saudi authorities made a decision to lay off Yemeni employees in its southern areas

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<sup>65</sup> USDOS, 2020 Country Report on Human Rights Practices: Saudi Arabia, 30 March 2021, [url](#)

<sup>66</sup> HRW, World Report 2022, Saudi Arabia, 13 January 2022, [url](#)

<sup>67</sup> HRW, Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns, 31 August 2021, [url](#)

<sup>68</sup> Arab Weekly (The), Job terminations upset hundreds of Yemenis in Saudi Arabia, 18 August 2021, [url](#)

<sup>69</sup> Reuters, Mass job terminations hit hundreds of Yemenis in Saudi Arabia, 17 August 2021, [url](#)

<sup>70</sup> Scoop, 13 Rights Groups Complain To UN Over Saudi Arabia’s Laying Off 1000s Of Yemeni Workers, 28 August 2021, [url](#)

<sup>71</sup> Scoop, 13 Rights Groups Complain To UN Over Saudi Arabia’s Laying Off 1000s Of Yemeni Workers, 28 August 2021, [url](#); Euro-Med Human Rights Monitor, 13 rights groups complain to UN over Saudi Arabia’s laying off 1000s of Yemeni workers, 27 August 2021, [url](#)

without clear or convincing justifications for this mass targeting of Yemenis'. The same source highlighted 'the harassment of Yemenis who have economic activities' in Saudi Arabia.<sup>72</sup>

A December 2021 article by non-governmental organisation Democracy for the Arab World Now (DAWN), referring to the issue of Saudi authorities forcing foreign workers out of their jobs, stated that 'Yemenis appear to be singled out among migrants of other nationalities who have long sought work in Saudi Arabia'.<sup>73</sup>

Saudi Arabia is not a party to the 1951 Refugee Convention relating to the Status of Refugees, nor to the 1967 Protocol Relating to the Status of Refugees.<sup>74</sup> As described by Human Rights Watch in 2022, Saudi Arabia 'does not have an asylum system under which people fearing persecution in their home country can seek protection, leading to a real risk of deporting them to harm'.<sup>75</sup>

In August 2021, Human Rights Watch, quoting Yemeni sources, stated that 'as of 2020, more than two million Yemenis were living in Saudi Arabia'.<sup>76</sup> In October 2021, Sana'a Centre For Strategic Studies highlighted the steady decrease in Yemeni workers, and stated that 'more than one million Yemenis' were believed to be at that time in Saudi Arabia.<sup>77</sup>

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<sup>72</sup> Sana'a Centre For Strategic Studies, Sana'a Centre Briefs the UN Security Council, 14 October 2021, [url](#)

<sup>73</sup> Dawn, From Mass Expulsion to Alleged Torture: How Saudi Arabia Is Targeting Yemeni Migrants, 6 December 2021, [url](#)

<sup>74</sup> UN, Convention Relating To The Status Of Refugees, 28 July 1951, [url](#); UN, Protocol Relating To The Status Of Refugees, 31 January 1967, [url](#)

<sup>75</sup> HRW, World Report 2022, Saudi Arabia, 13 January 2022, [url](#)

<sup>76</sup> HRW, Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns, 31 August 2021, [url](#)

<sup>77</sup> Sana'a Centre For Strategic Studies, Sana'a Centre Briefs the UN Security Council, 14 October 2021, [url](#)

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