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Irregular Migration to and within Kuwait: Enabling and Sustaining Factors

Nasra M. Shah and Lubna Al-Kazi

Chapter in the volume:
Skilful Survivals: Irregular Migration to the Gulf
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BOOK CHAPTER

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Irregular Migration to and within Kuwait: Enabling and Sustaining Factors

*Nasra M. Shah and Lubna Al-Kazi**

Abstract: Kuwait has formulated a series of laws aimed at banning irregular migration, in terms of entering the country illegally, overstaying one's legal residency permit, or buying a residency permit to work for someone other than the employer. At the end of 2014, Kuwait was home to 103,154 non-Kuwaitis who had overstayed their valid residency permits. About half of the overstayers were domestic workers, mostly females. There were several "runaway" workers who had sought shelter at their embassies or in the government facility set up for females. There were also several persons – their numbers were unknown – employed by someone other than the sponsor. Interviews with 18 irregular migrants provided insights into the factors that lead to the emergence and prolonged stay of such workers in the country. First, informal networks are pivotal facilitators that initiate, protect and sustain irregular migration. Second, irregular employment reduces the recruitment cost for employers. Third, irregular migrants have very specific goals to be achieved prior to return. Four, irregular migrants are highly resilient and willing to take risks. Five, irregular status in some cases provides higher remuneration, combined with flexible arrangements for employers.

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Six, longer duration of residence in Kuwait provides social and linguistic tools to survive. A wide array of actors benefit economically and socially from the existence and perpetuation of the irregular migration phenomenon, including those who sell visas, intermediaries who arrange them, those who provide rental accommodation and family members who fulfill social obligations. This makes the implementation of existing laws very difficult.

Introduction

To map irregular migration in Kuwait, this chapter has three objectives: First, to provide a numerical estimate of the residents of Kuwait who may be defined as “irregular” according to various criteria, such as the validity of their residence permits and employment conditions; second, to outline the legal framework within which irregular migration may occur, highlighting the legislative and executive orders that define and regulate legal residence in the country; third, to discuss the experiences of several irregular residents who are in violation of the various laws and could be deported or jailed, if caught. The chapter is organised into two main sections. The first section outlines the major types of irregular migration within the context of laws and regulations designed to manage each type. The second section narrates the experiences of 18 migrant workers in irregular situations and identifies several common features that underlie the processes leading to irregular migration as well as the multi-faceted factors that enable the protracted stay of such migrants in the country.

Defining and Measuring Irregular Residents in Kuwait, and the Related Legislative Context

In mid-2015, Kuwait had a total population of 4,183,658 of whom about 69% were non-citizens (PACI 2015). The main reason for the large number of foreigners in the country centres on its labour force needs. Non-citizens comprise, primarily, migrant workers and the families of those workers earning a minimum specified salary. According to Article 1, Ministerial decree 2/1992, workers in the government sector must earn no less than KD450 and those in the private sector must earn no less than KD650 for being entitled to bring their wife and children with them. In actual practice, however, anyone earning a minimum salary of KD250 can obtain a visa for his wife and children. Employed women are generally not entitled to bring their spouses and children. Moreover, there is a limitation on the number of children (up to three) who can join the worker without the payment of a yearly residence fee.

At the end of 2012, of the 2,299,691 non-Kuwaitis with residency permits (*iqama*), 475,688 (20.7%) were residing in Kuwait on dependent visas (GLMM, Kuwait, Table MOV 2.3).

A non-Kuwaiti may enter Kuwait for the following specific purposes: visit, transit, work, to accompany a family member, or study. A total of 48 nationalities, mostly from developed Western countries, are granted visit visas on arrival at the Kuwait airport. Visitors from all other countries must be sponsored by a relative, friend, or a company. Any person who comes to Kuwait for employment must arrive with a work visa sent by the employer, who acts as the sponsor or *kafeel* for that person. Dependents of a worker are sponsored by the worker. Domestic workers are sponsored by the Kuwaiti (or non-Kuwaiti) employer who hires them. Thus, other than visitors from some countries, every non-Kuwaiti resident must have a sponsor, in the form of a company, an institution, or an individual. Once in the country, all non-visitors must obtain an *iqama*, which is generally issued for two years and is renewable, depending on the mutual agreement of the employer and employee. Once hired, the employee may change his job after a specified number of years and after getting a release letter from the previous employer. Detailed laws, rules and regulations are in place to manage the various forms of migrants.

Given this apparently well-defined system, how does a non-Kuwaiti become an “irregular” resident of the country? Four main types of irregular migrants may be identified: illegal entrants; overstayers; those in irregular employment situations; and runaways or absconders.

Illegal Entrants: In terms of illegal entrants into the country, no published data are available. However, this type of irregular migration is likely to be negligible in view of the generally non-porous and well-guarded borders that Kuwait shares with Saudi Arabia and Iraq. However, migrants may be cheated or trafficked in terms of being brought in legally but then being used for certain types of criminal or illegal activities, such as prostitution. Kuwait has formulated laws regarding Trafficking in Persons and Smuggling of Migrants to punish anyone involved in such activity. It states that “anyone who has committed the crime of trafficking in persons shall be sentenced to 15 years in prison” or lifetime imprisonment in cases such as when the smuggled person is a child or a woman (Law No. 91 of 2013). In response to some incidents of trafficking of women in the early 1980s, the Bangladesh government requested the Kuwait government to prohibit the issuance of work permits for Bangladeshi female workers, with the exception of doctors, engineers and teachers (Ministerial Order 83/1984). The extent to which the law on trafficking is being

implemented is unknown. As assessed by the 2014 Trafficking in Persons report for Kuwait, “The (Kuwait) government did not demonstrate efforts to prosecute nor convict trafficking offenders using the 2013 anti-trafficking law or other laws that address trafficking crimes” (US State Department 2014).

Overstayers: The legal system does not contain any provision for a non-visitor to remain in the country without a valid *iqama*. Doing so results in residency violation due to an expired *iqama*. Once a worker’s employment is concluded, the employer (sponsor) must “cancel the work permit” and “bear the cost of the employee’s repatriation” (Ministerial order 106/1994, article 16). The worker must cancel the residence permits of any dependents under his sponsorship. In some cases, an expatriate may be granted a temporary residence for up to one year for personal emergencies such as illness, or to settle a disputed court case. Also, a person may sponsor himself and obtain residence for up to five years if he fulfills several conditions such as having worked in Kuwait for at least 25 years, owning a minimum capital of KD10,000, producing a certificate of good conduct, effectively residing with his family, etc. Apart from these exceptions, a worker and his family must leave the country within one month after cancellation (or expiry) of the work permit.

If the *iqama* is not renewed prior to expiry date, the person immediately becomes an irregular resident and each day of overstay is subject to a fine of KD2 (\$7). Periodic amnesties have been held to allow residents in an irregular situation to either regularise their status or leave the country without paying any fine. The last such amnesty was held from March 1 to June 30, 2011. According to the Ministry of Interior database, the country had 124,142 overstayers at the time that amnesty was declared. Of these, 45,689 (36.8%) either regularised their stay or left the country; almost 63% maintained their irregular status (Shah 2014a). In a previous amnesty held in 1998, 15,842 were regularised and 4,458 were repatriated (Shah 2009). Recently, a partial amnesty was declared for more than 33,000 residency violators who are registered with suspended companies. Such visa violators were granted a grace period from June 1 to August 1, 2015 to either transfer their work permits to other sponsors or cancel them to leave (*Kuwait Times*, May 26, 2015, Page 1).

Tables 6.1 and 6.2 show the number of residency violators (i.e., overstayers) for the years 2011, 2012, and 2013, according to nationality groups and type of residency permit, respectively. During each year from 2011-2013, the number of residency violators showed an upward trend from 5,695 in 2011 to 16,288 in 2013. In terms of the nationality group, Asians constituted about 76% in 2011 but declined to 65% in 2013. The percentage of Africans more than doubled from

about 9% to 21% from 2011 to 2013. More than half of the violators were domestic workers, their percentage increasing from 52% to 61% in the period 2011-2013. The second largest group comprised those working in the private sector.

Tables 6.1 and 6.2 also show the cumulative number of residency violators at the end of 2014 (including all previous years), amounting to a total of 103,154 persons. Almost three-fourths were Asians and about 16% were Arabs. In terms of the type of permit, about half (51.2%) of all violators were on a domestic service visa, 27.9% were engaged in the private sector and 13.8% had entered on temporary visas.

The concerned authorities conduct regular raids and checks of necessary documents at public places where expatriates gather, and in selected residential areas, especially where low-skilled workers reside. In 2011, 16,315 residency law violators were apprehended (GLMM Table IRR.1.2). Newspaper articles periodically report the number of those apprehended.

Table 6.1: Residency violators according to nationality group and year, 2011-2014 (Percentage)

Nationality groups	2011	2012	2013	2014*
Arabs	14.2	12.8	14.3	15.7
Asians	76.2	73.6	64.7	72.9
Africans	8.5	13.2	20.6	10.4
Europeans	0.2	0.1	0.1	0.3
North Americans	0.5	0.4	0.2	0.6
South Americans	0.0	0.1	0.1	0.1
Australians Oceanians	0.3	0.0	0.1	0.1
Other	0.0	0.0	0.0	0.0
Total (%)	100.0	100.0	100.0	100.0
Number	5,695	9,859	16,288	103,154

Source: Ministry of Interior, Kuwait.

* Total number of residency violators at the end of 2014, including 2011-2013, as well as all previous years.

Table 6.2: Residency violators according to type of residence permit and year, 2011-2014 (Percentage)

Type of permit (#)	2011	2012	2013	2014*
Temporary (# 14)	16.7	13.1	11.8	13.8
Government sector (# 17)	0.9	0.6	0.4	0.9
Private sector (# 18)	24.3	21.3	20.8	27.9
Business (# 19)	0.0	0.0	0.0	0.0
Domestic help (# 20)	52.2	59.2	61.4	51.2
Dependent (# 22)	5.8	5.6	5.5	6.0
Study (# 23)	0.0	0.0	0.0	0.0
Self-residence (# 24)	0.2	0.3	0.1	0.3
Total (%)	100.0	100.0	100.0	100.0
Number	5,695	9,859	16,288	103,154

Source: Ministry of Interior, Kuwait.

* Total number of residency violators at the end of 2014, including 2011-2013, as well as all previous years.

Those in Irregular Employment Situations: A probably much larger group of irregular workers consists of those persons who are employed by someone other than their sponsor, which is illegal. According to the 2010 Labour Law for the private sector, Article 10, “The employer shall be prohibited from employing foreign manpower unless the competent authority has granted them a permit to work for him.” Also, “Employers shall not bring workers from outside the country or hire workers from inside the country, then fail to provide them employment at his own entity, or subsequently be found not to have an actual need for them.” Furthermore, providing residence or work to anyone in an irregular status is illegal according to the Nationality Law of 1959, amended in Law number 6 of 2011, which prohibits “providing residence to or employing a foreign national whose residence in Kuwait is illegal. It also prohibits employing a foreign national sponsored by another employer for the duration of his contract.”

In violation of the above laws, a sponsor may in fact arrange a residence permit for a worker not needed by him, in return for a fee. A Kuwaiti sponsor may “sell” a work visa (# 18 for the private sector) or domestic service visa (# 20) to a prospective worker, who is not really needed by him. A tacit understanding exists between the Kuwaiti sponsor and the non-Kuwaiti worker that the sponsor allows him/her

to work for someone else. This understanding has led to the prospective migrant considering this as a “free” or “transferable” or *azad* visa. Interviews with several such workers, reported in the next section, provide insights into the dynamics that are employed to obtain and renew such visas.

No one arranging employment for a foreigner is allowed to charge any money. This is true not only for individual sponsors but also for employment agencies. “Anyone licensed to operate an employment agency for private help or anyone working for him may not charge the employee any amount of money for his/her recruitment and may not retain him/her either directly or indirectly” (Ministerial order, 40/1992, Article 2). Art. 3 sets the penalties for violating the provisions of the order.

No published data are available on workers who may be employed illegally in terms of working for someone other than the sponsor and may have bought the visa from a Kuwaiti sponsor, or his/her intermediaries. Observation and experience suggests that this type of employment is rampant. In a survey of Asian male migrants in Kuwait conducted in late 1995, 14.6% said that they had come on a “free visa;” the percentage being 33.8% among the ones who came through friends and relatives (Shah 1998). In a small pilot survey to estimate the recruitment costs paid by migrants to Kuwait conducted for the World Bank in 2014, a question was asked about whether the interviewee was working for the same person who sponsored him. It was found that 22 of the 105 (21%) low-skilled workers reported that they were employed by someone other than the sponsor (Abella and Martin 2014; Shah 2014b). If this survey is reflective of the current situation in the country, the number of such workers in Kuwait might be fairly substantial, probably ranging between 15–20% of all workers, especially among the relatively low-skilled.

Absconders and Runaways: Another group of irregular residents results from absconding or running away from the employer. Although most runaway workers are female domestic workers escaping difficult situations, some male workers also abandon their jobs without the permission of their sponsor, resulting in an irregular status. Although the number of runaway workers is not known, such incidents have caught a great deal of media attention as well as vehement criticism from human rights agencies (Human Rights Watch 2008; Harroff-Tavel and Nasri 2013; US State Department 2014). Embassies of several countries, such as Sri Lanka, India, Philippines, and Nepal have been playing an active role in providing protection to runaway domestic workers by providing them shelter, mediating in conflicts, and arranging their return to the home countries.

The Kuwait government has also set up a shelter designed to assist up to 700 female workers in distress. The shelter provides accommodation, food, and health care and has arranged the repatriation of several workers. The shelter accepts a worker only if referred by an embassy or an international agency. Since the shelter was opened in April 2013, it has provided shelter and assistance to 1,970 migrant women (US State Department 2014).

A final group of persons who are defined as “illegal” residents by the government consists of the *bidun* (stateless persons without a nationality), estimated currently at about 100,000. Stateless persons have been a part of Kuwait’s population since the country’s independence in 1961. Until 1989, they were counted as Kuwaiti nationals and benefitted from many of the same privileges as Kuwaitis, e.g., free access to educational and health facilities provided by the government. Since 1989, the *biduns* have been designated as non-Kuwaitis for political as well as statistical purposes and have lost access to the various facilities provided free of charge to them earlier. The government contends that the *biduns* are in fact nationals of other, mostly neighbouring countries, who should reveal their original nationalities instead of trying to claim any rights of citizenship as Kuwaitis. The decision on the eventual status of this group is likely to emerge from political forces within the country, the discussion of which is beyond the scope of this chapter.

Case Studies of Irregular Workers in Various Situations

In order to gain insights into the multi-pronged dimensions that lead to an irregular status, we interviewed 18 non-Kuwaitis living in Kuwait in an irregular situation, in a language they could understand and speak comfortably (English, Hindi, or Arabic). A gender and nationality breakdown of our respondents according to type of irregular status is given in Table 6.3. The interviews were generally conducted at the home or office of the authors after due assurance about anonymity and safety of the respondents. Irregular workers were found through our networks. The real names of our interviewees are not revealed here.

Table 6.3: Gender and nationality of irregular workers interviewed in Kuwait, according to type of irregular status

Type	Name (not real)	Gender	Nationality
Overstayers			
1	Amir	Male	Bangladeshi
2	Umar	Male	Bangladeshi
3	Amina	Female	Bangladeshi
4	Lisa	Female	Filipina
5	Norma	Female	Filipina
6	Sara	Female	Somali
7	Abdulaziz	Male	Egyptian
Kafeel other than employer			
8	Kamla	Female	Indian
9	Hari	Male	Indian
10	Kumar	Male	Indian
11	Maria	Female	Indian
12	Zeenat	Female	Bangladeshi
13	Nasser	Male	Egyptian
14	Nina	Female	Sri Lankan
Runaways/Absconding			
15	Mansi	Female	Indian
16	Sunali	Female	Nepali
17	Hassan	Male	Bangladeshi
18 Illegal second job			
	Emad	Male	Bangladeshi

Our interviewees were from different countries and included both males and females. A striking point gleaned from the interviews was the existence of several commonalities in their migration experiences. Several similar threads seem to typify their varied experiences and enable us to highlight some commonalities that characterise irregular migration in Kuwait. At least six such commonalities are worth noting and are elaborated here.

Commonality 1: Informal Networks Play a Pivotal Role in Initiating, Facilitating, Protecting and Sustaining Irregular Migration

Apart from the formal licensed agents who act as intermediaries in arranging the recruitment of many workers, the role of informal networks consisting of family and friends is pivotal in the irregular migration situation. Among our interviewees, migration to Kuwait was arranged and paid for by a close relative in at least six of

the 18 cases. Visas were arranged by a brother, sister, aunt, or uncle, all living in Kuwait, and buying the visa for a fee paid from their own pockets. The experience of Kamla, an Indian freelance worker who has been in Kuwait for the last 14 years, illustrates the role of networks very vividly.

“My aunty (my father’s sister) arranged for my visa and job in Kuwait. I was married and had two children but my husband was not good. My father pleaded with my aunty to arrange a job for me so that I could take care of myself and the future of my children. My aunty bought a visa from a Kuwaiti. I paid her back of course. I came after my younger son’s second birthday. I was so sad. I lived with my aunty and worked at a parlour in the beginning. I have had the same sponsor for the last 14 years. I pay my Kuwaiti *kafeel* KD200 per year, plus KD10 for stamp. My aunty also arranged the visa for her sons and other relatives; five of my family members are sponsored by the same *kafeel*’s family members; my *kafeel* is very good.”

Amina, a Bangladeshi domestic worker, got her visa through her brother-in-law. But her brother-in-law left Kuwait and she did not know the *kafeel* to renew her visa. She came to Kuwait 20 years ago, when she was 18 years old and worked in the first house for five years. By this time her visa had expired and to get a sponsor she would have to pay a fine for the three years. Therefore she began to work without *iqama*. She has been working for a household for the past 10 years but they cannot arrange a visa for her without paying the fines. She sends all her income to her handicapped brother and is waiting to find a *kafeel* as she has not gone home for 20 years.

Hassan, also a Bangladeshi, came to work for a company through his uncle, who works there too. The employer made him work after office hours in his house so he ran away. Now for two years, Hassan has been working in a farm in Wafra and keeps enquiring if anyone can sponsor him. But he is afraid to pay in case the person cheats him. He even asked someone in the Ministry of Social Affairs and they said that visas for Bangladeshis are now no longer given.

Informal networks can also arrange employment for overstayers without valid *iqama* and can provide residential space. In the case of Umar, who came from Bangladesh nine years ago and worked in a Kuwaiti’s home as a gardener and outdoor cleaner, he lost his job when the Kuwaiti hired someone else. He did not find another *kafeel* and overstayed his valid visa. In the meantime, Umar’s relative, a foreman in a cleaning company, found him a job with his own company to work as a cleaner in a mosque in a walled compound. Umar has been living in the mosque

along with another compatriot who has a legal residence permit. Umar's relative gives him salary in cash (KD60 per month) from the company. Umar has not left the compound since he started working there. His friends help him with buying foodstuff and other necessities, as well as sending money home to his dependents.

Another overstayer, Amir, has been living in the apartment of a professional inside a walled compound for the last nine years. Amir came to Kuwait in 2005 on a visa that his brother bought and worked first as a helper and then as cleaner in a company. He had a disagreement and was fired by his company. Since then, he has been living in the walled compound in the maid's room provided in the professional's apartment. He not only works in the professional's house but cleans several cars inside the compound earning about KD150 per month. Amir has not left the compound in the last nine years. His friends help him by sending money to his family, buying him clothes and other necessities.

Sunali, a Nepalese runaway domestic worker, lives with her distant cousin in a partitioned apartment rented by some Indians. Like Sunali, another runaway domestic worker from Andhra Pradesh in India, Mansi, is living in a rented space with some people she knows from her hometown. They both work, illegally, in a private school as cleaners. Sunali came to Kuwait about four years ago and describes her transition into an irregular status as follows:

“After two years instead of sending me home as agreed, my employer sold me to another Kuwaiti, who was a ‘harami’ (i.e., person with a bad character). He tried to grab me and abuse me sexually. I worked in that house for one month and left. I begged a taxi driver to take me to the Nepalese embassy since I was in great difficulty. I paid KD5 to the taxi driver. I stayed in the embassy for two months and then I left. There were 150-200 runaways at the embassy, both men and women. I left because the embassy could neither send me back nor do anything else. I left the embassy 9-10 months ago.”

Abdelaziz, an Egyptian overstayer, came to work for a company in 2007. In just three months, the company closed down and the owners disappeared. He had some Egyptian friends, and since his visa was still valid they helped him find work as an office boy. But when his visa expired, the employer fired him. Since 2009, he has been working without an *iqama* as a Haris (for KD70) in a building along with one of his friends. He hides when inspectors from the Ministry of Social Affairs come.

Sara's story is sad and unusual. She could not have survived without network support from her family who also live in Kuwait. She was a nurse in the Kuwait

health ministry for 20 years starting from the 1970s. During the invasion, Sara and her husband, both Somalis, went back to Somalia. He wanted to live in Somalia, but life was too difficult for her so her sister in Kuwait arranged a visa for her in 1995 and she returned to work. Separation as well as stress caused by her husband led to a nervous breakdown and she locked herself at home. Both her passport and visa expired while her family got her psychiatric help. Now they are seeking mercy exemption for her on psychological grounds to get her a visa again as a dependent of her brother who also lives in Kuwait.

Lisa and Norma, both Filipino overstayers, live in a rented room and work for a man who is their friend. He is a partner with a Kuwaiti who sends them to serve guests at parties and funeral gatherings. He is paid KD10 per woman for the party and gives the women only KD5 each per event. The friend takes them to and from events, and as these events are usually in people's houses they do not get caught. The work is seasonal and they make the most money during Ramadan when women have parties. They get tips especially if it is a wedding or a funeral gathering. But they cannot go out in case the police stop them and deport them.

Commonality 2: Irregular Migration Reduces the Cost of Recruitment for the Employer

Networks can be used in a structured manner where an intermediary can, in fact, act as an informal agent on behalf of a company that wishes to hire foreign workers, reducing the cost of such recruitment. This is illustrated by the experience of Hari, who has worked in Kuwait for the last eight years. Currently, he works as a salesman in a company, but his visa is not sponsored by his company. He bought a "transferable" visa for KD530 and believes that he will be able to get release from his sponsor whenever he wants. On the side, he arranges the migration of workers from Andhra Pradesh, India, where he has links with several recruitment agents. Hari describes his role as follows:

"An insider employee (agent) within the company (X) tells me how many workers of each kind are needed, on the basis of work visas that the company has obtained from the government. The company insider employee charges KD100 for this service from each prospective migrant. In addition, the employee charges KD80 for the ticket. The ticket money is, in fact, paid by the company, but the insider employee charges this amount to the prospective migrant. Once a match is found in India, I send them the work visa. I charge KD150 per migrant for this service. The money for me and the company insider is paid through "hundi" whereby the prospective migrant gives the

money in rupees in India and a trusted source gives me the money in dinars in Kuwait. The whole system works on trust and reputation. I have a very good reputation with agents in India.”

When asked why the company hires the services of Hari, who is not licensed for such work, rather than a licensed recruitment agency, he explained that the company would have to pay KD350-450 per worker to the licensed recruitment agency and that can be saved by working with him. Also, the company insider cannot earn any money from transactions through licensed agents.

Kumar is a South Indian and works in a company where the sponsor is not his *kafeel*. On the side, he helps Kuwaitis get male workers for farms for KD100. He is reliable and so many Kuwaitis have got workers through him as it is quicker and less costly than going to an agent.

Similarly, by hiring Mansi and Sunali as cleaners, the school saves the cost of paying for their housing, health insurance, *iqamas*, and other expenses. Since these workers do not have a contract, the school would not acknowledge them as employees and would not protect them in case of a police raid.

Commonality 3: Irregular Migrants Have Very Specific Goals They Wish to Achieve Prior to Their Return

Most of our interviewees were able to specify in detail what they wish to accomplish as a result of their sacrifice and hard work in Kuwait. Educating their children was a common goal among men as well as women from different countries. Building a house was another common goal. However, prior to their return to their home country, they wanted to put in place plans to secure their own future. For example, Kamla clearly describes her vision of her future life in India:

“I will live and work in Kuwait for another four years. As soon as my children’s education is completed, I will go back to India. I have saved one lakh rupees in my NRI account and will use 50,000 to open a parlor and 50,000 to buy readymade clothes to sell in the parlour as a side business. My main aim is to get a good education for my children. I will not stay in Kuwait even if I have citizenship. How can I live without my children and relatives? India now has good work opportunities. So I will go back.”

Similarly, Hari wishes to establish a dairy farm with 10-15 cows, which he estimates will cost 10 lakh Indian rupees. And, Amir is already buying land for orchards that he wants to own when he returns.

Zeenat, a Bangladeshi, works as a cleaner in a school but is not on the school's sponsorship. She pays KD600 every two years and has been with same *kafeel* for seven years. She says he is very nice and does not delay getting her papers done. Her daughter is now in a technical college and her son is in his last year of school. She plans to work till they finish their education and then go back home. Zeenat describes her situation as follows:

“My husband, who was with me, cannot see and therefore went back; so my salary is paying for my children's education. I don't want them to be like me with no degree.”

Despite the relatively clear vision for the future and a timeline that appeared quite firm at the time of our interview, it also seemed that this timeline could shift forward quite easily as the plans of migrant workers became more expansive. In some cases, such postponement was motivated by unforeseen circumstances, such as Kamla's son getting admitted to a Doctor of Pharmacy programme that will take another six years to complete, or the wastage of some of the money that Amir sent home for buying the orchards that was used up by his brother.

Commonality 4: Irregular Migrants Are Highly Resilient and Are Willing to Take Serious Risks

We found that our respondents were generally willing to work for very long hours with the common goal of earning (and saving) as much money as possible prior to their return. Female domestic workers were willing to take up any tasks ranging from cleaning floors and windows to cooking, massaging, babysitting, and parlour-related work such as waxing, threading, and facials. Consequently, a worker may have up to 20 or more employers engaging her for specific tasks and paying her on an hourly basis for each task performed. Those cleaning cars (usually males) may spend many hours cleaning as many cars as they are able to get.

Engaging in a second job after 8-12 hours of duty by some workers is a vivid example of the resilience of some of these workers. Emad, a Bangladeshi worker with a cleaning company, held a regular job involving 12 hours of duty from 5 am to 5 pm. He then worked at a second job in a from 8 pm to 5 am the next morning. He took only one day off. The second factory job was illegal since he was not certified to work in that factory and could be deported, if caught. However, he was able to double his salary by working at the second job.

The risk of deportation is a real and serious danger that irregular workers face. Thus, the overstayers are careful to avoid public spaces. The continued residence of

Amir in an irregular capacity despite the last amnesty declared in 2011 illustrates the degree of risk that these workers are willing to take to fulfill their life plans. When asked why he did not regularise his status or leave, Amir responded that he was in Kuwait to earn more money to enable his future settlement in Bangladesh. However, Amir had a clear plan about what he would do when he was ready to return, based on information and experiences of friends and relatives he trusts.

“Once I decide to go back I will buy a ticket, go to the police and tell them I want to go. They will put me in jail for 15 days, or one to two months, and then they will deport me. I cannot come back for five years once I am deported. However, that does not matter since visas for Bangladeshis are banned anyhow. I will not have to pay a fine if I am deported.”

Commonality 5: Irregular Status Provides More Lucrative Remuneration than Regular Status for Some and Flexible Terms for Employers

Since the primary motivation of most workers, especially low-skilled ones, is to earn the largest amount of money in the shortest possible time, several of them opt for irregular employment. For example, Nana, a Sri Lankan domestic worker is employed in four different homes and earns KD200-210 per month. If she were employed in a private home with legal sponsorship, she would earn only KD60-70. Thus, the risk of being defined as illegal by the authorities is worth the financial benefit accruing from this. Kamla, who performs more varied activities and works in more homes than Nana, earns about KD250-300 per month, equivalent to the salary of a mid-level clerical or sales worker.

Maria came from Goa, India, on a visa she bought from a *kafeel* 15 years ago. She has been working as a babysitter for a British family, from 7 am-2 pm; the employer is a teacher. She works as a cleaner in the house of another expatriate in the afternoons. Maria prefers her working and visa arrangements and said:

“This way I earn KD150 and I can go home and rest in my room. I am in control of my life. I see my *kafeel* every two years for visa renewal, and I have no problems with him and I give him no problems.”

In addition to the benefits for the worker, the availability of part-time freelance workers provides an efficient and convenient source of finding help, especially for non-Kuwaitis who usually live in flats that do not have space to house a domestic worker, or the requisite income to sponsor a domestic worker. By using a freelance worker, the employer saves a considerable amount of fees (usually KD800-1,000)

that he would have to pay to bring in a live-in worker through a recruitment agency. The employer can also maintain the privacy of his living space and avoid the responsibilities he would have had if he had a live-in worker. Thus, the incentives for hiring part-time workers are very attractive.

Commonality 6: Longer Duration of Stay Provides Social and Linguistic Tools to Negotiate the Host Country Environment

A majority of the irregular workers we interviewed had been living in Kuwait for more than five years. Most had learnt some basic Arabic to converse with their employers and others and had developed extensive social networks that could be relied upon in many different situations. For example, despite his own irregular status and confinement to the compound, Amir has built enough network resources to have recently arranged a visa for his brother to come and work in a cleaning company. Amir has spent more than KD1,000 on buying the visa and bringing his brother to Kuwait where he will initially earn KD60 per month. He accomplished this through a relative who works as an unlicensed agent and is able to arrange visas for those seeking one.

With a longer duration of stay, migrants develop friendships that make the absence of their own family less painful. They also engage in religious and social activities centering around the church or mosque and become comfortable with the physical environment of the country. They usually learn enough Arabic to get around and communicate with (potential) employers and others, as needed. Several feel that Kuwait is home and they miss it when they go on a holiday.

Conclusion: The Laws, the Regulations, and the Reality

In an earlier section, we highlighted various laws and Ministerial Orders designed to prevent and punish irregular migrants. However, our interviews with 18 irregular migrants clearly indicated that such laws are being commonly violated. Friends, relatives and countrymen find ways to employ, house and feed those who had overstayed their valid visas, in violation of Law No. 6 of 2011. The authorities in charge of nabbing and deporting irregular workers have been able to do so only in a minority of cases. *Kafeels* and informal agents, acting as middlemen, were charging money for issuance and renewal of *iqamas* in violation of Ministerial order, 40/1992, Article 2. Migrant workers were either working as freelance workers or were employed in various capacities by employers who were not their sponsors in violation of Article 10 of the Labour Law, 2010. The following general conclusions may be drawn from the insights we gathered in this study.

First, our interviews with many different types of irregular workers vividly highlight the complexity that underlies the social relations that enable the origin, growth and sustenance of irregular migration. These social relations hinge around many familial efforts to secure a better future, perhaps a brother or sister helping his/her sibling, a mother striving to educate her children, a worker trying to build a house, arrange for his sisters' marriage, or support his aging parents. Migrants who have dreams to secure and maintain such a future are willing to pay a price both in terms of money to secure employment and endure hardships in Kuwait. On the other hand, the profit motives of the middlemen (in Kuwait as well as in the home countries) and the Kuwaiti sponsors, keep on fuelling the demand for this market in view of the abundant supply of workers in relatively less affluent countries.

Second, this study reaffirms the difficulty that irregular migration poses for the agencies responsible for eliminating it. The six commonalities that we highlighted from our interviews show that several irregular migrants are not helpless victims. They choose certain alternatives, such as working on a freelance basis rather than for a single employer, to maximise the gains from their move. They have fairly well defined goals that they wish to accomplish and are willing to take the risks this involves. A whole range of actors attain financial benefits by facilitating irregular migration: Kuwaiti sponsors by selling visas; apartment dwellers by sub-letting rental space; intermediaries by charging recruitment assistance fees; employers by a reduced cost of hiring workers, etc. At the same time, social and familial benefits are gained by aiding the migration of kin and countrymen. Thus, a wide-ranging system of mutual benefits constituting win-win situations exists. Several of our respondents with valid *iqamas* they had bought from Kuwaiti sponsors were very happy with the arrangement (and treatment by) with their sponsors. Thus, in circumstances where the migrant worker and his sponsor/facilitator/sustainer/protector are of one mind in terms of enabling the irregular situation, policies to eliminate this are indeed hard to formulate and implement.

Third, the runaways and overstayers appear to be faced with more vulnerable circumstances than the ones with *iqamas* from a sponsor other than the employer. The former group frequently transition from a regular status to an irregular one, a situation where they have little or no negotiating power in most spheres of life. The "free visa" holders are probably better informed and have relatively more flexible work and life conditions. The runaways and overstayers do not have any valid papers, are highly restricted in terms of physical as well as income mobility, and are always in fear of being apprehended by the police. In addition, many of the runaways are likely to be female domestic workers. As shown in this chapter, about half of

the 103,154 residency violators in 2014 were domestic workers. Only a handful of these violators are being provided shelter and assistance by their embassies, or the government shelter, while the rest are likely to be faced with situations similar to Amir, Sunali, Mansi or others in our study.

Finally, it is clear that any simple policy based on apprehending and deporting irregular migrants is likely to barely skim the surface of the problem, as shown by the disappointing response to the last amnesty in 2011. There is an urgent need to analyse and comprehend the mechanisms and pathways that result in the transition of a migrant in a regular situation to an irregular one and address the root causes that underlie such a transition. Policy measures should also recognise the differences between the various categories of irregular migrants such as runaways and “free visa” workers. Formulation and implementation of a labour law for domestic workers would also be an important part of these efforts. In the case of “free visa” workers, a more flexible management of the labour market may help in curbing irregularities. For example, if freelance work in selected sectors was legally allowed, people like Kamla would not have to live in fear of being apprehended while on her way to attend church services or to the home of an employer who is not her sponsor. There is a need to reduce the worker’s vulnerabilities in the workplace by ensuring safe and humane working conditions and regular payment of wages and to provide protection against abuse, when needed. Thus, a deeper and objective understanding of the reasons for the existence of irregular migration is necessary for meaningful policies to address this problem and eventually minimise its prevalence.

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SKILFUL SURVIVALS: IRREGULAR MIGRATION TO THE GULF

The Gulf States are among the most sought-after destinations by global migrants. Part of this migration is irregular, due to five main causes: entering without a proper visa; overstaying after a visa or residence permit has expired; being employed by someone who is not the sponsor; absconding from a sponsor; and being born in the Gulf to parents with an irregular status. The treatment reserved for migrants in an irregular situation marks out the Gulf States. Arrest and detention are widespread practices in spite of constitutional guarantees against arbitrary imprisonment. Staying without a proper visa or absconding from a sponsor is regarded as a criminal act, and foreign nationals who commit such acts are detained in the same prisons as common law criminals with no clear right of recourse. Domestic workers, most of whom are women employed by private households and, therefore, not protected by labour laws which in the Gulf apply only to businesses, are particularly subject to arbitrary sanctions and jail.

Lived experiences suggest that migrants may not see their irregular status as being disastrous. Many, in fact, are willing to perpetuate this situation, despite their awareness about possible arrest, jail term, and deportation. A theme that emerges repeatedly in interviews indicates the lack of options open to migrants elsewhere, including their country of origin. Migrants in an irregular situation learn to negotiate the formal and informal spaces and systems they encounter. Most irregular migrants seem to share one characteristic: resilience. As their stay in the Gulf lengthens, they gather enough capacity to exercise their agency to achieve a skilful survival in the face of adversity. A wide-ranging system of mutual benefits constituting win-win situations for varied actors enables and perpetuates irregular migration.

