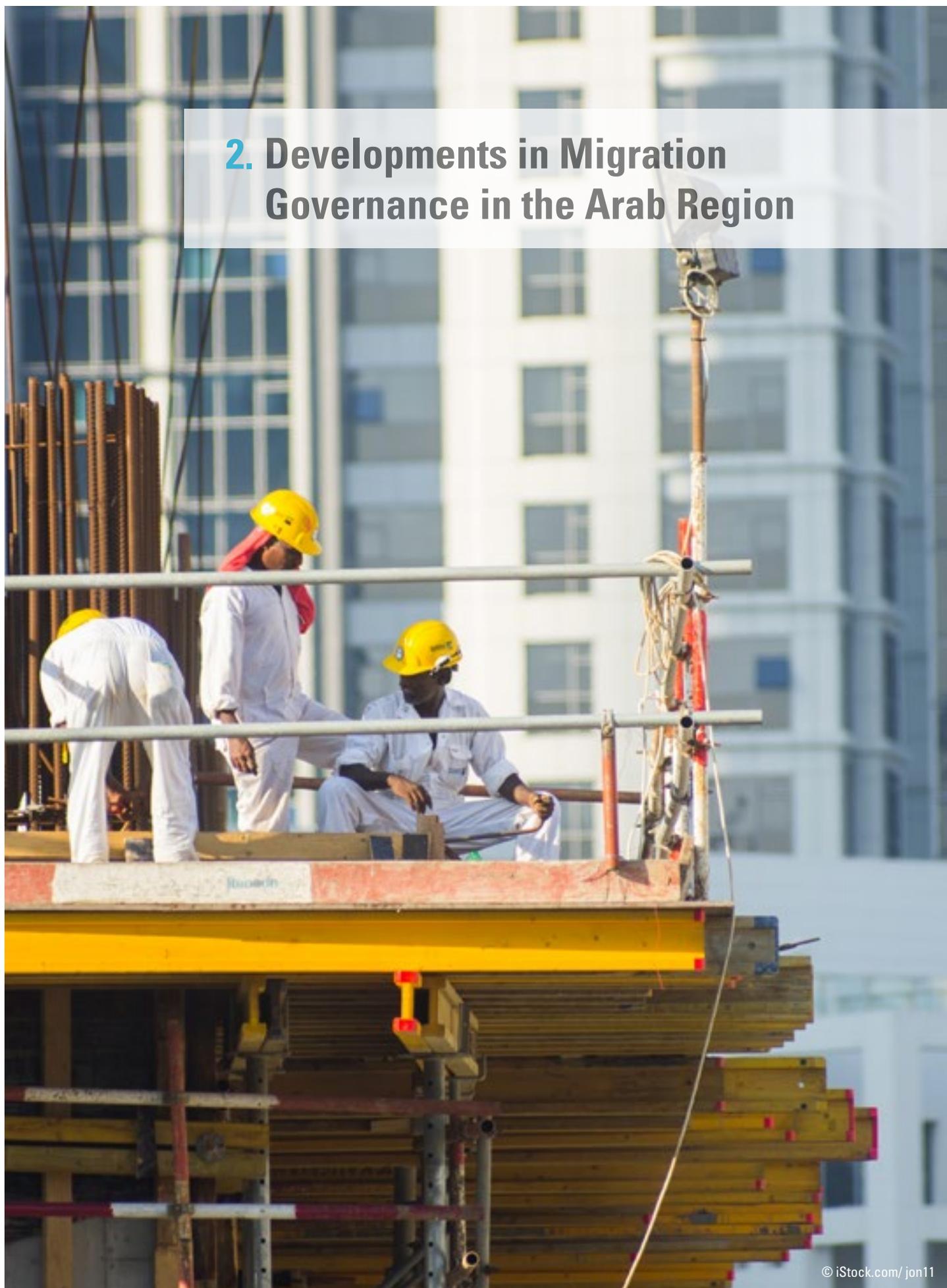


2. Developments in Migration Governance in the Arab Region





Migration has gained salience in the policy debates of Arab countries, given the significant demographic, economic and social shifts that have resulted from large scale migration in most countries. Most Arab countries have engaged in developing their migration related policy frameworks.

2. Developments in Migration Governance in the Arab Region

National policies and legislation regulate entry, exit and residence of migrants, refugees, stateless persons and nationals in a country, and determine the rights and entitlements of migrants and their families. Furthermore, global, regional and bilateral agreements between countries also shape how migration takes place. The combination of these frameworks, and their interaction with national frameworks, determines migration governance and reflects States' commitments to protecting migrants' rights and entitlements in their territory and those of their nationals abroad. It also reflects countries' efforts to uphold and protect migrants' rights and respond to their needs, both in countries of origin and destination, as well as how they respond to dynamic migration trends and patterns.

The present chapter provides an overview of national policies and international cooperation efforts relating to migration governance carried out by Arab countries between April 2017 and March 2019, complementing previous editions of the Situation Report on International Migration in the Arab Region. Main areas of policy development include: nationality and statelessness, labour migration, irregular migration, human trafficking and migrant smuggling, forced displacement and refugees, and admissions and residency procedures. The chapter also describes developments in subregional, regional and global cooperation relating to migration in which Arab countries have been involved.

Data sources for chapter 2 include official government publications and information, and reports from IOM country offices and other United Nations agencies. Where necessary, the research was complemented with information obtained from news outlets.

The present chapter acknowledges several limitations regarding its scope and methodology. It is a descriptive compendium of policy developments that occurred during the reporting period. The analysis does not offer a normative evaluation of the policies adopted, nor the extent to which they align with migration governance frameworks such as the Global Compact for Safe, Orderly and Regular Migration. Such an analysis is offered in chapter 3 of the present report. Moreover, while migration governance extends beyond the development of policies, chapter 2 limits research to adopted policies and does not discuss the implementation or the impact of those policies.

A. National policies on international migration and displacement

1. Nationality and statelessness

Nationality laws determine who is a national and who is a non-national, or foreigner, which in turn influences their rights, duties and the services they can access in that country. They can also determine whether a person is left stateless. As per article 1 of the 1954 Convention Relating to the Status of Stateless Persons, when a person is not considered a national by any State under the operation of its law, that person is stateless.¹ Algeria, Libya and Tunisia are the only Arab countries parties to the Convention (annex V to the present report). Persons can be born stateless or become stateless in the course of their lives. Regardless of the reason or circumstances, statelessness leaves them highly vulnerable and marginalized, with no or limited access to education, decent employment, social

Box 8. Non-ID Palestinians in Lebanon

The broad category of non-ID Palestinian comprises two subgroups. The first consists of Palestine refugees, registered with UNRWA in Jordan, the West Bank or the Gaza Strip, currently living in Lebanon and not holding any valid identification document (e.g. travel document, passport or identity card). The second covers Palestinians (non-refugees) in the same situation. Both groups (and their descendants) are neither registered with the Lebanese authorities as refugees or foreign residents, nor with UNRWA in Lebanon although they may be registered with UNRWA in another country field office. Because of their undetermined legal status, non-ID Palestinians have not enjoyed the right to residency and to full access to UNRWA services since their arrival in Lebanon.

There are an estimated 4,000 non-ID Palestinians in Lebanon. Without documentation and legal status in Lebanon, non-ID Palestinians face restrictions of movement, risk detention, and experience severe obstacles in completing civil registration procedures such as those relating to marriage, birth, divorce and death. The situation has acute humanitarian consequences, limiting access to public services including Lebanese education or medical services, and restricting the opening of bank accounts, access to justice and access to formal employment. They are denied the possibility of travelling abroad. As of 2018, no durable regularization of their undocumented status has been achieved, leaving their non-ID descendants at further risks.

Source: Compiled by UNRWA.

protection, health care and civil and political rights. Box 8 details the specific situation of non-ID Palestinians in Lebanon.

In the reporting period covered by the present chapter, some Arab countries passed and amended laws governing who can obtain a nationality and who can be deprived of it. Advancements have been made on enhancing women's rights to nationality and affording more rights to children of women married to foreigners, although there are still wide gaps between men and women regarding nationality rights.

(a) Women's rights regarding passing on their nationality

In September 2018, the Jordanian government issued an instruction to recognize the identification cards of children born to Jordanian women married to foreigners, issued by the Civil Status and Passports Department. Although Jordanian women married to foreigners are not allowed to pass their nationality to their offspring, the official recognition of their identity

cards grants these children access to certain entitlements on an equal footing with nationals,² including employment opportunities, free access to public education, including higher education, access to health care, property ownership and driving licences.³

Somalia drafted a new Citizenship Bill in 2018 that will permit women to pass on their nationality to their children on an equal footing with men.⁴

Moreover, in 2018 in the **Sudan**, the Council of Ministers approved a bill amending the current nationality law, allowing Sudanese women to pass on their nationality to their children, but only if the father is from South Sudan.⁵

(b) Access to citizenship and residency

Egypt made two amendments to its nationality and residency laws in the reporting period. In September 2017, Egypt approved an amendment to article 15 of law No. 26 of 1975 on citizenship. The change grants the Prime Minister the

power to withdraw Egyptian citizenship from individuals who undermine the public order of the State by joining groups, associations, bodies, organizations, gangs or any entity that aims to harm the public order or undermine the social or economic order of the State, or from individuals who have been convicted of crimes that endanger State security.⁶ In August 2018, Egypt ratified law No. 173 of 2018, granting foreigners who deposit a minimum of 7 million Egyptian pounds (approximately \$420 thousand at August 2019 exchange rates)⁷ in local Egyptian banks a five-year residency permit, and the possibility of applying for Egyptian citizenship.⁸ This new law includes the creation of a corresponding category of residency for foreigners called ‘deposit residency’.

The **United Arab Emirates** passed federal decree-law No. 16 of 2017, amending certain provisions of federal law No. 17 of 1972 on nationality and passports.⁹ Following this new amendment, a non-Emirati woman married to an Emirati man may be granted citizenship under specified conditions. Citizenship may be granted seven years after the application if the couple has children, and 10 years after the application if the couple does not have children. Furthermore, a foreign woman who is divorced or widowed from an Emirati national and has Emirati children may be granted citizenship if she maintains residency in the country and either remains single or marries another Emirati national. In addition, under the decree-law, the Head of State has the power to grant nationality to persons who have “provided exceptional services to the country”, independent of any other conditions.¹⁰

2. Labour migration

Labour migration is predominant throughout the Arab region, totalling 23.8 million migrant workers in 2017 who represented 14.5 per cent of all migrant workers globally.¹¹ Furthermore, labour migration towards GCC countries is particularly significant, one of the world’s main destinations for migrant workers. In many Arab

countries, labour migration is regulated through the *kafala* (sponsorship) system, meaning that migrant workers need to have a sponsor to enter, stay, work and/or in some cases exit the country. The *kafeels*, or sponsors, are responsible for the working and residency conditions of migrants, which restricts the mobility of migrants and often leaves them vulnerable to exploitation and abuse. Labour migration is the thematic area with the most developments in governance during the reporting period, the majority enacted in GCC countries.

(a) Work permits

In 2018, the Public Authority of Manpower of **Kuwait** established new conditions for movement of migrant workers from the private to the public sector, which had previously been prohibited. Migrant workers are now required to obtain approval from the Civil Service Commission to change job sectors, after providing justification for their need according to economic activity or contract project in which their employer is involved.¹² Kuwait started issuing temporary work permits of 100 days when employment is transferred from one employer to another, or to cover a trial period when the employee enters the country for the first time.¹³

From September 2018, the issuance or renewal of work permits for migrant workers in **Saudi Arabia** has been linked to the authentication of their housing contracts through the rental services E-network, *Ejar*, which was set up to regulate the relationship between tenants, landlords and real estate brokers.¹⁴

In the **United Arab Emirates**, ministerial decision No. 31 of 2018 established a new system for part-time contracts. An employee with a part-time contract may work for an employer for less than eight hours a day or less than 48 hours a week, but not less than 20 hours per week. The employee may work for more than one employer at the same time without the need to obtain approval from any of the employers. These provisions apply only to employees classified as

skilled workers level 1 and skilled workers level 2. Migrant domestic workers are not eligible.¹⁵

In December 2018, Dubai Internet City, a free economic zone in the United Arab Emirates, began granting certain benefits to companies regarding ownership, taxes and customs, and established a freelance work permit targeting workers in the technology sector. The permit costs 7,500 dirhams (approximately \$2,000 at August 2019 exchange rates) per year, and includes the flexibility to choose and change employers and work on short-term contracts.¹⁶ The same visa scheme was established earlier that year for the media and education sectors within Dubai Media City and Dubai Knowledge Park.¹⁷

(b) Recruitment of migrant workers

In August 2017, the Ministry of Interior of **Kuwait** amended the domestic worker law regarding recruitment agencies, which will now be required to submit financial deposits with a validity of two years ranging from 40,000 Kuwaiti dinars (approximately \$130,000 at August 2019 exchange rates) to 100,000 Kuwaiti dinars (approximately \$330,000 at August 2019 exchange rates), depending on the size of the agency. The amendment should enable the Government to build a reserve of funds to adjudicate cases of labour law violations, and cover unpaid wages and repatriation fees.¹⁸

In 2017, **Qatar** launched a new electronic system aimed at simplifying the residency procedures of foreign workers. Qatar visa centres, which have already opened in five countries, provide integrated services through a unified channel to facilitate and accelerate recruitment procedures and eliminate contract fraud. Services include fingerprinting procedures and biometric data processing, medical testing for migrant workers, and signing employment contracts before departure. All workers, including domestic workers, are expected to be recruited through these centres. The first phase of the centres' implementation was launched in October 2018, which

should facilitate the recruitment of workers through 22 service centres in eight countries (Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka and Tunisia), whose nationals constitute 80 per cent of the total workforce in Qatar.¹⁹

A new online accreditation platform for foreign engineers who want to work in **Saudi Arabia** was set up in 2018 to facilitate employment procedures. The system also regulates new recruitment practices, such as bans on recruiting foreign engineers with less than five years of work experience and the requirement to pass a professional test and an interview to validate their expertise.²⁰

Migrant workers who wish to work in the **United Arab Emirates** can now be recruited through management centres called *marakez al tadbeer*, which started replacing recruitment centres in March 2018. The centres are managed by the private sector under government supervision, and provide integrated services including assisting in applications processes, providing medical examination services, and issuing residence and identity cards.²¹

(c) Support and protection of migrant workers

In May 2018, **Bahrain** announced the creation of a wage protection system, under which employers are obliged to pay their workers via bank accounts rather than in cash. This system aims to protect workers, especially low-skilled workers in the private sector, from the risk of withheld payments by documenting all wage transfers and aiding dispute settlements.²² The Labour Law was amended in December 2018 to create a placeholder for the wage protection system, and to prohibit discrimination on the basis of gender, origin, language, religion or creed.

The Ministry of Manpower of **Oman** has also introduced new regulations to protect the rights of migrant workers. These include ministerial decision No. 270/2018 regarding procedures, requirements and consequences

for reporting an ‘absconding’ migrant worker. Among other regulations, the employer must provide a bank statement proving that the worker received their salary up to three months before the worker absconded. Workers have the right to object to the report within 60 days, and workers are fined if they are found to have absconded.²³ If an employer files more than five abscondment reports in a month or 10 in a year, the employer will be referred to the labour inspectorate to check if they are complying with the labour law.²⁴

In November 2017, the Government of **Qatar** established a temporary minimum wage for foreign workers of 750 Qatari rials per month (approximately \$200 at August 2019 exchange rates). In addition to their salary, workers are entitled to housing, food and health-care plans covered by employers.²⁵ An ad hoc minimum wage commission was also formed to consider a new minimum wage. All labour contracts now need to be approved by the Ministry of Labour to be rendered valid so as to prevent contract substitution. Law No. 17 of 2018 also established a workers’ support and insurance fund to pay workers’ due wages following a decision by the labour dispute committees, and contribute to humanitarian support for workers in emergency situations and to recreation for workers. The fund will receive for its annual budget 60 per cent of the fees collected for workers’ permits and renewal.²⁶

In 2018, the Qatari Supreme Committee for Delivery and Legacy mandated its contractors to reimburse recruitment fees charged to migrant workers hired for the construction of the FIFA 2022 World Cup facilities. Contractors engaged on those projects have agreed to reimburse more than 80 million Qatari rials (approximately \$22 million) to thousands of workers who had to pay recruitment fees prior to their journey to Qatar, despite the practice being illegal under the Qatari Labour Law.²⁷

Furthermore, a newly established Strategic Unit within the Labour Inspectorate, made

up of several units within the Qatari Ministry of Administrative Development, Labour and Social Affairs, has been tasked with using data to prioritize and target inspection action to ensure the protection of workers’ rights and the observance of the Labour Code.

The wage protection system of **Saudi Arabia**, which has been implemented gradually since 2013, requires, as of December 2017, that employers of domestic workers issue prepaid payroll or salary cards when workers first arrive in the country to facilitate and ensure timely wage transfers. The system began a new phase in February 2018, when it introduced a new requirement for employers to pay migrant workers by electronic transfers through the national bank so as to allow the Government to track payments. Moreover, a pilot programme has been expanded to provide free phone cards and information material to all workers, including domestic workers, upon arrival in the country.²⁸

In 2018, the **United Arab Emirates** implemented a new insurance plan for foreign workers. Whereas, in the past, employers in the private sector had to make a mandatory deposit of 3,000 dirhams per worker (approximately \$820 at August 2019 exchange rates), the fee is now being replaced by a new insurance scheme that costs 60 dirhams (approximately \$16 at August 2019 exchange rates) annually per worker. The insurance covers work injuries, overtime pay, airplane tickets, vacation allowance, and end of service benefits.²⁹

(d) Labour disputes

In January 2018, **Kuwait** launched the Mobile Labour Disputes Office to enable workers in remote areas of the country to file complaints against employers who are violating the labour law. To enhance the protection of migrant workers, an online service has also been established to request copies of labour documents, allow employers and employees to file and track workplace complaints and

disputes, and alert workers when an employer files an abscondment charge.³⁰

The Government of **Qatar** issued law No. 13 on August 2017, which amends the Labour Law promulgated by law No. 14 of 2004 and the Civil and Commercial Proceedings Law promulgated by law No. 13 of 1990.³¹ Following the adoption of the law, three Labour Dispute Resolution Committees were formed in March 2018 and started receiving complaints. The committees aim to ensure more speedy decisions and guarantee fair treatment. The law also reforms the procedures for dispute settlements between workers and employers. Workers may dispute the penalties imposed upon them by employers, and the outcome of the appeal must be settled within seven days through a newly established office in the Qatari Ministry of Administrative Development, Labour and Social Affairs specialized in receiving dispute cases between employees and employers, including those concerning domestic workers. Furthermore, disputes between employers and workers must first be handled by the Labour Relations Department at the Ministry, and if no agreement is reached between the parties, the case is transferred to the Labour Dispute Resolution Committees for a final decision within a month.³²

Under article 34 of the law of procedures for the Shariah Courts of **Saudi Arabia**, labour disputes relating to employment contracts, wages, rights, injuries, compensation and social insurance claims, among others, will be handled by specialized labour courts established in November 2018. In the first phase of implementation, seven courts were established in seven cities, and an additional 27 circuit courts will cover other provinces and governorates in the future. Six appellate courts will also be established to review judgements.³³ Furthermore, the Justice Ministry has announced that the government will provide free legal aid to plaintiffs who cannot afford a lawyer.³⁴ In December 2018, the rules and procedures for amicable settlement of labour disputes were amended, including

26 articles with definitions of terms, general rules, jurisdictions, requirements to become a mediator, procedures for sessions, and rules for issuing final verdicts.³⁵

The Abu Dhabi Judicial Department of the **United Arab Emirates** has been working on a bilingual litigation system, which began its first phase of implementation in November 2018. The department now demands that plaintiffs translate case documents in civil and commercial lawsuits if the defendant is a foreigner, and has adopted multilingual interactive forms for claim sheets, grievances and requests. In February 2019, the Judicial Department added Hindi as the third official language to be used in the court system, alongside Arabic and English.³⁶

(e) Regulations of domestic work

In February 2018, **Bahrain** released a tripartite domestic contract to be signed between domestic workers, recruitment agencies and employers. The mandatory standardized contract describes the rights and obligations of each party, including details of domestic work and the working environment. It also describes duties, working hours, rest periods and leave days, as agreed between the worker and the employer. Under the contract, the recruitment agency has the obligation to review potential employers to assess their suitability. The implementation of the standardized contract will be carried out in two phases. The first phase regulates the recruitment of domestic workers through licensed recruitment agencies, while the second phase covers the direct employment of domestic workers by the employer.³⁷ The Bahraini Parliament voted in April 2018 to extend free health care to all domestic workers, granting them the same access to medical services as nationals with no charges to themselves or their employers.³⁸ Some of the services provided for free at government-owned medical facilities include: medical check-ups, laboratory tests and X-rays, operations, maternity and child care, hospitalization, dental

care, psychiatric treatment and consultation, physiotherapy, and prescribed medications.³⁹

The Government of **Kuwait** established a centralised recruitment agency for domestic workers under law No. 68 of 2015, which became fully operational in September 2017. The agency, which operates alongside private recruitment agencies, is responsible for reducing recruitment costs, stopping illegal recruitment fees, and securing labour agreements for female workers.⁴⁰

In addition, under Council of Ministers' decision No. 614 of April 2018, the competencies regarding domestic workers, outlined in law No. 68 of 2015, were transferred from the Ministry of Interior to the Public Authority of Manpower.

Qatar introduced law No. 15 of 2017 on domestic workers, aimed at enhancing the protection of their rights. The new law stipulates that domestic workers are entitled to government-verified contracts, paid annual leave, an end-of-service payment, and termination of their contract in case of abuse or breach of contract, among other provisions.⁴¹ Furthermore, decision No. 39 of 2018 of the Minister of Administrative Development, Labour and Social Affairs established a three-month probation period for domestic workers.⁴²

Domestic workers in **Saudi Arabia** are now permitted to transfer to other employers under 13 conditions, including if their wages are proven not to have been paid for three consecutive or isolated months (without good reason), if the worker has been abused, if the employer does not obtain or renew the worker's residency permit within 30 days of expiry, if the worker is assigned by their employer to perform work for persons who are not relatives of the employer, or if the worker is required to do dangerous tasks.⁴³

The **Syrian Arab Republic** passed law No. 40 of 2017 regarding the recruitment of foreign domestic workers, which establishes

recruitment fees, procedures to obtain licenses, and fines for violations.⁴⁴

The **United Arab Emirates** approved federal law No. 10 in September 2017, regulating domestic work and enhancing protection for domestic workers. The law specifies regulations for recruitment agencies and employers regarding hiring practices, and sets employer and employee obligations, working conditions, and contracts. It also asserts the right of employees to keep their personal documents, the standardization of contracts that include descriptions of working conditions, the creation of specialized tribunals for settling workplace grievances, and the establishment of mandatory time off.⁴⁵ In addition, the law includes provisions on inspections, penalties, end of service compensation, and termination of contracts. The law identifies 19 types of domestic service workers that fall under its mandate.⁴⁶ The United Arab Emirates also established a new fee system for domestic workers, which includes different forms of recruitment based on country of origin and type and length of contract, including hourly, weekly, monthly or yearly contracts, to allow more flexibility in hiring schemes.⁴⁷

(f) Other policies regarding migrant workers

In March 2018, **Djibouti** ratified the 2014 Protocol to the ILO Forced Labour Convention, 1930 (No. 29). Under the Protocol, signatory States commit to taking effective measures to prevent and eliminate the use of forced or compulsory labour, defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". By ratifying the Protocol, countries also commit to developing a national policy and plan of action that provides victims protection and access to remedies, and sanctions the perpetrators.⁴⁸

In July 2017, **Jordan** implemented new requirements for its migrant workers, requiring them to present a criminal record check from

their country of origin before arrival, and to obtain a medical certificate issued by official medical authorities in Jordan.⁴⁹

In 2017, **Oman** lifted the time limit for paid sick leave for migrants working for the Government by amending some provisions of the executive regulations of the Civil Service Law.⁵⁰

The Government of **Qatar** issued law No. 13 of September 2018, which amends some of the provisions of law No. 21 of 2015 regulating the entry and exit of expatriates and their residence. The new provisions allow all migrant workers employed in the private sector to leave the country without requiring exit permits from employers. However, the law and its regulation specify that employers may require 5 per cent of its total workforce to have pre-approval before travelling owing to the nature of their work.⁵¹ Positions for which exit permits may still be required are high-skilled workers in three categories: chief executive and financial officers, directors in charge of supervising the daily operations of businesses, and directors of information and communication technology. The law does not apply to domestic workers and other categories of workers not covered by the Labour Law.

In 2018, **Saudi Arabia** made amendments to its Labour Law on fines for violations. Employers violating the provision regarding the prescribed holidays of their employees; allowing non-Saudi employees to work in a profession other than that specified in the work permit; omitting to open a file in the Labour Office; or not submitting or updating their employees' data are now subject to a fine of 10,000 Saudi riyals (approximately \$2,700 at August 2019 exchange rates). Employers will also be fined 2,000 Saudi riyals (approximately \$530 at August 2019 exchange rates) for retaining passports, residency permits or medical insurance cards without employees' consent. Furthermore, employers who do not uphold occupational health and safety regulations for their workers will be fined 15,000 Saudi riyals (approximately

\$4,000 at August 2019 exchange rates).⁵² The amendments also clarify situations where workers may be fired without payment of end-of-service benefits, such as if they have been absent from work for 15 consecutive days or 30 days intermittently during a contractual year, or if they have verbally attacked employers.⁵³

(g) Labour force nationalization

GCC countries, where migrants (most of whom are migrant workers) represent between 37 per cent and 88 per cent of the population and constitute a high proportion of the workforce, have engaged in efforts to increase employment of nationals in both the private and the public sectors. New laws on labour force nationalization have mainly focused on banning or reducing employment of foreign workers in selected sectors.

In **Bahrain**, new restrictions on employing foreigners in selected sectors include administrative decree No. 1280 of 2017, prohibiting the issuance of work permits in the civil and oil sectors for foreign high-skilled workers aged under 30. The decree became effective in January 2018.⁵⁴ Furthermore, the Council of Representatives unanimously endorsed a draft law to create a list of professions that will be reserved for Bahraini citizens only.⁵⁵

Kuwait issued decree No. 11 of 2017 on the rules and procedures for the appointment of government representatives in August 2017, under which 15 occupations have been chosen to undergo a five-year process of labour force nationalization. The process aims to reduce the number of foreign employees in the public sector by set percentages each year and replace them with Kuwaitis.⁵⁶ The occupations have been granted percentage quotas of national workers ranging from 70 per cent to 100 per cent. The fields of information technology, development, management and statistics, administrative support, literature, media, arts, public relations and the maritime sector

are targeted at 100 per cent nationalization. Forensics, preventive and rescue groups, engineering, educational and sports services, finance, economic and trade functions and science functions are targeted at between 95 per cent and 98 per cent nationalization; and the service sector, livestock, agricultural and aquaculture functions, teaching, education and training have a target of between 70 per cent and 85 per cent nationalization.⁵⁷

In line with **Omani** efforts to nationalize the labour market, the Ministry of Manpower has issued a series of decisions banning the recruitment of foreign workers in the private sector for a period of six months in selected fields and activities, including information systems, finance and accounting, sales and marketing, management and human resources management, insurance, media and engineering, in addition to the medical, aviation and technical fields. Certain exceptions and amendments to the characteristics of jobs included in the ban have been established, and the time period of the ban has been extended for several sectors.⁵⁸ Pursuant to decision No. 487/2018 of the Ministry, Oman banned issuing employment visas to foreign workers in 87 selected professions, including purchase and sales representatives; workers in the construction, cleaning and workshop sectors; media, engineering, accounting and finance, information technology, insurance, administration and human resources, starting in January 2018 and for an initial six-month period, which was then extended twice by six months.⁵⁹ An additional ban was put in place in February 2019 for selected professions under article 1 of decree No. 73/2019.⁶⁰

Qatar is also in the process of nationalizing its labour force in selected sectors. The Ministry of Education and Higher Education is enforcing the nationalization of nearly 80 per cent of senior and middle positions in public schools,⁶¹ and the Ministry of Administrative Development, Labour and Social Affairs is including the legal field and the fields of information technology, finance and accounting, translation, public relations and

media among its target sectors for labour force nationalization.

The National Transformation Plan of **Saudi Arabia**, which is part of its Vision 2030, includes labour force nationalization as one of its main objectives.⁶² The Ministry of Labour and Social Development is amending the existing *Nitaqat* system, first introduced in 2011 to encourage employment of Saudi nationals in the private sector. Reforms include incentives and restrictions on organizations' hiring practices to increase the mandatory employment ratio of Saudi nationals to expatriate employees in organizations' local workforce. The *Nitaqat* system, which classifies Saudi organizations into six categories depending on their size and rate of Saudi nationals to expatriate employees, was amended in September 2017 and in February 2019 by changing the classification methods to encourage higher employment rates of nationals.⁶³ To achieve a lower national unemployment rate, taxes have been imposed on Saudi companies that hire foreign workers beginning in early 2017. A Saudi company has to pay 300 riyals (approximately \$80 at August 2019 exchange rates) per foreign worker per month, and companies that employ more migrants than nationals pay a higher fee of 400 riyals (approximately \$100 at August 2019 exchange rates) per foreign employee. These fees are set to increase in 2019 and 2020.⁶⁴

Under the same objective, the Ministry of Labour and Social Development issued a ministerial decree restricting the employment of foreign workers in 12 sectors, the majority in the retail and sales services. The plan was implemented over three phases, the first beginning in September 2018,⁶⁵ and the second and third phases beginning in November 2018 and January 2019, respectively. Each phase aims to gradually expand the sectors that fall under the nationalization scheme.⁶⁶

The Human Resource Development Fund of Saudi Arabia is also supporting labour force nationalization by paying 20 per cent and 15

per cent of the monthly salary of female and male Saudi employees, respectively, covering Saudi nationals employed after 31 July 2017 for a two-year period in the public and private sectors.⁶⁷

3. Irregular migration

The combination of precarious situations in countries of origin and a lack of access to regular migration pathways often leads to migrants being in an irregular situation when they enter, stay or work in a country without required documents or authorization. This situation makes migrants more vulnerable to marginalization, exploitation and rights violations. Furthermore, migrants sometimes fall into situations of irregularity through no fault of their own, often owing to administrative errors, the action (or inaction) of their sponsors, or because they left their work without permission or escaped an abusive situation.⁶⁸

Several countries in the Arab region have granted migrants in an irregular situation the opportunity to either regularize their status, or to leave the country without incurring fines or penalties, so as to decrease the number of such migrants within their borders.

Regularization

In July 2017, the Labour Market Regulatory Authority of **Bahrain** launched a flexible work permit system that allows undocumented workers to regularize their status and obtain a work permit without a sponsor. Migrants in the country with terminated work permits, or whose permits have expired and have not been renewed by their employers, are eligible for a flexi permit. Skilled, domestic and agricultural workers are not eligible under the current flexi scheme. The flexible work permit is valid for two years subject to renewal, and grants holders the right to reside in the country and work part or full time, have more than one employer in a number of sectors, and leave and re-enter the country. The cost of the permit for two years

is 749 Bahraini dinars (approximately \$2,000 at August 2019 exchange rates), which may be paid in monthly instalments by the migrant. There are two types of permit: a flexi permit that enables the holder to work in any non-specialized job but bars them from working in restaurants and hotels; and a flexi hospitality permit that enables the holder to work in any non-specialized job, including in the hospitality industry.⁶⁹

In January 2018, **Kuwait** issued ministerial decision No. 64 of 2018, granting migrants in an irregular situation with expired or rejected permits a three-month amnesty period to regularize their situation or leave the country.⁷⁰ Government reports estimate that 45,000 expatriates benefited from the amnesty by legalizing their status or leaving the country without penalties.⁷¹

From December 2016 until December 2017, **Morocco** implemented the second phase of its regularization campaign, building on the results of the first phase that was implemented in 2014. The Government gave priority in this new phase to spouses of Moroccan nationals and of foreign legal residents and their children; migrants with valid work contracts; migrants with at least five years of continuous residency in the country, and migrants with chronic illnesses. Furthermore, the second phase allowed rejected applicants to reapply.⁷² In March 2018, the criteria for eligibility were expanded to allow more migrants to regularize their status, including women and their children, unaccompanied minors, migrant workers without an employment contract, and migrants who have resided in the country for less than five years but have a higher education degree.⁷³

In March 2017, **Saudi Arabia** launched a campaign entitled “A nation without violators” to give migrants who entered the country without authorization, who overstayed their visa, or who violated the conditions of their work permits the opportunity to leave the country without paying a penalty.⁷⁴ However, 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. Only migrants in an irregular situation with abscondment charges were allowed to exit without sponsor approval. The amnesty was followed by government raids and labour inspections to detect residency and labour violators. As of February 2019, the number of violators of the Residency Law or Labour Law since the campaign was launched in 2017 reached 2,666,916. Around 2,000,000 had violated the Residency Law, 408,000 had violated the Labour Law, and over 180,000 had violated the border security system.⁷⁵

Under decree No. 2017-1061 of September 2017, **Tunisia** waived the fine for overstaying visas for vulnerable migrants, including victims of trafficking and vulnerable migrant students wishing to leave the country. Before the decree was passed, migrants in an irregular situation had to pay a fine of 20 Tunisian dinars (approximately \$7 at August 2019 exchange rates) for every week of irregular overstay in the country, with no capping of fees, which often became unpayable for migrants and forced them to go into debt, continue their irregular stay, or migrate irregularly to another country.

As part of the campaign entitled “Protect yourself via rectifying your status”, launched in August 2018 and extended until December that year, the **United Arab Emirates** gave migrants who violated the Entry and Residency Law the option to correct their legal status by paying a fee, applying for a new six-month visa without a sponsor if they wanted to remain in the country for work purposes, or voluntarily exiting the country without legal consequences or fines. The United Arab Emirates also allowed migrants who entered the country without authorization to leave voluntarily with a temporary ban of two years to re-enter the country.⁷⁶ After the amnesty ended on 31 October 2018, violators faced tougher legal action, including arrest, deportation, and greater punishments and fines. A sponsor employing an undocumented worker

is now fined 50,000 dinars (approximately \$13,600 at August 2019 exchange rates) for each worker in an irregular situation and 100,000 dinars (approximately \$27,000 at August 2019 exchange rates) for each repeat offence.⁷⁷

4. Human trafficking and migrant smuggling

Migrant smuggling is defined in the Protocol Against the Smuggling of Migrants by Land, Sea and Air as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.⁷⁸

Trafficking in persons is defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.^{79,80}

During the reporting period, several Arab countries established national commissions and national strategies to address trafficking in persons and migrant smuggling, and to provide assistance to trafficking victims and smuggled migrants. Several countries have also established entities mandated to implement anti-trafficking strategies.

(a) National strategies and commissions to combat human trafficking

As part of **Jordanian** efforts to combat trafficking in persons, the Anti-Trafficking Technical Committee revised the current anti-trafficking law, which has been in force since 2009. The amendment to the law, which aims to deter human trafficking by imposing harsher punishments, was approved by the

Government in March 2019, and is awaiting approval by parliament.

In February 2018, **Kuwait** approved a National Strategy to Combat Trafficking in Persons. The Ministry of Justice and the Ministry of Foreign Affairs are responsible for its implementation, and the country has already engaged in public awareness campaigns to combat human trafficking and migrant smuggling.⁸¹

Morocco passed a decree in November 2017 to establish a national inter-ministerial anti-trafficking commission, with decree No. 2-17-70 of July 2018 providing details on its composition and prerogatives.⁸² The commission is responsible for coordinating anti-trafficking measures, elaborating a national strategy and action plan, and providing suggestions on capacity-building to relevant stakeholders. It is also tasked with suggesting modalities to develop and implement procedures for officials to identify and refer trafficking victims, ensuring that victims are not punished for crimes committed as a direct result of being subjected to human trafficking, providing adequate protection services for trafficking victims and witnesses, and producing disaggregated data that distinguish between human trafficking and migrant smuggling crimes.⁸³ In addition to the relevant ministries, the commission also comprises representatives of two civil society organizations working on protection and assistance to victims. In December 2018, Morocco published a report entitled “Morocco’s Migration Policies and the Global Compact for Safe, Orderly and Regular Migration” where it reiterated its commitment to combat trafficking in persons, including establishing a national referral mechanism for the assistance and protection of victims.⁸⁴

In early 2017, **Qatar** passed Ministerial Decision No. 15 of 2017 Regarding the Establishment of a National Committee for Combatting Human Trafficking. The decision defines the composition, term in office, objective, method of

procedure and reporting lines of the Committee, stipulating that it will be established in the Ministry of Administrative Development, Labour and Social Affairs.⁸⁵ The National Committee revised the national strategy to combat trafficking 2017-2022, prioritizing prevention, protection, judicial pursuits, and regional and international cooperation.⁸⁶

Saudi Arabia is addressing human trafficking by allocating a budget of 36 million riyals (approximately \$9.6 million at August 2019 exchange rates) for its interagency Anti-trafficking Secretariat. This includes implementation of the 2017-2020 National Action Plan to Combat Trafficking, which focuses on monitoring, prevention, building government capacity, inter-ministerial coordination, effective law enforcement, and victim protection.⁸⁷

In 2017, the Ministry of Interior of the **Sudan** funded and launched a Trafficking Unit under the Organized Crime Directorate, and the National Committee to Combat Trafficking of the Sudan drafted and finalized a National Action Plan.⁸⁸ Furthermore, in October 2018, the Sudan acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 2000.⁸⁹

Tunisia also officially launched its 2015-2017 national anti-trafficking action plan,⁹⁰ which included developing manuals and training guides for judges and security personnel, and it continued to develop its 2018-2023 national strategy to combat trafficking.

(b) Protection and assistance to victims of trafficking in persons

In April 2018, **Bahrain** established an assistance fund granting protection and assistance to victims of human trafficking. The fund provides monthly allowances for victims whose cases are in the process of determination, and a grant that victims can use for reintegration in their home country or for employment in Bahrain.⁹¹

In May 2018, Bahrain also launched a National Referral System for Victims of Trafficking in Persons in an effort to identify the role of the various entities involved in combating human trafficking, and to establish the procedures for managing cases.⁹²

The **Iraqi** Council of Ministers' decision No. 385 of 2017 mandates the creation of care houses for victims of human trafficking to accommodate and rehabilitate victims by providing them social, psychological and physical support, and assist in their reintegration by encouraging social participation, offering education opportunities, including vocational training, and providing employment opportunities. The decision also stipulates that non-Iraqi victims will be provided with accommodation, and their return to their countries of origin will be facilitated in coordination with relevant country authorities.⁹³

(c) Awareness and prevention campaigns

In July 2018, **Egypt** and **Tunisia** joined the Global Blue Heart Campaign, set up by the United Nations Office on Drugs and Crime (UNODC) to combat trafficking in persons, which aims to raise awareness of the sufferings of victims of human trafficking and to build political support to fight criminals behind trafficking and to engage all stakeholders, including Governments, civil society and the private sector, in the fight against human trafficking. The Governments of both countries, represented by their respective national committees mandated to combat trafficking in persons, launched national campaigns against trafficking in persons that included national, regional and international development partners, civil society organizations and the private sector.⁹⁴

(d) Other relevant measures and developments

In **Somalia** in November 2017, the federal member state of Puntland ratified a human trafficking legislative framework, which includes new penal and criminal procedure codes and a law that specifically prohibits trafficking.⁹⁵

The **Tunisian** Ministry of Justice created an office to monitor and maintain statistics on human trafficking. The Government conducted training programmes for security personnel and other government officials on the anti-trafficking law, victim identification techniques, and protection services. It also continued international cooperation with INTERPOL to strengthen cooperation and information exchanges on potential trafficking cases. Furthermore, in January 2018, the Government launched a multilingual hotline to report potential trafficking cases.⁹⁶ In the same month, the national committee to combat trafficking in persons launched its first annual report on national efforts to fight this crime in Tunisia.

5. Forced displacement and refugee protection

Given the high numbers of refugees from and to the Arab region, governance on this area is crucial to support this vulnerable population. Although only 9 of the 22 Arab countries have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (annex V to the present report), many countries provide special rights and services for persons fleeing conflict and persecution. In the reporting period, several Arab countries enhanced the rights and protection mechanisms for refugees through national laws, policies, and/or programmes.

(a) Access to asylum, refugee status and residency

Djibouti passed a new set of refugee laws in December 2017: decree 2017-409/PR/MI streamlines procedures to determine refugee status,⁹⁷ and decree 2017-410/PR/MI determines the fundamental rights of refugees and asylum seekers.⁹⁸ The new laws facilitate refugees' access to health care, education and employment, giving them more opportunities for integration.⁹⁹

Since July 2017, unlimited free renewal of residency documents has been available for six months for Palestinian refugees from the

Syrian Arab Republic in **Lebanon** who had entered Lebanon before September 2016, with no penalty charge for delays. However, the July 2017 memorandum excludes persons who entered Lebanon after September 2016, as well as those who entered irregularly and those with an exit order.¹⁰⁰

As the first GCC country to have an asylum law, **Qatar** passed law No. 11 of 2018 regulating political asylum, which enables individuals to apply for political asylum, except those who committed war crimes, human rights violations or non-political crimes. The law establishes that the Minister of Interior can grant asylum seekers three months of temporary residency until a final decision on their claim is reached. The Qatari Interior Ministry is responsible for forming a committee of agencies to evaluate political asylum requests. Those who are granted asylum are obliged to stop pursuing any political activities in Qatar, are granted the right to apply for travel documents, and are allowed to be joined by family members.¹⁰¹ Approved asylum seekers are granted the right to work and the right to access government health care, education and housing.¹⁰²

(b) Refugee return

In August 2018, the **Lebanese** General Security Agency established 17 centres across the country to manage applications of Syrians who wish to return. The centres facilitate registration and regularization of the status of Syrians in case of legal or security problems, so they can more easily go back to their country. Syrians who entered the country via regular channels before January 2015 and who pay the fines for overstaying their residency permits will be allowed to leave Lebanon without a re-entry ban. Syrians who entered Lebanon via regular channels after January 2015 and overstayed their visas may leave with a one-year re-entry ban. Syrians who entered irregularly may leave the country if they pay a \$400 fine. In all cases, those who do not pay the fines or follow required process may leave the country but will be

permanently banned from returning to Lebanon. All refugees registered with UNHCR are allowed to leave without paying a fine and without a re-entry ban.¹⁰³

In August 2018, the **Syrian** Cabinet approved the creation of a Coordination Body for the Return of Displaced Persons Abroad, which will coordinate and facilitate the return of refugees to the Syrian Arab Republic.¹⁰⁴

(c) Access to economic and social rights

In December 2017, **Djibouti, Somalia** and the **Sudan**, as members of the Intergovernmental Authority on Development, adopted the Djibouti Declaration on Refugee Education in which signatories commit to ensuring that every refugee and returnee has access to quality education by integrating refugees into national education policies, strategies, programmes and plans of action.¹⁰⁵

In October 2017, the **Iraqi** parliament approved law No. 76 of 2017 regulating entry, exit and residency of foreigners in the country. The law annuls article 202 of the previous law issued in 2001, which stipulated equal rights of Palestinians and Iraqis to public and private employment, education, free health care, retirement rights, free housing, tax exemption, and travel documents.¹⁰⁶

In November 2017, **Jordan** issued circular No. 351/2017, which regulates participation of Syrian refugees in the labour market. The new regulation grants Syrian refugees permission to change work sectors to any other sector if their permits expire, and to work in the agricultural, support services and bakery sectors. It further allows Syrians to transfer from one employer to another if their permit has expired without the need to obtain clearance, and it allows them to work in the construction sector without the requirement of recognition of prior learning.¹⁰⁷

In February 2018, the Jordanian Government endorsed the Jordan Response Plan for the

Syria Crisis, led by the Ministry of Planning and International Cooperation and prepared by government agencies and international donor agencies. The Response Plan seeks to address the needs of Syrian refugees and Jordanian host communities affected by the crisis, by adopting a resilience-based approach that bridges the divide between short-term humanitarian and longer-term development responses. The Jordan Response Plan 2018-2020 sets out budget needs and fund-raising goals for the Government to effectively continue offering support to Syrian refugees, including by providing education, health care, shelter and cash assistance.¹⁰⁸

Furthermore, between March 2018 and March 2019, Jordan carried out a campaign to formalize the status of Syrian refugees living informally in urban areas, either because they were registered in camps and left without official authorization or they never registered with UNHCR and the Government.^{109,110} Regularizing their status gives refugees protection from arrest and increases their access to formal jobs – albeit with some limitations – and to aid and education. On the other hand, on 24 January 2018, the Jordanian Government revoked the right for refugees living outside camps to receive subsidies on health care: they will now have to pay 80 per cent of health-care costs up front to get treatment.¹¹¹

In July 2017, the Unified Lebanese Vision for the Palestinian refugees Affairs in Lebanon was officially launched by the Lebanese-Palestinian Dialogue Committee, the inter-ministerial body dealing with Palestinian refugees' affairs in **Lebanon**. The document was signed by the main Lebanese political forces in November 2016, providing a framework of action to deal with the social and economic situation of Palestinian refugees living in Lebanon. The document – yet to be translated into policy – includes recommendations for the Government to shift unnecessary restrictions on granting Palestinian refugees their economic and social rights, including by facilitating the issuance

of work permits and amending the Lebanese Social Security Law.¹¹²

(d) Other measures and developments

From October 2017, **Lebanon** established new procedures for birth registrations of Syrians born in Lebanon, which include the abolishment of the requirement for parents to have legal residency in the country to register the birth. Under the October 2017 Circular of the Ministry of Interior, other civil registration procedures concerning marriage, death or divorce are also possible without proof of legal residency. Furthermore, based on a March 2018 circular, Syrian parents with children born in Lebanon between 1 January 2011 and 8 February 2018 can register their children without the need to go to court. Palestinians from the Syrian Arab Republic living in Lebanon can equally benefit from the two circulars issued for Syrian refugees in Lebanon;¹¹³ however, difficulties persist in completing full birth registration for Palestine refugee parents without legal residency in Lebanon.

The Sudan created the Syrian Refugee Support Committee to review citizenship applications from refugees and make the final call on a case-by-case basis, after the Government passed a new presidential decree in 2017 to only grant citizenship to Syrians after they pass a security clearance.¹¹⁴

6. Admissions, visas and residency permits

A key factor in migration governance involves regulations on admission into, residence and exit of foreigners from a country, as well as enforcement of these regulations. The conditions for admission and residence in a country, and the rights of migrants once in a country, have profound effects on who migrates, how they migrate, how they integrate into the country of destination, and the length of their stay, among many other consequences.

During the reporting period, April 2017 to March 2019, several Arab countries modified the length

of residency permits, regulated issuance of travel permits for migrants' families, and passed laws granting temporary or permanent residency to retired migrants, among other regulations.

(a) Family reunification

In January 2018, **Bahrain** issued a decision to amend decree No. 121 of 2007 to increase the minimum monthly salary required for foreigners to request entry visas and resident permits for family members from 250 Bahraini dinars (approximately \$660 at August 2019 exchange rates) to 400 Bahraini dinars (approximately \$1,000 at August 2019 exchange rates).¹¹⁵ Under resolution 1 of 2017, Bahrain also imposed new fees for applications submitted to the Labour Market Regulatory Authority to issue, renew or cancel work permits, register notifications of absence from work, increase the number of work permits, and apply for residence and entry permits for family members.¹¹⁶

Kuwait lifted age restrictions for granting visit visas for parents of foreign residents, which used to be issued only for parents aged 60 or below. The visas are now issued for one month and are subject to renewal.¹¹⁷

In October 2017, **Oman** decreased its minimum wage requirement to issue family visas for members of migrant workers' families from 600 Omani riyals (approximately \$1,500 at August 2019 exchange rates) to 300 Omani Riyals (approximately \$800 at August 2019 exchange rates).¹¹⁸

Qatar launched a new online service for foreigners to apply for family visit visas for parents, children and first and second grade relatives, to enhance the efficiency of the procedure through innovative technologies.¹¹⁹

New regulations implemented in July 2017 required migrant workers living in **Saudi Arabia** to pay a monthly fee of 100 riyals (approximately \$27 at August 2019 exchange rates) for each dependant living with them, a

sum that doubled in July 2018 and is scheduled to double again in 2020.¹²⁰

(b) Residency permits

Bahrain extended the validity of residence permits under personal sponsorship from two to five years or up to 10 years, costing 400 Bahraini dinars (approximately \$1,000 at August 2019 exchange rates) and 600 Bahraini dinars (approximately \$1,600 at August 2019 exchange rates), respectively.¹²¹ The requirements for obtaining personal sponsorship residency are: having worked in the private or government sector in any GCC country for at least 15 years; owning real estate in Bahrain worth at least 50,000 Bahraini dinars (approximately \$130,000 at August 2019 exchange rates); or investing at least 100,000 Bahraini dinars (approximately \$270,000 at August 2019 exchange rates) in a business in an approved sector in the country.¹²²

Iraq issued act No. 76 of 2017, the Foreigners Residency Act, which replaces the Expats Residence Law No. 36 of 1961 and regulates all types of visas, entry, exit and residency of foreign nationals. The law introduces the sponsorship system for employment, a mandatory exit visa for workers, and stipulates the conditions for extension and deportation, among other matters.¹²³

Beginning in March 2018, **Kuwait** no longer grants residency permits to foreigners who suffer from 22 listed non-infectious diseases, including cancer, diabetes or high blood pressure. People with infectious diseases such as AIDS, herpes or hepatitis B were already barred from entering the country under an earlier ban.¹²⁴

Oman also issued decree No. 129/2018 to amend some the Executive Regulations of the Aliens Residence Law. The decree allows foreigners who own property under specified conditions to obtain a visa without a sponsor, and to have their spouses and first-degree family members join them. The decree further allows foreigners who work for a government agency to be sponsors of foreign domestic workers.¹²⁵

In September 2018, **Qatar** issued law No. 10 of 2018 that, for the first time for any GCC country, makes it possible for foreign residents to obtain a permanent residency permit. Permanent residency may be granted if applicants have completed 20 years of legal consecutive residency in the country if they were born outside Qatar, or 10 years if they were born in Qatar. It is also dependent on the applicant having enough income to support him or herself and his or her family,¹²⁶ not having previous convictions or dishonourable offences, and having sufficient knowledge of Arabic.¹²⁷ The law will give priority to children of Qatari mothers, and to those who have recognized desired skills. Law No. 10 of 2018 states that 100 permanent residency permits may be issued per year. Permanent residents are granted the same social security benefits as Qatari citizens, including health care and education, they are given priority for government jobs, are allowed to own real estate, and do not need permission from their employers to exit and enter the country. The law also allows foreigners who serve in the Qatari armed forces to apply for permanent residency.¹²⁸

In July 2017, the duration of residency permits for migrant workers – except domestic workers – in the private sector in **Saudi Arabia** was reduced from two years to one year.¹²⁹

Beginning in 2019, the **United Arab Emirates** implemented a new system for long-term residence visas. The new system enables foreigners to live, work and study in the country without a national sponsor, and allows them to have 100 per cent ownership of their business on the country's mainland. These visas are issued for 5 or 10 years, include family members, and are renewed automatically. Investors with investment in real estate worth at least 5 million dirhams (approximately \$1,361,000 at August 2019 exchange rates), entrepreneurs who meet specific requirements, and students who are performing exceptionally well may be granted a five-year residency permit. Investors with investment in real estate worth at least 10 million dirhams (approximately \$2,722,000 at

August 2019 exchange rates) and specialists in the medical, scientific, technical, research and creative sectors are eligible for 10-year residence visas.¹³⁰ Students sponsored by their parents in the UAE may receive a one-year visa extension upon graduation.¹³¹

The cabinet of the United Arab Emirates also adopted a decree, starting in October 2018, to extend residency permits of widows and divorced women and their children for one year from the death of the spouse or the divorce, without needing a sponsor.¹³²

In September 2018, the Emirati Government announced that retired foreign workers in the country, aged over 55 years, could apply for a new residency permit if they owned a minimum real estate investment of 2 million dirhams (approximately \$540 thousand at August 2019 exchange rates), have financial savings of at least 1 million dirhams (approximately \$270 thousand at August 2019 exchange rates), or have proof of income of over 20,000 dirhams (approximately \$5,400 at August 2019 exchange rates) per month.¹³³

7. Other laws and policies

There are other areas of migration governance that have not been included under specific headers in the present report owing to the small number of developments in the reporting period, but which are nevertheless impacting the situation and rights of migrants and should therefore be mentioned.

Arab countries have passed laws and policies pertaining to migrants' access to health care, engaging expatriates, investment for development, remittance transfers, and property ownership by foreigners, among others.

(a) Access to health care

In May 2018, **Bahrain** adopted a new health insurance scheme through decision No. 23 of 2018, which includes coverage on an equal

footing with citizens for non-Bahraini men and women married to Bahraini citizens and children of Bahraini women married to foreigners.¹³⁴

In August 2017, **Kuwait** passed a ministerial decree increasing the costs of public health for migrants who pay annual health insurance. Examples of the fee changes include an increase from 2 Kuwaiti dinars (approximately \$6.5 at August 2019 exchange rates) to 5 dinars (approximately \$16.5 at August 2019 exchange rates) for medical treatment at a public hospital; from 2 dinars (approximately \$6.5 at August 2019 exchange rates) to 10 dinars (approximately \$33 at August 2019 exchange rates) for outpatient clinics; and a fee of 10 dinars (approximately \$33 at August 2019 exchange rates) per day for staying in public wards, a service that used to be free.¹³⁵

(b) Education

The **Algerian** executive decree No. 18-95 of March 2018 established the conditions and modalities for recognizing foreign higher education diplomas.¹³⁶

Through ministerial decision No. 34/2018, starting in February 2018, foreigners in **Oman** have to pay 50 Omani riyals (approximately \$130 at August 2019 exchange rates) to register their children in government schools; and 100 riyals (approximately \$260 at August 2019 exchange rates) for selected services in public schools, a service that was previously provided for free.¹³⁷

(c) Diaspora engagement and remittances

In July 2017, the **Egyptian** Ministry of Emigration and Expatriate Affairs and the Ministry of Investment and International Cooperation agreed to establish an Investor Service Centre under the Ministry of Investment. One of the Centre's goals is to support investments by Egyptian expatriates.¹³⁸

In October 2018, the Prime Minister of Egypt initiated the formation of a national committee to create an integrated database of Egyptian

expatriates, which will be chaired by the Minister of Emigration and Expatriate Affairs and representatives from several other ministries.¹³⁹

In an effort to engage its diaspora, Egypt launched an initiative entitled "Your vacation at your home country" to foster tourism to Egypt among its nationals abroad, and to attract their investments in development. The initiative is framed as an effort to create closer links with the expatriate population, and to collaborate with them on their problems and proposed solutions.¹⁴⁰

Egyptian initiatives also include launching a mobile-based money transfer service under the Egypt Post Authority to facilitate remittance sending from Egyptians abroad via mobile phones. The service simplifies money transfers, especially for those in small villages and remote areas with limited banking services.¹⁴¹

(d) Other measures and developments

The **Egyptian** investment law No. 72 of 2017 aims to create new incentives for foreign investment in the country, facilitate the procedures for establishing and operating a business in Egypt, ease cross-border trade and profit repatriation, and guarantee investor protection. Guarantees incorporated in this law for international investors include that foreign investors – founders, shareholders or partners of a company or owners of an establishment – shall receive the same treatment under the law as Egyptian nationals, are guaranteed residence in Egypt for a minimum of one year renewable throughout the duration of the project, have the right to transfer their profits abroad, and their projects may include 10 per cent foreign employees and up to 20 per cent for specific cases with appropriate approval.¹⁴²

Under law No. 5 of 2018, Egypt reformed its Penal Code in January 2018 to criminalize corruption by foreign public employees working in the country. The new provisions establish that any foreign public employee or employee of a public international organization found to be committing bribery will be imprisoned for

life and fined between 500 and 1,000 Egyptian pounds (approximately \$30-60 at August 2019 exchange rates), and provides definitions of who is considered a foreign public employee and an employee of a public international organization.¹⁴³

In 2018, **Oman** banned foreigners and nationals who have been deprived of their citizenship from owning agricultural land and real estate in certain areas of the country, along with land on islands and historic houses, in a royal decree that also includes regulations on fines and imprisonment for those who breach the law.¹⁴⁴

As of January 2018, migrants in **Saudi Arabia** could receive home-based marriage contracts, facilitating marriage procedures. The preliminary stage of the service is available in personal status courts in Riyadh and Madinah, and is planned to be extended to 14 other personal status courts in other areas. It will initially be available only for non-Saudis who speak Arabic.¹⁴⁵

In February 2018, the **Syrian Arab Republic** issued law No. 2 of 2018, which sets consular fees outside the country for transit passes, civil status documents (such as registry records, marriage certificates, birth certificates, divorce certificates, death certificates), fines for losing or damaging passports, residency certificates, and fines for delays in registering births or deaths, among other services.¹⁴⁶

Tunisia has developed a national migration strategy that aims to enhance migration governance in a comprehensive manner.¹⁴⁷ Following a national multi-stakeholder consultation, the strategy will be implemented by the Ministry for Social Affairs, in collaboration with the International Centre for Migration Policy Development.

In October 2018, Tunisia approved the Elimination of All Forms of Racial Discrimination Act, which criminalizes racism against Tunisians and migrants, and imposes one- to three-month jail sentences and fines of up to 1,000 Tunisian dinars (approximately \$350 at August 2019 exchange

rates) for racist language, and one- to three-year jail sentences and up to 3,000 Tunisian dinars (approximately \$1,040 at August 2019 exchange rates) for inciting or supporting racial hatred and discrimination. The law also includes a provision to raise awareness and conduct trainings to combat racial discrimination.¹⁴⁸

B. International cooperation on migration

Given the international nature of migration, to ensure safe, orderly and regular migration, it is imperative that States also engage in international cooperation at the global, interregional, regional and bilateral levels. Arab countries are involved in multiple international processes to advance collaboration on several key issues.

1. Global processes

In December 2018, at the General Assembly of the United Nations, Arab countries – with the exception of Algeria and Libya which abstained, and Somalia which was absent – endorsed the **Global Compact for Safe, Orderly and Regular Migration (GCM)**, the first intergovernmental non-legally binding global framework to cover all dimensions of international migration in a holistic and comprehensive manner (see chapter 3 and annex V to the present report). GCM sets a common understanding, shared responsibilities, and unity of purpose to mitigate the challenges and harness the benefits of migration. It also establishes 23 non-legally binding objectives to better manage migration at the local, national, regional and global levels, and includes a multi-stakeholder approach at the global and regional levels to review its implementation and guide further work.

All Arab countries – with the exception of Libya which abstained – voted in favour of adopting the Global Compact on Refugees (GCR) in December 2018, which, in parallel with GCM, is an intergovernmentally negotiated global agreement dealing specifically with refugees.

GCR has four main objectives: easing pressure on refugee-receiving countries; enhancing refugee self-reliance; expanding access to third-country solutions; and supporting conditions of safe return in countries of origin. It also outlines a comprehensive refugee response framework and programme of action; sets out concrete measures to help meet its objectives; and establishes arrangements for follow-up and review.¹⁴⁹

The majority of Arab countries¹⁵⁰ participated in the tenth and eleventh sessions of the **Global Forum on Migration and Development**, held in 2017 and 2018 in Berlin and Marrakesh, respectively, which were geared towards contributing to the negotiations and outcomes of GCM by providing substantive inputs and political support to the process.¹⁵¹

Furthermore, in November 2017, a **Global Conference on Cities and Migration** took place in Mechelen, Belgium, aimed at combining current thinking around international migration and sustainable urban development so as to contribute to implementing the urban dimensions of the 2030 Agenda, including, SDG 11 designed to make cities and human settlements inclusive, safe, resilient and sustainable. Representatives of Arab cities from Jordan, Lebanon, Mauritania and Morocco participated in the event. The outcome of the Conference was the Mechelen Declaration on Cities and Migration, which builds on the 2030 Agenda, the New Urban Agenda and the New York Declaration for Refugees and Migrants, and provides actionable commitments, means of implementation, and a monitoring and evaluation mechanism to enhance cities and local communities' links to migration and development.

2. Interregional, regional and subregional processes

(a) Lead-up to the adoption of the Global Compact for Migration and the Global Compact on Refugees

The Arab Regional Consultative Process on Migration and Refugees Affairs, chaired by the League of Arab States, held an extraordinary

meeting in July 2017 to prepare for consultations on GCM and GCR. The meeting aimed to raise awareness among members of the League of Arab States on ongoing processes, so as to agree on key messages that the Arab region would put forth in the two global compacts. The outcome of the Consultative Process highlighted key priority areas for the Arab region: human rights for all migrants; addressing the drivers of migration; international cooperation on migration; contributions of migrants and diasporas to sustainable development; smuggling of migrants, trafficking in persons and contemporary forms of slavery; and irregular migration and regular pathways.¹⁵²

ESCWA, in partnership with IOM and the League of Arab States, and in collaboration with the Working Group on International Migration in the Arab Region, organized a multi-stakeholder regional consultation in preparation for GCM in September 2017. The Regional Consultation aimed to enhance member States' and other stakeholders' awareness of the global process leading to the adoption of GCM; identify key migration issues, priorities and challenges in the Arab region; and build a common understanding of GCM as an important framework for addressing the region's migration priorities. Key issues discussed included decent work and labour mobility in the Arab context; protecting migrants in vulnerable situations; and the links between migration and development. The key messages emanating from the Regional Consultation were presented at the GCM stocktaking meeting held in Mexico in December 2017, and informed the subsequent negotiation phase leading up to the adoption of GCM in December 2018.¹⁵³

The Regional Review Conference of the 2013 Cairo Declaration on Population and Development took place in Beirut in October 2018, bringing together representatives of government institutions, including ministers and high-level officials from relevant ministries and national population councils, in addition to parliamentarians, representatives of civil society

organizations, regional organizations, United Nations agencies, academics, experts and other stakeholders. Migration was one of the key areas of discussion, including the interconnectedness of mobility and environmental sustainability, emerging issues related to patterns and trends of population migration, crisis and climate change as drivers of migration, and the impact of migration on urban sustainability.¹⁵⁴

(b) Cooperation on labour migration

In July 2017, the Abu Dhabi Dialogue (ADD)¹⁵⁵ held a special workshop on operationalizing the following four collaborative programmes approved by ADD ministers in the previous year: ensuring certification and mutual skill recognition; developing comprehensive information and orientation programmes; strengthening joint government oversight and monitoring of recruitment practices; and conducting research on the future of domestic work in GCC countries. The workshop's goal was to lay the groundwork for implementation and follow-up of the four collaborative tracks. In May 2018, a senior officials meeting was held for member State representatives to further discuss achievements and the way forward regarding the four collaborative tracks.¹⁵⁶

ILO organized an interregional consultation on labour migration and labour mobility from Asia and Africa to the Middle East, held in Beirut in October 2017, which brought together multiple stakeholders from the three regions to discuss common issues of concern relating to migrant workers, such as addressing abusive and fraudulent recruitment practices; innovative models for effective jobs/skills matching; mechanisms for ensuring decent working conditions, including labour inspection; access to justice and dispute resolution, facilitating regular migration pathways and addressing irregular migration; preventing migrant workers from falling into irregularity through no fault of their own; and bilateral, regional and interregional cooperation on labour migration. A summary report of the meeting was shared with the Office

of the United Nations Special Representative of the Secretary-General for International Migration as input to the sixth thematic consultation on GCM, which included discussions of decent work and labour mobility.¹⁵⁷

On the sidelines of the forty-fifth session of the Arab Labour Conference, held in April 2018, Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates agreed to create a subregional system to regulate domestic work, which includes standard regulations on contracts, domestic workers' ability to transfer to another employer, and establishing minimum wages. The five GCC countries also agreed to form a technical team to propose a common vision for domestic workers in the Gulf.¹⁵⁸

(c) Europe-Africa cooperation on migration

As part of the Euro-African Dialogue on Migration and Development (also known as the Rabat Process),¹⁵⁹ the fifth annual Euro-African Ministerial Conference on Migration and Development was held in Marrakech in May 2018. Ministers and high-level representatives from the European Union and Africa met to integrate the Rabat Process in the global framework for migration; to reinforce its role in monitoring the Joint Valletta Action Plan¹⁶⁰ and fulfil the political commitments made during the Valletta Summit on migration in November 2015; and to adopt its new multi-year cooperation programme.¹⁶¹ The outcome of the Conference was the adoption of the Marrakesh Political Declaration and a targeted Action Plan 2018-2020 with the following five priorities aligned with the priority domains of the Joint Valletta Action Plan: the benefits of migration for development and combatting the root causes of irregular migration and displacement; legal migration and mobility; protection and asylum; prevention and eradication of irregular migration, smuggling of migrants and human trafficking; and return, readmission and reintegration.¹⁶² A senior officials meeting was convened in Ouagadougou in February 2019 to launch the implementation of the Marrakesh Action Plan 2018-2020. Attendants

discussed how to integrate and reflect the cross-cutting priorities set out in the Marrakesh Political Declaration in the activities of the Rabat Process and the programmed activities and methodology for the implementation of the Marrakesh Action Plan over the next two years.¹⁶³

In June 2018, Algiers hosted the fourteenth Conference of Foreign Affairs Ministers in the cadre of the Western Mediterranean Forum, also known as the 5+5 Dialogue, comprising Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia. Issues linked to migration, employment, young people and sustainable development were the main areas of cooperation addressed at the meeting.¹⁶⁴

In November 2018, a total of 280 representatives from European and African countries came together at a senior officials meeting held in Addis Ababa, to discuss progress and the way forward in implementing the Joint Valletta Action Plan.¹⁶⁵

(d) African initiatives on migration

At the thirtieth **African Union** Summit held in January 2018, Morocco presented the African Agenda on Migration, an inclusive and participatory approach that included dialogues with Heads of State and consultations at the following two meetings: the Regional Meeting held in Skhirat, Morocco, in November 2017 that convened around 120 decision makers, representatives of international organizations, researchers and members of civil society; and the Ministerial Conference, held in Rabat in January 2018, attended by ministers representing the continent's five subregions, the African Union Commission and the eight regional economic communities.¹⁶⁶ The African Agenda on Migration follows the blueprint for a common vision of migration in Africa, which was presented at the twenty-eighth African Union Summit held in July 2017.¹⁶⁷ Furthermore, at its thirty-first Summit held in July 2018, the African Union agreed to establish the African Observatory for Migration and Development in Rabat tasked with coordinating information exchange

between African countries regarding migration, promoting harmonization of national strategies, and enhancing cooperation with other partners, under the guiding principles to "understand, anticipate and act".¹⁶⁸

The African Union also updated its Migration Policy Framework, originally established in 2006, to adapt to current migration patterns and priorities, resulting in the Migration Policy Framework for Africa and Plan of Action (2018-2030) which integrates Agenda 2063, the 2030 Agenda and international migration management policies and standards, centring around the following eight pillars: migration governance, labour migration and education, diaspora engagement, border governance, irregular migration, forced displacement, internal migration, and migration and trade.¹⁶⁹

The **Intergovernmental Authority on Development (IGAD)**, which brings together Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, the Sudan and Uganda to achieve peace, prosperity and regional integration, held the eleventh session of its Regional Consultative Process on Migration (RCPM) in November 2018 on the theme "Enhancing labour migration in the IGAD region". The meeting commemorated the 10-year anniversary of the IGAD RCPM, and included discussions on the achievements made over the last 10 years, such as creating a cohesive regional strategy for migration, opening up labour markets, and strengthening strategies to address irregular migration and to enhance free movement of persons. There were additional discussions on follow-up and review of progress in the implementation of the recommendations of the 2015 RCPM on labour migration.¹⁷⁰

The Government of **Djibouti** hosted the fourth Pan-African Forum on Migration in November 2018, in collaboration with the African Union Commission, IGAD and IOM. The meeting aimed to engage relevant stakeholders, including regional economic commissions, African Union member States, the private sector, academia, parliamentarians, the African diaspora and

civil society organizations, among others, to assess progress regarding the Protocol on Free Movement in Africa; identify concerns of countries of origin and destination of migrants; provide a platform for the regional economic communities and regional consultative processes to inform participants about their migration initiatives; and update participants on the African Union's migration agenda and processes.¹⁷¹

In April 2018, **Egypt** launched a tripartite collaboration project with Cyprus and Greece entitled *Roots Revival*, which aims to enhance relations between the three countries, revive historic migration and tourism between them, and acknowledge the cultural contributions of diasporas.¹⁷²

In line with the European Union-Egypt partnership priorities for 2017-2020,¹⁷³ Egypt also signed two agreements with the European Union in October 2018 to create jobs in the country, with a view to also reducing irregular migration. The first agreement entails a fund for inclusive growth focusing on job creation through investment in small and medium enterprises; and the other includes an European Union investment of \$6.88 million to reduce irregular migration and combat migrant smuggling and human trafficking.¹⁷⁴

The African Union-European Union-United Nations Task Force on Stranded Migrants was established in November 2017 to support African migrants stranded in **Libya** by improving the conditions of government-controlled detention centres and by supporting migrants' repatriation to their home country or to third countries, and to dismantle organized criminal networks for human trafficking and migrant smuggling.¹⁷⁵

In 2017, the **Sudan** launched the Regional Operational Centre on Trafficking, in collaboration with the African Union, to facilitate investigations regarding international trafficking in persons between countries of origin, transit and destination.¹⁷⁶ In 2018, Chad, Libya, Niger and the Sudan signed a quadripartite agreement to address

transnational crime, trafficking in persons and irregular migration.¹⁷⁷

Chad, the Sudan and UNHCR signed a tripartite agreement in May 2017 on the voluntary repatriation of Sudanese refugees living in Chad and of Chadian refugees living in the Sudan. In January 2018, the three parties signed an operational plan for the repatriation of 20,000 Sudanese refugees from Chad in 2018.¹⁷⁸

3. Bilateral cooperation

Arab States have engaged in bilateral cooperation, through legally binding bilateral agreements and non-binding memorandums of understanding, to strengthen ties and regulations on specific areas of concern. During the reporting period, April 2017 to March 2019, a number of bilateral agreements were put in place, predominantly with countries in Africa, Southeast Asia and Europe, regarding diverse areas such as labour migration, repatriation of migrants in an irregular situation, addressing irregular migration, combatting migrant smuggling and human trafficking, enhancing and facilitating migrant remittances, and providing migrants with access to health care.

Algeria ratified a memorandum of understanding with Mali through presidential decree No. 18-49 in January 2018 on labour, employment and social security, including provisions for the protection of migrant workers and the dissemination of information about their rights.¹⁷⁹ Algeria also signed a 'young professionals' agreement with France, which came into force in early 2018, enabling young Algerian professionals to work in France and French young people to engage in international corporate volunteer programmes. Furthermore, the two countries established a health-care protocol securing the treatment of Algerians in French hospitals.¹⁸⁰ In September 2018, Algeria and Germany engaged in bilateral talks focused on repatriation, which resulted in an agreement on repatriation procedures of Algerian nationals living irregularly in Germany, under which Algeria accepted to readmit its citizens.¹⁸¹

In April 2017, **Bahrain** and Thailand agreed to promote collaboration on public health and strengthen an existing memorandum of understanding between the two countries on health cooperation by enhancing the exchange of specialists and health professionals, and visits by public and private sector representatives. They also discussed joint efforts to combat trafficking in persons.¹⁸²

In August 2017, **Egypt** and Germany reached a deal to mitigate irregular migration from Egypt to Europe, under which Germany pledged to provide political and economic support to refugees living in Egypt, including establishing job centres and reintegration centres.¹⁸³

Egypt also signed a protocol on cooperation and partnership with the Sudan on money transfers through Sudan Post and the Egyptian National Post Authority. The agreement allows the two national postal services to send and receive remittances and to use the logistics centre at Cairo airport to facilitate electronic commerce.¹⁸⁴ A similar agreement was signed between Egypt and Jordan to facilitate remittance transfers between the Bank of Alexandria and Egypt Post with the Jordan Post Company. The agreement aims to facilitate remittance services to Egyptians in Jordan by expanding banking services through the Jordan Post network, to provide new payment systems and technologies, and to introduce new products designed to encourage those sending and receiving remittances to invest them in saving schemes.¹⁸⁵ Egypt Post has signed similar agreements with Côte d'Ivoire, Guinea, Libya and Nigeria.¹⁸⁶

Iraq signed a memorandum of cooperation with Germany in April 2018 on the repatriation of Iraqi refugees no longer allowed to stay in Germany. The agreement entails the readmission by Iraq of 10,000 Iraqi refugees, and support from Germany for their reintegration by providing jobs and training opportunities in Iraq.¹⁸⁷

Iraq and the **Syrian Arab Republic** also signed a memorandum of understanding on a

mutual exemption of entry visas for holders of diplomatic, service, private and official passports. It was ratified by the Syrian Arab Republic through law No. 30 of 2017.¹⁸⁸

In September 2018, **Jordan** and the Philippines agreed on a cooperation framework for employment of domestic workers, and signed a memorandum of agreement on labour cooperation to ensure better and safer working conditions for Filipino migrant workers in Jordan and the enforcement of established procedures for recruiting Filipino domestic workers.¹⁸⁹

Jordan also signed an agreement of cooperation with Nepal in September 2017 to increase the employment of Nepalese workers in Jordan. The agreement centred on the responsibilities of both countries in regulating employment and recruitment costs, and upholding the rights of workers, employers and agencies.¹⁹⁰

In March 2018, **Kuwait** and the Philippines signed a memorandum of understanding to regulate the working conditions of migrant domestic workers in Kuwait, following multiple allegations of abusive working conditions. The agreement guaranteed the right of domestic workers to retain their passports and to refuse to be transferred to another employer. It also committed Kuwait to setting up a 24-hour hotline and a special police unit to respond to complaints, and to ensuring domestic workers' access to telephones.¹⁹¹ Moreover, Kuwait signed a memorandum of understanding with India in October 2018, creating a framework for cooperation on recruitment of domestic workers.¹⁹² Kuwait also signed a memorandum of understanding with the Sudan, agreeing to enhance labour exchange in various fields of the public and private sectors.¹⁹³

In December 2017, **Libya** and Italy agreed to set up a joint operations centre to identify migrant smugglers and human traffickers. The centre would facilitate cooperation between the coastguards, the Department of Combatting Illegal Migration, the Libyan

Attorney General, and intelligence services from both countries.¹⁹⁴

In August 2018, in response to an upsurge in irregular migration through Ceuta, **Morocco** and Spain reactivated a 1992 agreement on the readmission of nationals from third countries who enter Spain through Morocco irregularly.¹⁹⁵

In December 2017, **Saudi Arabia** signed a general labour recruitment bilateral agreement with Uganda to allow Ugandan workers, especially professionals such as doctors, engineers, welders and carpenters, and less-skilled workers, to apply for work in Saudi Arabia. The agreement also included amending a 2015 bilateral labour agreement on domestic workers following a ban imposed in 2016 by Uganda preventing its nationals from working as domestic workers in Jordan and Saudi Arabia, which was lifted in April 2017. The amendments include provisions to combat trafficking in persons and protect workers' rights.¹⁹⁶

Throughout 2017, Saudi Arabia also signed agreements and memorandums of understanding on recruitment of workers with Viet Nam (as reflected in royal decree M/124), India (M/119), Mexico (M/98), Egypt (M/76), and Morocco (M/68).¹⁹⁷ In October 2018, Indonesia and Saudi Arabia concluded an agreement to resume the recruitment of Indonesian domestic workers.¹⁹⁸

Furthermore, Oman, Qatar and the United Arab Emirates have been negotiating draft bilateral labour agreements with Uganda to ensure the rights of migrant workers in **GCC countries**.¹⁹⁹ Qatar also signed a memorandum of understanding with Ghana in November 2018 on avoiding double taxation and regulating the employment of workers, among other matters.²⁰⁰

In November 2017, Kenya agreed to lift its three-year ban on its nationals working as domestic workers in GCC countries. The Government signed a bilateral labour agreement with Qatar and another with Saudi Arabia.²⁰¹ Kenya also agreed to send 100,000 workers of different skill levels to Saudi Arabia following collaboration

on protecting workers' rights. Reforms also include pre-departure training, closer vetting and monitoring of recruitment agencies, and securing a \$15,000 bond and a yearly \$5,000 registration fee from approved recruitment agencies.²⁰²

In December 2017, the **Sudan** signed a number of bilateral agreements and cooperation programmes with Turkey, including a memorandum of understanding on migration and expatriate affairs.²⁰³

Tunisia signed a memorandum of understanding with Belgium on cooperation in the field of migration, solidarity development and security, which aims to strengthen cooperation on diverse areas of migration, including aiding the return and reintegration of Tunisians living in Belgium; facilitating travel between the two countries for students, business persons, senior officials, journalists, artists and athletes; addressing irregular migration; and protecting migrants.

The **United Arab Emirates** signed a memorandum of understanding with the Philippines on labour migration, recruitment and employment of domestic workers, which aims to regulate agencies' recruitment practices to prevent human trafficking and protect migrants' rights by utilizing a model employment contract signed by migrant workers in their country of origin, and by holding pre-departure training for employers and employees so that both parties understand their rights and obligations, among other measures.²⁰⁴

The United Arab Emirates also signed a memorandum of understanding with Bangladesh on assisted employment, under which only registered and licensed recruitment agencies in the United Arab Emirates are allowed to hire Bangladeshi workers through registered and licensed recruitment agencies in Bangladesh.²⁰⁵ Moreover, the Gulf country signed a memorandum of understanding with Tajikistan on best practices for promoting labour recruitment,²⁰⁶ and another with Thailand to promote cooperation on combatting human trafficking.²⁰⁷ Furthermore, in January 2018 the

United Arab Emirates signed a memorandum of understanding with Thailand to combat trafficking in persons.²⁰⁸

In 2018, Jordan, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates concluded bilateral labour agreements with Ethiopia to ensure the protection of the rights of Ethiopian migrant workers. These agreements partially ended the ban instituted by Ethiopia in 2013 preventing its citizens from working in several Middle Eastern countries.²⁰⁹

C. Conclusion

Arab countries have taken major steps to enhance the protection of migrant workers; develop strategies addressing irregular migration, trafficking in persons; open pathways for longer residencies, permanent residency and citizenship; and protect refugees, among many other new developments in migration governance. Some developments, however, have also restricted migrants' access to rights and services, which have exacerbated their vulnerabilities.²¹⁰

Table 4 maps the policy developments set out in the present chapter by country and thematic area. GCC countries, host to almost three quarters of all the migrants and refugees in the region, have been involved in diverse new developments in migration governance at the national level, while other subregions, most notably the Arab LDCs, have shown more limited enactment of new laws and policies. Human trafficking and migrant smuggling have received heightened attention, with several Arab countries actively engaged in establishing national strategies and entities to address these issues. Labour migration, forced displacement and refugee movements are also areas where many countries have passed new legislation, showing Arab Governments' commitment to engaging in policy responses that address the most common drivers of

migration in the region, namely the search for employment and forced displacement.

Nationality and statelessness: Some Arab countries have put in place important new laws to give women less restricted access to nationality, and to allow them to pass their nationality on to their children. Further steps should be taken to ensure all countries confer equal nationality rights to men and women, including equal pathways for foreign spouses and children to obtain citizenship, as gender gaps still remain in the region. More attention should also be given to combatting statelessness by making sure all newborns have proper access to birth registration and to nationality, and that people are not arbitrarily deprived of their nationality if it renders them stateless.

Labour migration: GCC countries were the most active in the reporting period in continuing efforts to regulate labour migration, and passing legislation to enhance protection of migrant workers' rights, while striving to reduce unemployment among their nationals by reserving jobs in selected sectors and occupations for nationals only. Advances include creating tighter regulations for recruitment agencies, establishing standardized contracts, setting up mechanisms to support the resolution of labour disputes, and setting forth new regulations for the issuance and renewal of work permits. While steps have been taken in several countries to make the *kafala* system more flexible and less restrictive so as to provide more guarantees and protections to migrant workers, the system still puts migrant workers in particularly vulnerable situations that expose them to abuse and exploitation and highly restricts their rights. More reforms are needed to adequately uphold migrant workers' rights, ensure they have decent working conditions, including decent pay, and grant them improved protection. In addition, labour force nationalization schemes have in some instances impeded migrants' access to rights and services, especially when that access has been conditioned on increased service costs or

Table 4. Policy developments by country and thematic area, April 2017 – March 2019

Country	Nationality and statelessness	Labour migration	Irregular migration	Human trafficking and migrant smuggling	Forced displacement and refugee protection	Admission, visas and residency permits	Other laws and policies
Algeria							X
Bahrain		X	X	X		X	X
Comoros							
Djibouti		X			X		
Egypt	X			X			X
Iraq				X	X	X	
Jordan	X	X		X	X		
Kuwait		X	X	X		X	X
Lebanon					X		
Libya							
Mauritania							
Morocco			X	X			
Oman		X				X	X
Qatar		X	X	X	X	X	
Saudi Arabia		X	X	X		X	X
Somalia	X			X	X		
State of Palestine							
Sudan	X			X	X		
Syrian Arab Republic		X			X		X
Tunisia			X	X			X
United Arab Emirates	X	X	X		X	X	
Yemen							

Source: Compiled by ESCWA.

a minimum income, which may be restrictive for lower-income migrants thus fostering inequality.

Irregular migration: Developments regarding irregular migration in the region have focused on regularization campaigns granting migrants in irregular situations the possibility of regulating their status or leaving the country without

penalties, depending on the amnesty conditions. Most developments, however, have focused on fine and penalty exemptions to facilitate the exit of migrants in an irregular situation, with limited focus on integrating migrants by regularizing their status. In addition, more progress is needed to increase the availability of regular channels

of migration. Arab countries could focus on addressing irregular migration by examining situations where migrant workers fall into irregular status through no fault of their own (for example, because of employers' failure to renew visas, work and residence permits), and by ensuring that migrants in an irregular situation are not returned to conflict countries and are not forcibly or collectively returned without due process and consideration of their individual circumstances, and without giving them the right to seek asylum. Other measures could include allowing migrant workers to renew their own visas, work and residency permits, issuing residency permits with a validity of at least two months longer than the employment contract, and ensuring that workers do not lose their immigration status if they lose their employment.

Human trafficking and migrant smuggling:

Many Arab countries have developed national and international strategies and frameworks to combat human trafficking, and to grant protection and assistance to victims of trafficking. Plans include establishing identification and referral systems, providing protection and assistance to victims, training relevant authorities, and launching penal and criminal procedures and public awareness campaigns. Ensuring that these strategies are effectively implemented is an important step in prevention and protection. All the measures implemented by Arab countries in the reporting period have focused on human trafficking, while little has been done at the policy level to address migrant smuggling, which is interlinked with irregular migration and could be addressed by enhancing regular migration pathways. While human trafficking and migrant smuggling have many commonalities, focusing legislative efforts solely on human trafficking may enhance the vulnerability of smuggled migrants who have been subject to exploitation and abuse in the course of their journey. It may also leave gaps in the prevention, identification and prosecution of migrant smuggling. Given that the lines between migrant smuggling and human trafficking are sometimes blurred, and smuggling may often turn into trafficking, more efforts could

be put in place to address both phenomena and make sure victims and migrants' human rights are protected.

Forced displacement and refugee protection:

Some Arab countries have passed important new laws to grant asylum, refugee status or protection to forcibly displaced persons, and to expand services available for them. However, war, conflict and instability have resulted in the displacement of large numbers of people and increased their vulnerability. The protracted nature of displacement is putting significant pressure on host countries and communities, triggering policy responses that restrict the rights of refugees and persons in refugee-like situations and limit their access to services, thus exacerbating their already vulnerable circumstances. Furthermore, while all refugees have a right to return to their country of origin, countries of origin and destination should make sure that their return is safe, voluntary and sustainable, and in line with the international principle of non-refoulement as stipulated by international law and humanitarian law.

Visas and residency permits: Arab countries have also passed new regulations for granting residency to migrants, reflecting different strategies for governing entry and residence of foreigners. While some countries have extended the length of residency permits and opened pathways for permanent residency – albeit under certain terms and conditions that are often highly restrictive for lower-income migrants – others have shortened the length of residence permits and imposed new or increased fees for residence of dependents. Almost all developments are in GCC countries, which are promoting the permanence and investment of high-skilled and high-earning migrants, while at the same time levying fees on dependents that migrants have to pay.

Other migration-related policies: Arab countries have also developed policies to enhance expatriate engagement and foster investment for development, stipulated fees and regulations

targeted specifically at migrants, and worked to fight racial discrimination that disproportionately affects migrants. In line with objectives to nationalize the labour force, some GCC countries have established or raised fees that are specific to migrants, and that create economic barriers for low-income workers.

International cooperation: All Arab countries have been actively engaged in international cooperation towards enhancing migration governance that ensures migration is carried out in a safe, orderly and regular manner.

To further promote good migration governance in the Arab region, countries are encouraged to undertake the following:

1. Ratify international legal instruments to protect the rights of migrants, refugees and stateless persons including the following:
 - a. 1949 Migration for Employment Convention (Revised) (No. 97);
 - b. 1951 Convention relating to the Status of Refugees and its 1967 Protocol;
 - c. 1954 Convention relating to the Status of Stateless Persons;
 - d. 1961 Convention on the Reduction of Statelessness;
 - e. 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa;
 - f. 1975 Migrant Workers (Supplementary Provisions) Convention (No. 143);
 - g. 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
 - h. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
 - i. 1997 Private Employment Agencies Convention (No. 181);
 - j. 2000 Convention against Transnational Organized Crime;
 - k. 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime;
 - l. 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime;
 - m. 2011 Domestic Workers Convention (No. 189);
 - n. 2014 Protocol to the Forced Labour Convention (No. 29).
2. Respect, protect and fulfil migrants' human rights, regardless of their migration status, sex, age, race, religion or nationality;
3. Grant men and women equal rights to pass their nationality to their children and spouses;
4. Ensure that migration policies are sensitive to the rights of children: guarantee sufficient protection for migrant children under the age of 18, and due consideration of the impact of parental migration on the rights and wellbeing of children left behind;
5. Prevent and reduce statelessness and improve the situation of stateless communities and their access to social services, including by granting nationality to stateless persons and by registering all births;
6. Reform the *kafala* system to allow freedom of movement and greater internal labour market mobility; ensure fair recruitment processes, protect migrant workers' rights, including the right to freedom of association and collective bargaining; provide migrants with decent working and living conditions, including decent pay and occupational safety and health; and prevent any risk or exposure to exploitation and/or abuse in the recruitment process, including forced labour;
7. Guarantee protection and equal rights for all migrant workers, including by incorporating domestic workers and other excluded categories of workers into labour laws or by ensuring that standards in domestic work legislation are no lower than those in the labour law, and ensure that these laws are fully implemented;
8. Provide migrants with access to social security schemes in destination countries, and establish mechanisms for the portability of social security entitlements and benefits;
9. Monitor irregular migration routes and

work to dismantle organized criminal networks that endanger the lives of migrants through smuggling of migrants and trafficking in persons in the context of international migration;

10. Ensure that addressing irregular migration does not violate migrants' rights, including their right to seek asylum and the principle of non-refoulement, and address the root causes of irregular migration;
11. Ensure migrants and refugees have access to basic services, such as adequate food, housing, water, health care, education and social protection, and access to justice;
12. Ensure national regulations respect the right to work of migrants and refugees living in the country – particularly in cases of protracted displacement – including by removing administrative and legislative barriers to refugees' access to the labour market;
13. Translate political commitments to grant refugees economic and social rights into concrete actions, through changes in law and administrative procedures;
14. Adopt development-based responses and long-term strategies for protracted displacement;
15. Use immigration detention only as a measure of last resort, work towards ending the practice of child detention in the context of international migration, and ensure that return takes place in a safe, voluntary and dignified manner;
16. Recognize the positive contributions of migrants and refugees to the sustainable development of countries of origin and destination, and ensure an evidence-based

dialogue on migration;

17. Adopt a human-centred and rights-based development approach to migration governance, which considers how migration is related to sustainable development and is directly linked to achieving the 2030 Agenda and the Sustainable Development Goals;²¹¹
18. Strengthen international cooperation on migration governance through whole-of-government and whole-of-society approaches, and include workers' and employers' organizations, the private sector, civil society, academia and migrant organizations in dialogues and decision-making processes.

The present chapter discussed developments in migration governance at the national, bilateral, regional and interregional levels, which show Arab countries' commitment to addressing labour migration, displacement, human trafficking and migrant smuggling, among other priority areas. It also identified gaps and challenges, as well as areas of improvement and policy reform. Implementing the above recommendations could help address some of the persisting challenges migrants face in the Arab region.

Chapter 3 of the present report considers some of these policy developments and newly promulgated legislation in the light of the recently adopted Global Compact for Safe, Orderly and Regular Migration, highlighting priorities and gaps in the region and providing recommendations for countries to fully align their policies with GCM objectives.

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107. UNHCR, 2017a.
108. Husseini, 2018; Jordan Response Platform for the Syria Crisis, 2018.
109. Jordan Response Platform for the Syria Crisis, 2018.
110. <https://www.unhcr.org/jo/10993-rectification-of-status-campaign-extension-of-the-deadline.html>.
111. Human Rights Watch, 2018; Médecins Sans Frontières, 2018.
112. Lebanese Palestinian Dialogue Committee, 2016.
113. UNRWA, 2019.
114. Middle East Monitor, 2017c; 2018. سودارس،

115. 2018. الأيام، 2018.
116. Bahrain, Labour Market Regulatory Authority, 2017.
117. Izzak, 2018.
118. Al Mukrashi, 2017.
119. Al Sharq Newspaper, 2018.
120. Saudi Gazette, 2017.
121. The minimum recommended monthly wage for domestic workers in Bahrain is between 100-120 Bahraini dinars (approximately \$266-320 at August 2019 exchange rates). See <https://eoi.gov.in/bahrain/?2708?000>.
122. Gulf Insider, 2018c.
123. Taylor Vinters, 2018; العراق، 2017.
124. Gulf Insider, 2018a; Arab Times, 2018b.
125. Times of Oman, 2018d.
126. A cabinet decision will specify applicants' minimum income along with exceptional cases.
127. Al Raya Newspaper, 2018a.
128. Younes, 2018; Sadek, 2018b.
129. Khaleej Times, 2017.
130. United Arab Emirates, 2019.
131. United Arab Emirates, 2018.
132. United Arab Emirates, Federal Authority for Identity and Citizenship, 2018c.
133. Gulf Insider, 2018h.
134. 2018. البحرين، 2018.
135. Kuwait Times, 2017.
136. Algeria, 2018.
137. 2018. عُمان، وزارة التربية والتعليم، 2018.
138. مصر، وزارة الاتصالات وتكنولوجيا المعلومات، 2018.
139. Sarwat, 2018.
140. Egypt Today, 2018.
141. Kandil, 2018.
142. Egypt, Embassy of Egypt to the United States of America, 2017; مصر، 2017.
143. Saliba, 2018.
144. Gulf Insider, 2018e.
145. Hameed, 2018.
146. Syrian Arab News Agency, 2018b.
147. Tunisia, Ministry of Social Affairs, 2018.
148. Tunisia, 2018.
149. UNHCR, 2019a.
150. The tenth meeting of the Global Forum, held in June 2017, was attended by representatives of Algeria, Bahrain, the Comoros, Djibouti, Egypt, Iraq, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates and Yemen. The eleventh meeting was attended by representatives of Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, the State of Palestine, Qatar, the Sudan, the United Arab Emirate and Yemen.
151. Global Forum on Migration and Development, 2018.
152. League of Arab States, 2017.
153. United Nations Economic and Social Commission for Western Asia and International Organization for Migration, 2017.
154. ESCWA, League of Arab States and United Nations Population Fund, 2018.
155. The Abu Dhabi Dialogue, also known as the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, is an intergovernmental consultative process established in 2008 between 12 Asian countries and all six GCC countries regarding labour migration. The members of the Abu Dhabi Dialogue are seven Asian countries of destination, including the six GCC countries: Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia and the United Arab Emirates; and eleven Asian countries of origin: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam.
156. Abu Dhabi Dialogue among the Asian Labor-sending and Receiving Countries, 2018.
157. See https://www.ilo.org/beirut/events/WCMS_577286/lang--en/index.htm.
158. Gulf Insider, 2018d.
159. The Rabat Process is a regional migration dialogue and framework for consultation, which has since 2006 brought together countries of origin, transit and destination of the migration routes linking Central, West and Northern Africa with Europe.
160. The Joint Valletta Action Plan was launched in 2015 as the outcome of the Valletta Summit on migration. Building on the Rabat Process and on the Khartoum Process (also known as the EU-Horn of Africa Migration Route Initiative, a platform for political cooperation between countries along the migration route between the Horn of Africa and Europe), the summit aimed to strengthen the cooperation processes between Africa and Europe on international migration. It established five domains for collaborative work among participating States: 1. Development benefits of migration and addressing root causes of displacement and irregular migration; 2. Legal migration and mobility; 3. Protection and asylum; 4. Preventing and combatting irregular migration, migrant smuggling and trafficking in persons; 5. Return, readmission and reintegration.
161. Rabat Process, Euro-African Dialogue on Migration and Development, 2018.
162. Ibid.
163. Rabat Process, Euro-African Dialogue on Migration and Development, 2019.
164. European Union Neighbours, 2018.
165. Khartoum Process, 2018.
166. The regional economic communities are recognized as the building blocks of the African Union. They are: the Arab Maghreb Union, the Community of Sahel-Saharan States, the Common Market for Eastern and Southern Africa, the East African Community, the Economic Community of Central African States, the Economic Community of West African States, the Intergovernmental Authority on Development, and the Southern African Development Community.
167. Agence Marocaine de Presse, 2018.
168. Morocco, Ministry of Culture and Communication, 2018.
169. African Union Commission, 2018b.
170. Intergovernmental Authority on Development, 2018.
171. The African Union Commission, 2018c.
172. Egypt, State Information Service, 2018.
173. Council of the European Union, 2017.
174. Middle East Monitor, 2018a.
175. African Union Commission, 2018a; European Union External Action, 2018.
176. United States of America, Department of State, 2018.
177. Sudan Tribune, 2018a.
178. Sudan Tribune, 2018b.
179. 2018. الجزائر، 2018.
180. France Diplomatie, 2018.
181. Fanack, 2018.
182. 2017. الوطن، 2017.
183. Carrel, 2017.
184. Sudan News Agency, 2018.
185. Jordan Post, 2018; Daily News Egypt, 2018a, 2018b.
186. Daily News Egypt, 2018c.
187. Iraq News Gazette, 2018.
188. Syrian Arab News Agency, 2017.
189. Jordan Times, 2018a.
190. Jordan Times, 2017b.
191. Toumi, 2018.
192. Kuwait Times, 2018.
193. 2018. اليوم السابع، 2018.
194. Prentis, 2017; Reuters, 2017.
195. Kasraoui, 2018; López-Fonseca, 2018.
196. Agence de Presse Africaine, 2018.
197. ILO, 2017e.
198. Saudi Gazette, 2019.
199. Mangula, 2017.
200. Ghana, Government of Ghana, 2018; Qatar Tribune, 2018b.
201. Kenya, Ministry of Foreign Affairs, 2017.
202. Ligami, 2017.
203. Sudan News Gazette, 2017.
204. 2017. وكالة أنباء الإمارات، 2017.
205. البيان، 2018ب، 2018.
206. الإمارات اليوم، 2018.
207. البيان، 2018، 2018.
208. United States of America, Department of State, 2018.
209. Ethiopian News Agency, 2018.
210. See the Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations prepared by the Global Migration Group Working Group on Migration, Human Rights and Gender."
211. For more on migration and the SDGs, see E/