

The Letter of the Law

regular and irregular migration in
Saudi Arabia in a context of rapid change

mixed migration research series

explaining people on the move



RMMS

Regional
Mixed Migration
Secretariat



4

Study

April 2014

The Letter of the Law: regular and irregular migration in Saudi Arabia in a context of rapid change

This is the fourth of a series of studies focusing on different aspects of mixed migration associated with the Horn of Africa and Yemen region.

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The Regional Mixed Migration Secretariat (RMMS).

Formed in 2011 and based in Nairobi, the overall objective of the RMMS is to support agencies, institutions and fora in the Horn of Africa and Yemen sub-region to improve the management of protection and assistance to people in mixed migration flows in the Horn of Africa and across the Gulf of Aden and Red Sea in Yemen. The co-founders and Steering Committee members for the RMMS include UNHCR, IOM, Danish Refugee Council (DRC), INTERSOS and the Yemen Mixed Migration Task Force. The RMMS is therefore a regional hub aiming to provide support and coordination, analysis and research, information, data management and advocacy. It acts as an independent agency, hosted by the DRC, to stimulate forward thinking and policy development in relation to mixed migration. Its overarching focus and emphasis is on human rights, protection and assistance.

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Glossary

Selected definitions from the International Organization for Migration's Glossary on Migration 2004. (Definitions used here copied without editing: Full Glossary found at http://publications.iom.int/bookstore/free/IML_1_EN.pdf)

abduction

The act of leading someone away by force or fraudulent persuasion.

arbitrary

In an unreasonable manner, related to the concepts of injustice, unpredictability, unreasonableness and capriciousness.

assisted voluntary return

Logistical and financial support to rejected asylum seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

asylum seekers

Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds.

bilateral

Involving two parties or two States.

bona fide (latin)

"In good faith"; made without fraud or deceit; sincere, genuine.

border control

A State's regulation of the entry of persons to its territory, in exercise of its sovereignty.

capacity building

Building capacity of governments and civil society through strengthening their knowledge, skills and attitudes. Capacity building can take the form of substantive direct project design and implementation with a partner government, or in other circumstances can take the form of facilitating a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally acceptable benchmarks of management practices.

de facto (latin)

Existing as a matter of fact.

deportation

The act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.

detention

Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention. Criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of the countries,

irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

documented migrant worker

A migrant worker or members of his/her family authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party (*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

economic migrant

A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.

exploitation

The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs).

forced/compulsory labour

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/herself voluntarily (*Art. 2(1), ILO Convention No.29 on Forced Labour, 1930*).

irregular migrant

Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/ illegal/undocumented migrant or migrant in an irregular situation).

irregular migration

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

kidnapping

Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party. Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

labour migration

Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

migrant worker

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (*Art. 2(1), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*).

mixed flows

Complex population movements including refugees, asylum seekers, economic migrants and other migrants.

non-refoulement

A principle laid down in the *Geneva Convention Relating to the Status of Refugees, 1951* according to which “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” This principle cannot be “claimed by a refugee, whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.” (*Art. 33 (1) and (2), Geneva Convention Relating to the Status of Refugees, 1951.*)

Palermo Protocols

Supplementary protocols to the *Convention against Transnational Organised Crime (2000): Protocol Against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials.*

prima facie (latin)

At first sight; on first appearance but subject to further evidence or information. In the migration context, an application for immigrant status may undergo preliminary review to determine whether there is a prima facie showing of all the basic requirements (often as a condition for receiving financial assistance or a work permit).

refugee (mandate)

A person who meets the criteria of the UNHCR Statute and qualifies for the protection of the United Nations provided by the High Commissioner, regardless of whether or not s/he is in a country that is a party to the *Convention relating to the Status of Refugees, 1951* or the *1967 Protocol relating to the Status of Refugees*, or whether or not s/he has been recognized by the host country as a refugee under either of these instruments.

refugee (recognized)

A person, who “owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (*Convention relating to the Status of Refugees, Art. 1A(2), 1951* as modified by the *1967 Protocol*).

regional consultative processes

Non-binding consultative fora, bringing representatives of States, civil society (Non Governmental Organizations (NGOs)) and international organizations together at the regional level to discuss migration issues in a cooperative manner (e.g. Budapest process, Puebla process, Manila process, Migration Dialogue for Southern Africa (MIDSA)).

regular migration

Migration that occurs through recognized, legal channels.

regularization

Any process by which a country allows aliens in an irregular situation to obtain legal status in the country. Typical practices include the granting of an amnesty (also known as “legalization”) to aliens who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible.

reintegration

Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his country of origin.

remittances

Monies earned or acquired by non-nationals that are transferred back to their country of origin.

smuggler (of people)

An intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them across an internationally recognized State border.

slavery

The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (*Art. 1, Slavery Convention, 1926* as amended by *1953 Protocol*). Slavery is identified by an element of ownership or control over another’s life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g. traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes).

smuggling

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 (*Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000*). Smuggling contrary to trafficking does not require an element of exploitation, coercion, or violation of human rights.

trafficking in persons

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 (*Art. 3(a), UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*).

unaccompanied minors

Persons under the age of majority who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors.

Summary

The Kingdom of Saudi Arabia is a major destination country for migrants. An estimated 9 million migrant workers (regular) fill manual, clerical and service jobs, including 1.4 – 2 million migrant domestic workers.

There is no comprehensive migration policy in Saudi Arabia. However, an *Iqama* regulation (the *Residency Act*) exists, which acts as a set of laws pertaining to foreign migrants' status and rights in the country. Once a foreigner enters the country, he or she must obtain *Iqama*, a residency card, and a work permit. Foreign workers are not allowed to enter the country without the sponsorship of an eligible employer or a permitted Saudi household (in the case of domestic workers). This *kafala* or sponsorship system is a quintessential aspect of Saudi labour migration policy. The *kafala* system ties migrant workers' residency permits to "sponsoring" employers, whose written consent is required for workers to change employers or exit the country. According to many observers, the *kafala* system is inherently problematic as it ties migrant workers to an employer. Despite some improvements in Saudi labour law and proposals to reform the *kafala* system over the years, many domestic workers still endure forced confinement, food deprivation, and severe psychological, physical, and sexual abuse. Sexual abuses of women and girls (as young as 14 years old) are not isolated incidents but reportedly occur on a large scale. In fact, according to respondents in Addis Ababa working with Ethiopian returnees, most Ethiopian women have been sexually abused in Saudi Arabia. Often this occurred in the private sphere of the houses they were working in as domestic workers.

Saudi Arabia, as all other major immigration countries, hosts unrecorded but large numbers of irregular migrants. Recently, Saudi Arabia has been one of the most active countries in the region implementing policies to restrict migration. Examples are the construction of a barrier along the Saudi-Yemeni border, observation posts, patrols in search of illegal migrants, and mass deportations of irregular migrants.

Within the Horn of Africa, Ethiopia is the major source country for labour migration to Saudi Arabia. Over the last three years, between 100,000 and 200,000 Ethiopian migrants migrated to Saudi Arabia annually through regular labour migration. Irregular Ethiopian labour migration to Saudi Arabia is estimated to be double that size.

Many of these irregular migrants travel overland where they primarily transit through Djibouti, or alternatively Somaliland and Puntland. They then embark on boat journeys – across the Gulf of Aden or the Red Sea – to Yemen. Along the way, they experience harsh conditions, including beatings, torture, kidnappings and sexual abuse. However, despite numerous reports of abuse of Ethiopian migrants in Yemen (as well as in Saudi Arabia), Ethiopians have continued to migrate to the Gulf States in large numbers in recent years, indicating a strong 'culture of migration' in Ethiopia.

From 2009 the number of Horn of Africa migrants arriving in Yemen increased every year, with a record number of arrivals in 2012 (107,532, 78% Ethiopians). However, for the first time since 2009 the number of arrivals went down to 65,319 (74% Ethiopians) in 2013. The last months of 2013 showed a particularly sharp decrease. This could be, at least partly, caused by a Saudi crackdown on irregular migration.

Summary

Although deportations of irregular migrants have been part of Saudi Arabian migration policy for years, the Saudi authorities launched an unprecedented crackdown on irregular migration in 2013. In order to open up jobs for Saudi citizens, an amnesty period was announced in early 2013 which allowed workers who had violated residency and labour rules to either regularize their status or leave the country without a penalty. This is part of a 'Saudiization' policy (first formulated in the mid-1990s), which aims to replace migrant workers with Saudi citizens in order to encourage Saudi citizens, particularly the young, to work. Although policies aiming at restricting the inflow of foreign workers regularly surfaced throughout the past years, the Saudi economy continued to rely heavily on immigrant labour. In 2013, however, Saudi Arabia implemented strong measures to protect the labour market and curb irregular migration once again. This time the policy was applied more strictly, with the threatened mass deportations of irregular migrants coming into effect.

By the time the amnesty period ended on 4 November 2013, hundreds of thousands had already left Saudi Arabia 'voluntarily'. Soon after the end of the amnesty period, Saudi authorities started to carry out raids to arrest and deport irregular labour migrants. As of January 2014, it is estimated 1 million migrants have been deported or have willingly left Saudi Arabia. Among the deported migrants are approximately 160,000 Ethiopians and over 23,000 Somalis.

It is reported that the current campaign has given rise to abuse and unrest. When the Somali returnees narrated their experiences to Human Rights Watch, they described how they were detained for weeks by Saudi authorities in appalling conditions, which included severe overcrowding, lack of access to air and daylight, sweltering heat and limited medical assistance. Moreover, because the Saudi authorities did not determine whether the deportees had valid asylum claims before returning them, it is possible that the deportations breached the international legal principle of *non-refoulement*.

It has been argued by most respondents that Saudi Arabia has the right to define (and enforce) its migration and labour policy and even repatriate irregular migrants. That is part of the country's national sovereignty. The Saudi government, by extending the deadline twice, also gave migrants sufficient time to either regularize their stay or voluntarily leave the country.

However, human rights should be respected. Based on the reports from different organizations, individuals, and migrants (returnees) themselves – the Saudi crackdown on irregular migrants appears to have been accompanied by severe human rights abuses, including arbitrary detention, theft of migrants' belongings, beatings, and killings. Saudi authorities have put heavily pregnant women on planes and some women delivered at the airport right after their arrival in Addis Ababa. Many of the returnees show signs of severe beatings. Moreover, people were rounded up on the streets in Saudi Arabian cities and were placed on planes directly without their belongings. Many are still waiting for their luggage to arrive and have not been paid the salaries they were entitled to. Remarkably, despite the unprecedented number of deportations and the events as described here, the activities have attracted minimal interest from the international press.

The Saudi policies might lead to a lower number of migrants travelling to Saudi Arabia. Current arrival figures on Yemen's shores seem to point in

this direction, with October, November and December 2013 showing the lowest numbers using the 'eastern route' out of the Horn for a least 4 years (for example, there were over 400 arrivals in December 2013, compared to over 4,000 in December 2012).

Nevertheless, the increased strictness of the Saudi authorities is not expected to thwart the rising desire of some of the 80 million-strong Ethiopian population to migrate, as migration will continue to be viewed as a gateway to better employment opportunities. It is likely that labour migration from Ethiopia to Saudi Arabia will continue after some months because Saudi Arabia will still be in need of a large number of labour migrants, particularly for the low or non-skilled jobs. It is doubtful the Saudis will be able to fill the labour gaps left by migrant workers with Saudi nationals. This is particularly expected in jobs that are unpopular and thought to be poorly paid among the prospective national work force. As such, the flow of those hoping to be smuggled into Saudi Arabia will continue but is expected to be much more limited. Meanwhile, alternative routes of migration will swell with Ethiopians increasingly using the southern route towards South Africa as well as the western route through Libya to Europe.

Summary

1 Introduction

1.1 Objectives of the study and methodology

This publication is the fourth in a series of studies by the RMMS on specific mixed migration issues in the Horn of Africa and Yemen region. It focuses on Saudi Arabian migration and labour policy and practices and its impact on mixed migration flows in the region.

This study aims to: document the scale and scope of regular (organized labour migration) and irregular migration into the Kingdom of Saudi Arabia (KSA), chart the current changes in Saudi national immigration policy and law, and to analyse the evident and expected impact of these changes on mixed migration in the region. The protection and legal challenges and the policy environment are also explored. Ample attention is dedicated to the recent large scale deportations of irregular migrants from Saudi Arabia. The findings in this report are an amalgamation of existing data and information previously not compiled as well as the results of migrant interviews, interviews with key informants and observations in Yemen and Ethiopia.

More concretely, the study is based on:

- Extensive literature research conducted between August 2013 and February 2014.
- A 6-day visit to Yemen (Sana'a), consisting of attending the Regional Conference on Migration and Asylum, conducting three interviews with NGOs (INTERSOS, MSF-Spain) and the Yemeni government (Ministry of Human Rights), and a focus group discussion with 36 (30 men; 6 women) Ethiopian, Somali and Eritrean migrants in Sana'a.
- A 3-day visit to Ethiopia (Addis Ababa), consisting of 12 interviews with a range of stakeholders, such as:
 - o International Labour Organization (ILO)
 - o International Organization for Migration (IOM)
 - o The Ethiopian Employer Federation
 - o The Confederation of Ethiopian Trade Unions
 - o Al Lude Private Employment Agency
 - o Government Ministries: Labour and Social Affairs, Foreign Affairs, Justice
 - o NGOs such as AGAR Ethiopia Charitable Society, Good Samaritan Association, Addis Hiwot Agency, WISE
- A second 3-day mission to Addis Ababa to conduct interviews with Ethiopian returnees from Saudi Arabia and visits to the transit centre (TC) for returnees run by the International Organization for Migration (IOM) and two shelters for Ethiopian women returned from Saudi Arabia, run by AGAR Ethiopia and the Good Samaritan Association.

Objectives of
the study and
methodology

Despite efforts RMMS was not able to travel to and conduct interviews in Saudi Arabia.

This study focuses on the impact of Saudi Arabian migration and labour policy on migration flows in the Horn of Africa and Yemen. The main focus is on:

- Ethiopia, being the major country of origin within the Horn of Africa for migrants in Saudi Arabia;
- Yemen, as both a country of origin for migrants in Saudi Arabia as well as the major transit country for Horn of Africa migrants (Ethiopians in particular);
- Saudi Arabia, as the country of destination.

Migration from a selected number of other countries to Saudi Arabia will be briefly discussed as well.

1.2 Migration context Saudi Arabia

The Kingdom of Saudi Arabia is a major destination for migrants. Ever since the discovery of immense oil reserves (it is the second largest oil reserve in the world and maintains the world's largest crude oil production), it has been attracting large numbers of migrants who have migrated to meet the growing needs of its economy and to fill labour and skills shortages.¹

The World Bank ranked Saudi Arabia fourth in the list of top immigration countries in its 2011 *Migration and Remittances Factbook*.² Labourers in Saudi Arabia remit more money than those in any other country except the United States. An estimated 9 million migrant workers (regular) fill manual, clerical and service jobs.³ Migrants in Saudi Arabia mostly come from India, Egypt, Pakistan, Yemen, the Philippines, Bangladesh, Sri Lanka, Indonesia, Sudan and Jordan. While migrants constitute a third of the total population, they comprise 70% of the labour force and 95% of the private sector labour force.⁴

Saudi Arabia is the largest hirer of overseas Filipino workers. In 2012, officials in the Saudi Arabian Embassy in the Philippines processed between 800 and 900 applications for jobs and visas for Filipinos daily.⁵ Many of these Filipinos, as well as migrants from other countries, travel to the Kingdom to work as domestic workers. In 2013, the International Labour Organization (ILO) estimated there are over 2 million migrant domestic workers (MDWs) in the Middle East.⁶ A 2011 paper goes further in its estimates that there are between 1.4 and 2 million migrant domestic workers in Saudi Arabia alone, on average one per household.⁷

Migrant domestic workers are described as being part of an 'unspoken "bargain" between the state and the society', by which the state provides a leisured life, funded by enormous oil revenues, in exchange for complete political control. Foreign domestic workers are a status symbol of a luxurious life, and are ordered in a hierarchy, with Filipina women at the top, followed by Indonesian and Sri Lankan women and African women at the bottom.⁸ This hierarchy is translated in the fees to be paid to mediating agencies. These depend on nationality and experience, ranging (albeit in the Emirates) from a one-time fee of USD 340 for an inexperienced Ethiopian to USD 1,370 for an experienced Indonesian.⁹

In 2013, Saudi Arabia claimed to be in need of another 0.75 – 1.5 million domestic workers. To that extent, they began to source increased numbers of labour migrants from Ethiopia, as the supply of domestic workers from previous countries of origin in Asia has dwindled or been rejected.¹⁰ In fact, in the whole Gulf region there appears to be growing number of MDWs from Ethiopia, Eritrea, Sudan and Egypt, reflecting a shift to cheaper sources of labour.¹¹ Despite this demand, at the end of 2013, early 2014, Saudi Arabia carried out massive deportations of irregular migrants, including some 160,000 Ethiopians.

1 Khalifa, 2012, p. 2.

2 World Bank, 2012.

3 USCRI, 2009.

4 World Bank, 2012.

5 Khalifa, 2012, p. 8.

6 ILO, 2013b, p. 20.

7 Vlieger, 2011a, p. 48-49.

8 Fernandez, 2010, p 251.

9 Vlieger, 2011a, p. 128.

10 RMMs, 2013d, p. 81.

11 Fernandez, 2010, p. 251.

Saudi Arabia, as all other major immigration countries, also hosts unrecorded but large numbers of irregular migrants.¹² As many irregular migrants find ways to remain hidden and work informally, the real volume of the migrant population might be higher than stated above. In 2011 it was reported that the number of poor migrants who live in Saudi Arabia illegally and invisibly was on the rise.¹³ In terms of irregular migration, the Kingdom of Saudi Arabia acts as the greatest magnet in the Horn of Africa and Yemen region. Its force of attraction pulls migrants from Ethiopia, Eritrea, Kenya, Somalia, Ethiopia and Yemen as well as from around the world. Many Ethiopian and Yemeni migrants appear to be engaged in a circular process of clandestine entrance, work, detection and deportation by authorities followed by repeated attempts or successful re-entry into the Kingdom. In 2006 it was reported that Saudi Arabia carried out some 700,000 deportations of irregular migrants every year.¹⁴ Reportedly, in 2013 about one million migrants left Saudi Arabia, either voluntarily (albeit after repeated warnings by the Saudi government) or through deportation.

Although many enter the country illegally, larger numbers enter Saudi Arabia legally, but then over-stay illegally. They do so either while on a pilgrimage or through a 'sub-contracting' process. In the latter case a sponsor (the employer) recruits more migrant workers than there are actual jobs available. The sponsor then places any migrant workers for which he has no jobs available, with another broker and receives a fee from this broker. This puts the immigrant in an illegal situation until the second broker finds that worker a regular job.¹⁵ Another type of irregular stay occurs when a migrant worker takes up employment for a person other than the sponsor. Although estimated to be quite substantial, no systematic or reliable information on numbers is available. Migrants are not allowed to work for any other person than the sponsor.¹⁶ (Section 3.4 discusses the sponsorship system).

Although Saudi Arabia is not a signatory to the *1951 Convention relating to the Status of Refugees* or to the *1967 Protocol*, UNHCR records it as hosting 565 refugees and 98 asylum seekers as of mid-2013.¹⁷ According to the US Committee for Refugees and Immigrants, Saudi Arabia additionally hosts 290,000 Palestinians.¹⁸ After the 1991 Gulf War, some 33,000 Iraqis sought asylum in Saudi Arabia. Most (22,000) were resettled in a third country, the others were repatriated.¹⁹

12 Fargues, 2006, p. 14-15.

13 Vlieger, 2011a, p. 163.

14 Fargues, 2006, p. 14-15.

15 Ibid.

16 Shah, 2009, p. 12.

17 UNHCR, 2013a.

18 USCRI, 2009.

19 Thiollet, 2007, p. 5.

2 Countries of origin and transit for migration to Saudi Arabia

2.1 Ethiopian migration to Saudi Arabia

Scale of Ethiopian migration to Saudi Arabia

Ethiopia is a major source country for labour migration to the Arabian Peninsula and Middle East. According to ILO and the Ethiopian Ministry of Labour and Social Affairs (MoLSA) figures, 100,000 regular Ethiopian labour migrants moved to Saudi Arabia in 2011. Reportedly, in the first half of 2012 alone, over 160,000 maids – 10 times the number of the previous year – migrated to Saudi Arabia to work in the domestic sector, using the services of Private Employment Agencies (PEAs).²⁰ The total number of regular labour migrants (including domestic workers) from Ethiopia to Saudi Arabia in 2012 is estimated to have been 200,000.²¹ According to MoLSA figures, between July 2012 and July 2013, 161,787 Ethiopian migrant workers processed their migration to Saudi Arabia through PEAs. The large majority (154,660 or 96%) are females, with only 7127 males (4%).

Interestingly, the majority of Ethiopian migrant workers who were recently deported from Saudi Arabia were males (97,666 out of 158,125, or 62%) instead of females (52,119 or 33%).²² This shows that migration of female MDWs predominantly occurred through regular migration channels, while males seem to opt for irregular migration to Saudi Arabia more often. A recent study on knowledge, attitudes and practices (KAP) of Ethiopian migrants, found that 49% of potential migrants consider migrating irregularly (compared to 36% who would not consider irregular migration and prefer regular migration). The most important reason for choosing irregular migration is that potential migrants think the cost of irregular migration will be lower. The availability of the services of local brokers who facilitate irregular migration is another reason. Finally, 44% of the potential migrants believed irregular migrants would find better jobs and wages.²³

The influx of Ethiopian women as MDWs in the Middle-East started in 1989, with large numbers moving to Lebanon. Since 2008 Saudi Arabia and Kuwait have emerged as the top destination countries, with Saudi Arabia absorbing 61% of recorded Ethiopian MDWs in 2010.²⁴ The figures mentioned above only include regular, registered labour migration. ILO estimates that irregular Ethiopian migration to Saudi Arabia is double the size of regular migration.²⁵ The US Department of State reports that MoLSA even estimates that the 200,000 regular labour migrants in 2012 represent just 30 to 40% of all Ethiopians migrating to the Middle East, implicating that the remaining 60% to 70% (between 300-350,000) are either trafficked or smuggled with the facilitation of illegal brokers.²⁶

20 RMMS, 2013d, p. 43.

21 Interviews with MoLSA (25-11-2013) and ILO (27-11-2013) in Addis Ababa.

22 IOM, 2014b; the remaining 5% are children.

23 RMMS research series report number 6; Blinded By Hope: Knowledge, Attitudes and Practices of Ethiopian migrants. 2014. Findings from a survey of 148 potential migrants in Ethiopia, 100 current migrants in Yemen and 143 returnee migrants in Ethiopia.

24 Fernandez, 2010, p. 251.

25 Interview with ILO in Addis Ababa, 27-11-2013.

26 US Department of State, 2013, p. 165.

The exact number of Ethiopians in Saudi Arabia is therefore unknown. As mentioned, the number of regular labour migrants in 2011 and 2012 was 100,000 and 200,000 respectively. ILO expects the number of irregular migrants to be double that size. The cumulative volume of Ethiopians arriving in Yemen since 2006 is, as of January 2014, at least 334,000.²⁷ The whereabouts of all the migrants are not known. Compared to the number of Ethiopian migrants stranded in Northern Yemen (about 25,000 in May 2013, but down to about 500 as of early 2014) and the number that have been repatriated from Yemen (2,050 Ethiopians have been assisted to return home under IOMs assisted voluntary return (AVR) program²⁸), there is still a large number unaccounted for. Although a large proportion might still be in Yemen – in the urban centres of Sana'a and Aden, working on farms in rural areas, or being held hostage – it can be assumed that a substantial number succeeded to enter KSA. This is because Ethiopian migrants do not often stay in Yemen for longer than is necessary for their travel north to Saudi Arabia. It can also be assumed that many Ethiopian migrants are engaged in a process of circular migration, where detection in and deportation from Saudi Arabia is followed by another attempt to enter the Kingdom.

Due to the lack of information about the whereabouts and exact numbers of migrants, the Ethiopian government did not know what to expect in terms of the number of returnees deported from Saudi Arabia during a massive crackdown on irregular migration in Saudi Arabia in late 2013, early 2014. While initially expecting approximately 23,000 Ethiopian returnees, this number soon exceeded 150,000. These high numbers confirm that many Ethiopians, despite the increasing difficulties in crossing the border between Yemen and Saudi Arabia, eventually made it to Saudi Arabia.

Three channels for migration to Saudi Arabia

Ethiopians used three channels for migration to Saudi Arabia. The first one is so-called 'public migration', which occurs when individuals are officially registered as migrant workers with the MoLSA, but arrange their employment themselves through personal contacts in the destination countries.

The second channel is through one of the legally registered PEAs, which secure contracts for domestic workers with employers in the Middle East, either directly or indirectly through recruiting agencies in the destination countries. Many of the PEAs charge women between USD 200 and 800 for their services, even though travel, visa and insurance costs are supposed to be paid by the employer. Migrants who use legally registered PEAs are also required to have their employment contracts registered with MoLSA and thus, together with 'public migration', migration through this second channel forms recorded migration from Ethiopia. Representatives from the MoLSA and the Confederation of Ethiopian Trade Unions (CETU) estimate the number of registered PEAs at 400 as of late 2013. However, according to the latter out of those 400, only 20 are fully bona fide; all others are involved in irregular migration activities as well.²⁹ Many observers suspect some PEAs are actively or *de facto* engaged in trafficking their 'clients'.

27 UNHCR, 2013b.

28 RMMS Monthly Summary December 2013.

29 Interviews with MoLSA (25-11-2013) and the Confederation of Ethiopian Trade Unions (25-11-2013) in Addis Ababa.

At the time of writing the Ethiopian government decided to withdraw the licenses of all PEAs and ban unskilled migration to the Gulf States for at least 6 months. This ban should allow the Ethiopian government to further develop its strategy to prevent human trafficking, deal with the large number of Ethiopian migrants who were deported from Saudi Arabia in November and December 2013, and to create structures to manage future labour migration from Ethiopia to the Gulf States better. Section 3.3 and Chapter 4 discuss the developments in Saudi Arabia in late 2013, the so-called Ethiopian returnee crisis, and the impact on migration flows in the Horn of Africa and Yemen in detail.

Unofficial estimates by MoLSA officials in a 2010 research indicate that (at least) 30,000 migrants pass through the third channel of migration, using the services of illegal agents, which may be illegal brokers, individual operators, or legally-registered companies that illegally provide employment brokerage services to migrants.³⁰ As mentioned above, MoLSA estimates on the number of irregular labour migrants going to the Middle East in 2012 are much higher, falling in the range of 300,000-350,000. The fear is that when agencies are unregulated and do not give an account of themselves they are more likely to be involved in trafficking.³¹

Profile of Ethiopian MDWs

The typical profile of Ethiopian MDWs is that of young, unmarried Muslim women with secondary education. A lack of opportunities in Ethiopia makes them view migration as domestic workers as the best available economic opportunity. The network of Muslim agencies and brokers engaged in the trade in migrant labour plays a key role in facilitating this migration.³² In a 2010 study the majority of interviewees stated that they sent all, or nearly all, of their salary home to support their ageing parents, siblings, and other family members – making their migration a family livelihood diversification strategy to cope with crisis.³³ Many of these MDWs work 7 days a week, between 10 and 20 hours daily, with few breaks (sometimes only one day off a month or none at all).³⁴ Some escape and become ‘runaways’, finding shelter with other women. They then lack legal status – which depends on having an employer/sponsor – which makes them vulnerable to greater exploitation because they risk blackmail, imprisonment, and/or deportation if detected.³⁵

Many respondents in Ethiopia pointed to the problem of the lack of skills of Ethiopian migrant workers in Saudi Arabia. They are commonly from remote areas of Ethiopia, are not used to electricity, or modern household equipment and certain hygiene standards. Yet, without any experience, they move to Saudi Arabia to start working as, in the case of women, domestic workers. This lack of skills and unpreparedness for the kind of work they have to do is provided as an explanation for the levels of abuse against Ethiopian migrants compared to, for example, Filipino migrant workers. As respondents in Ethiopia explained, migrant domestic workers from Ethiopia are not well aware of their rights and because of their lack of skills employers are not satisfied and treat them badly.

30 Fernandez, 2010, p. 251-252.

31 ILO, 2011b, p. 34-38.

32 Fernandez, 2010, p 253.

33 Ibid, p. 254.

34 Ibid.

35 Ibid, p. 255.

"I was working as a domestic worker in Ethiopia. After my father died, I just wanted to work very hard, earn a good salary and make life better for my mother. That is why I went to Saudi Arabia".

24-year old Ethiopian woman in Addis Ababa, 31-01-2014

"Almost all my friends went. I got married but I told my husband I wanted to go to Saudi Arabia, then I got divorced. He also went to Saudi Arabia. I wanted to send back money, so that my family can build a house and open a shop".

15-year old Ethiopian girl in Addis Ababa, 30-01-2014

"Before, students wanted to become a doctor or engineer. Now they do not want to finish school and they wish to go to Arab countries".

Respondent in Ethiopia, 25-11-2013

"It is not only poverty. People pay 30,000 birr [USD 1,500] for migration. However, they will not take the risk to borrow this money to set up a business, but they do borrow money for migration".

Respondent in Addis Ababa, 26-11-2013

Culture of migration

Despite numerous reports of abuse of Ethiopian migrants in Yemen and Saudi Arabia (discussed in detail in Section 3.5), Ethiopians have continued to migrate to the Gulf States in large numbers in recent years. Several NGOs interviewed in Addis Ababa point to the pressure placed on young Ethiopians males and females by the family and the community in rural areas to migrate. Parents tell their children to go after they witness the successes of other families who sent their daughters and were able to build a new house. For example, even though opportunities in Ethiopia are increasing, many still want to leave. Even when jobs in domestic work in Addis pay almost the same as those in KSA, they want to go. Many do not know what to expect in the countries of destination. According to one NGO in Addis Ababa, this is illustrated by the fact that many returning women did not even know the country, let alone the city, they had been in.

This peer and family pressure to migrate may be called a 'culture of migration'; where migration is associated with personal, social and material success, where it becomes the norm rather than the exception, and where staying at home is associated with failure.³⁶

In societies and communities where a culture of migration has developed, the pressure to migrate is intensified irrespective of the risks.³⁷ The recently conducted KAP study confirms that the decision to migrate of many Ethiopian migrants has been influenced by family, peers as well as brokers.³⁸

Migration is indeed seen as a poverty-reduction strategy by rural Ethiopians. In the KAP study referred to above, it was reported that participants in focus group discussions consider migration as the only viable option to get out of poverty. Youth in Senbete (Amhara Oromia) and Dire Dawa told the researcher that not a day will pass without them discussing migration.³⁹ The migration goals of potential migrants further confirm migration as a poverty reduction strategy. Most common migration goals reported in the KAP study are having access to improved job opportunities, to look for opportunities to support the family, and to acquire start-up or working capital that would help to start or expand their own or family business. Only few potential migrants claimed to have the motive to seek asylum, obtain education and training, escape forced marriage, or, see initial migration as a gateway to Europe. It is, however, important to point out that the poorest people are often not the ones who migrate internationally, as migration can be costly.

The risks of migration

The KAP study shows that potential migrants are aware about the risks of irregular migration:

- 93% of the current migrants stated that they knew about the risks of exhaustion, dehydration, starvation, and deprivation of sleep during the journey; and that mild to moderate physical violence may occur.
- About 91% of the potential migrants know that there are risks of being arrested, detained and deported.
- 90% are also aware that there are risks of extortion and robbery along the way.

³⁶ De Haas, 2006, p. 5-6.

³⁷ ILO, 2011b, p. 8/12.

³⁸ RMMS, 2014a.

³⁹ Ibid.

- 78% are aware that there are risks of sexual abuse, including rape.
- 47% are aware of the risks of forced prostitution and involvement in commercial sexual activities.

Interestingly, although some downplay the likeliness it would happen to them, a substantial number of potential migrants (41%) even think that these events could happen to them. Female potential migrants also seemed well aware of the risks of sexual abuse, including rape, as about 63% indicated that they would definitely take contraceptives in preparation for the migration journey.

It seems many migrants choose to ignore these risks and instead focus on the success stories. The lure of opportunities abroad seems almost irresistible irrespective of the levels of threat. If they see failure, they close their eyes and regard these as exceptions who had bad luck. False expectations are also caused by the brokers and traffickers.

Future migration intentions

Even with the current returnee crisis and so many Ethiopians returning from Saudi Arabia without any savings and with stories of abuse, it is questionable whether this will impact the intention to migrate. As confirmed in the recent KAP study, failure to achieve migration goals is common. Out of the 143 returnees that participated in the survey, 70% did not achieve any of the goals by migrating, while only 27% achieved some of their goals, and only 4% indicated they achieved most of their goals.⁴⁰ Nevertheless, even among the women and girls who were interviewed in Addis Ababa, most expressed the intention to migrate again, even though they experienced abuse while in Saudi Arabia.

Many of the interviewed returnees said that once they are healthy again, they will go back, either to an Arab country or to other countries like Sudan or South Africa. A few made clear they would migrate again, but not to Saudi Arabia, indicating that the current events might at least impact the preferred destination country. Among potential migrants surveyed in the KAP study Saudi Arabia is, however, still the overwhelmingly preferred destination country, selected by 73%, followed by the United Arab Emirates with 14%.

Often these women and girls feel ashamed to face their family returning with empty hands, because it is common their families contributed financially to their migration. In an illustration of how strong the culture of migration is in Ethiopia, one employee with AGAR, a local NGO, reported a practice where newly-wed girls in the rural areas have their husbands promise that they will send them to Saudi Arabia. Moreover, as the non-educated people in the countryside are particularly vulnerable to the persuasion by brokers, some local Ethiopian NGOs try to change this by providing trainings geared to instilling self-confidence in women and girls so that they may consider alternatives to migration.

Finally, the main focus (in this study and in general) with regard to Ethiopian migration across the Red Sea or Gulf of Aden is on (irregular) economic migration. However, during the focus group discussion with migrants in Sana'a, many Ethiopian migrants stressed that not all Ethiopian migrants in Yemen are economic migrants. Many of them, particularly those originating

40 RMMs, 2014a.

Ethiopian migration to Saudi Arabia

“Even when one person comes back dead or sick, the family wants to send another one”.

Respondent in Addis Ababa, 25-11-2013

“I want to make my life better; I will go back to Saudi Arabia or Dubai, because there is nothing here”.

24-year old Ethiopian woman in Addis Ababa, 31-01-2014

from the Ogaden region, reportedly fled persecution and oppression in Ethiopia and should be considered refugees for whom return or repatriation to Ethiopia is not an option.

Ethiopian policy

On the one hand, Ethiopia used to encourage and facilitate labour migration for thousands of its citizens, especially into the Gulf States, as remittances represent a significant income source for the country: as much as USD 359 million in 2009, or 2.0% of GDP.⁴¹ On the other hand, Ethiopian authorities are worried about the abuse of Ethiopian labourers in Saudi Arabia and the Gulf States. There appears to be a growing number of incidents of Ethiopian migrant workers being subjected to degrading, cruel and inhumane treatment in Saudi Arabia and the United Arab Emirates (UAE). Between 1999 and 2005, the Quarantine Office of the Addis Ababa International Airport reported 129 female bodies returned from Jeddah, Dubai and Beirut.⁴² Respondents in Ethiopia confirmed that one or two bodies arrive at the Addis Ababa airport from the Middle East, the Gulf States or South Africa daily. However, it is not clear how many of these deaths are related to abuse, and not natural causes. According to the 2013 Global Slavery Index, there are currently 651,110 Ethiopians in modern slavery (albeit both within Ethiopia and abroad), which ranks Ethiopia fifth in the world (after India, China, Pakistan and Nigeria) in terms of the largest absolute numbers of the population in slavery.⁴³

Private Employment Agencies

The regulation of migration and remittances is therefore firmly on the agenda of the Ethiopian government. In July 2009, the government introduced major amendments to the Private Employment Agency Proclamation of 1998, stating that its objective was to improve protection for migrant workers, in particular women.⁴⁴ The Ethiopian government requires migrants to register with MoLSA and provide proof of an employment contract, a work permit for the destination country, a medical examination certificate, and insurance.⁴⁵ Employment agencies must be registered and are officially accountable to those they recruit into employment abroad. Those who recruit without official approval are liable to be prosecuted under anti-trafficking legislation.

According to the US Department of State, the limited consular services provided to Ethiopian workers abroad continued to be a weakness in government efforts. The Employment Exchange Services Proclamation No. 632/2009, which governs the work of approximately 300 licensed labour recruitment agencies, requires licensed employment agencies to place funds in escrow in order to provide assistance in the event a worker's contract is broken. However, the Ministry of Foreign Affairs (MFA) has never used these deposits to pay for victims' transportation back to Ethiopia. The proclamation also mandates the establishment of labour attaché positions in diplomatic missions abroad but the Parliament neither disbursed funds to the MoLSA to establish these positions nor did it create a plan or timeframe for the implementation of the proclamation's mandate.⁴⁶

In 2010, one author concluded that the Ethiopian government lacks negotiating power with the governments of destination countries, and also lacks the ability to control illegal brokers. Measures for improved protection seemed to largely relate to increased regulation of PEAs. They have to pay

41 UNDP, 2009.

42 Fransen and Kuschminder, 2009, p. 19.

43 Walk Free Foundation, 2013.

44 Fernandez, 2010, p. 257-258.

45 Ibid, p. 252.

46 US Department of State, 2013, p. 167.

larger security deposits of between USD 30,000 - 50,000 and are made legally liable as employers. As a result, more of the 'trade' in migrants might have been driven underground⁴⁷ because the demand for domestic workers, particularly Ethiopian ones, is likely to continue since they are 'cheaper' and perceived as more compliant than domestic workers from the Philippines and Indonesia.⁴⁸ Therefore, it has been argued, the Ethiopian government needs to consider whether to step up its role as a 'labour brokerage state', as done by the Philippines' Overseas Workers Welfare Administration (OWWA) agency, which adopted a strong proactive role in investing in skills training, promoting employment overseas and protection of Filipino Overseas Workers.⁴⁹

According to the Ethiopian MoLSA the Ethiopian government is using the current 6 month ban of labour migration to the Gulf States to consider the establishment of such an institution (expanding its services to the countries of destination), to further elaborate on developing new regulations for PEAs, and to revisit the legal framework, to better regulate and manage labour migration in the future.⁵⁰

The Ethiopian government would also welcome a bilateral agreement on labour migration with Saudi Arabia, as has already been signed with Jordan, Qatar and Kuwait and Djibouti (as a transit country). Ethiopia is also in the process of signing such an agreement with the UAE. According to the Ministry of Foreign Affairs, such an agreement could, in addition to arrangements on regular labour migration, also include agreements on investments and economic cooperation. Until now, however, Saudi Arabia and Ethiopia did not negotiate a bilateral agreement on labour migration.

In an interview, the Ministry of Labour acknowledged that they would like to be more effective and proactive in their approach to labour migration but limited capacity together with the large number of migrants (200,000 regular labour migrants in 2012) makes this difficult. While the current ban is not indefinite, the Ministry has stated that it will be difficult to re-open the channels for labour migration of domestic workers to the Gulf States given the sheer number of labour migrants, the lack of bona fide PEAs, and the limited capacity of the Ministry. Depending on the efficiency of the Ministry to develop a proper structure it might take longer than 6 months.

Nevertheless, Ethiopia is not aiming to stop labour migration and still sees potential in regular labour migration. It is, however, important that human rights are respected and migrants have sufficient skills. Part of the approach to prevent malpractices is the creation of more jobs locally, so that people do not have to migrate. For example, WISE (Organisation for Women in Self Employment), a local NGO in Addis Ababa, tries to provide more opportunities in Ethiopia for women and girls by providing trainings, access to micro-finance, increase their creativity and self-confidence. Since its establishment in 1998, WISE has reached 25,000 women directly.

Compared to the size of Ethiopia's labour force, job creation is unlikely (at least in the short term) to be sufficient to accommodate Ethiopia's young and fast-growing labour force, which means migration will remain an important livelihood-strategy for many Ethiopians.

47 Fernandez, 2010, p. 257-258.

48 *Ibid.*, p. 258.

49 *Ibid.*, p. 259.

50 Interview with MoLSA, 25-11-2013, in Addis Ababa.

Pre-departure training

The MoLSA also assists with pre-departure orientation and training. Training covers legal rights, the content and terms of employment contracts, and information of whom to contact in case of any problems.⁵¹ Because of the general lack of skills of Ethiopian migrants, most respondents in Ethiopia see better pre-departure training of migrant workers as part of the solution to prevent abuse. This should ensure that migrants arrive with a certain set of basic skills. Such trainings already exist. They are provided by Addis Hiwot Agency (a local NGO in Addis Ababa), by certain PEAs, and the MoLSA. It is, however, reported that the MoLSA pre-departure training consists of three hours of one-way training (with no room for interaction), which is delivered in Amharic and has the potential to exclude migrants who speak other languages.⁵² ILO and several NGOs in Ethiopia have therefore argued that migrants should get at least 2 or 3 days of training (ideally even more) in order for them leave prepared and with a certain set of basic skills.

Trafficking

Supported by the ILO, the Ethiopian government works together with the Confederation of Ethiopian Trade Unions (CETU) and the Ethiopian Employers Federation in preventing human trafficking, particularly focusing on awareness raising. CETU, for example, developed information material and a film to provide information to potential migrants on legal means of migration and what to expect in the countries of destination. All respondents in Ethiopia confirm that there is currently a lot of attention on trafficking and a strong government commitment to tackle the problem. There is a National Committee on Human Trafficking, of which the MoLSA, CETU and the Ethiopian Employer Federation are part – although the committee only met a few times and does not seem very effective so far.

There have not been many convictions of traffickers in Ethiopia in recent years. One of the respondents in Addis Ababa explained that trafficking of migrants out of Ethiopia is big business for human traffickers in Ethiopia who makes large profits. Traffickers are believed to have contacts with the government, which protects them from criminal persecution. Nevertheless, the federal police are judged to be taking this issue very seriously. According to the Ethiopian Ministry of Justice, between July and October 2013, 30 criminal files on 33 offenders of trafficking have been opened in north eastern Ethiopia. These offenders are accused, but not yet convicted. In 2012, a trafficker was convicted by the high federal court to 49 years in prison (although an official with the Ministry of Justice stated that the official maximum sentence is 25 years). According to the 2013 Trafficking in Persons Report, The Ethiopian Federal Police (EFP) continued to make progress in investigating human trafficking cases, as well as cooperating with the Federal Prosecutor's Office to bring an increased number of cases to trial and conclusion. The EFP's Human Trafficking and Narcotics Section investigated 166 trafficking offenders (representing 133 cases) in 2012, of which 158 were prosecuted in the court. The Federal High Court's 11th Criminal Bench secured 100 convictions (compared to 77 in 2011) and ordered punishments ranging from 2 to 16 years of imprisonment without parole.⁵³

51 Ngunyi and Oucho, 2012, p. 39.

52 Interviews with Addis Hiwot Agency (25-11-2013) and ILO (27-11-2013) in Addis Ababa.

53 US Department of State, 2013, p. 166.

2.2 Eritrean migration to Saudi Arabia

Eritrea is one of the poorest countries in the world and a closed and highly securitised state under an authoritarian government.⁵⁴ After September 2001, when the ruling People's Front for Democracy and Justice (PFDJ) led by President Afewerki seized power, Eritrea became a one-party state, using roadblocks and undertaking random searches ('giffa') to round up youth for conscription and to arrest deserters.⁵⁵ Consequently, Eritreans leave the country in large numbers to escape the poor economic conditions and many try to evade the country's compulsory national service, which can be indefinite.⁵⁶

Eritrean migration to Saudi Arabia

Freedom of movement in and out of Eritrea is extremely restricted and Eritreans under the age of 50 are rarely given permission to go abroad.⁵⁷ Those who do travel without the correct documentation face imprisonment. Eritrean authorities reportedly adopt a shoot-on-sight policy towards people found in areas close to the national borders, or intercept those trying to 'escape' by sea. Eritrean refugees and asylum seekers who are repatriated from other countries are also detained, as they are considered traitors⁵⁸ and often face life imprisonment or the death penalty as a result. Consequently, for the majority of Eritreans no legal migration channels exist, which forces them to use illegal routes.⁵⁹

Within the Arab region, Saudi Arabia is the desired destination.⁶⁰ The history of Eritrean immigration trends in Saudi Arabia has been described as "indirect asylum policies" where immigration was used as *de facto* 'refugeeism' or a sort of indirect asylum policy. Although not afforded explicit asylum rights, the Saudi government welcomed Eritrean migrants. The remittances from the Kingdom became a crucial support to Eritrean "freedom fighters during the long Eritrean war of independence (1961-1991).⁶¹ In 2007, it was estimated there were more 100,000 Eritreans in Saudi Arabia.⁶² The current number of Eritreans in Saudi Arabia and the number of Eritreans attempting to enter the Kingdom are unknown. Given the desperation of some Eritreans to leave their country and the geographical proximity, it may be assumed that some fishing boats manage to cross to Saudi Arabia. There are, however, no monitoring systems in Saudi Arabia or northern Yemen to track this movement at present.⁶³

According to INTERSOS figures, as of November 2013, there were 143 Eritrean migrants in detention in Yemen, of which 71 were refugees, including 7 women. Eritreans are not considered prima facie refugees in Yemen and most wait for resettlement with UNHCR. An unknown number have tried (and succeeded) to get to Saudi Arabia in recent years – this was confirmed by Eritrean migrants interviewed in Sana'a.

Eritrean policy

Eritrea does not have well-established institutional structures with regard to immigration. However, Eritrean authorities do keep a close watch on

54 RMMS, 2013d.

55 Campbell, 2009, p. 6.

56 US Department of State, 2013, p. 162.

57 Freedom House, 2013.

58 Amnesty International, 2012.

59 RMMS, 2013d, p. 40.

60 Thiollet, 2007, p. 3.

61 Ibid, p. 5.

62 Ibid, p. 8.

63 RMMS, 2013b, p. 25.

Eritrean emigrants. Eritrean diaspora groups are obliged to pay a 2% tax on all the income they earn and tax collectors are known to make door-to-door collections. Failure to comply may have dangerous consequences for family members who remain behind or prevent emigrants from returning to visit their homeland in the future.⁶⁴

The US Department of State reports that during its reporting period (2012) Eritreans became victims of forced labour (primarily domestic servitude) in Yemen, Saudi Arabia and other Gulf countries. Other countries where they face similar fates include Sudan, Egypt, Israel and Djibouti. Smaller numbers of Eritrean women and girls were subjected to sex trafficking in Gulf countries. The Government of Eritrea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the government acknowledged the existence of a trafficking problem, including sending a letter seeking assistance of the UN Secretary-General and warning its citizens of the dangers that traffickers posed, authorities largely lacked understanding of human trafficking, conflating it with all forms of transnational migration from Eritrea.⁶⁵

Local Eritrean media reported government efforts to repatriate women and girls exploited abroad in domestic servitude or sex trafficking in 2012, but there is no information on how Eritrean authorities cared for them after repatriation. During 2012, the National Security Agency assumed additional responsibilities related to combating trafficking, but individual cases of transnational human trafficking were reportedly handled by the Eritrean Embassy in the country of destination. Some victims of trafficking reported that Eritrean Embassies abroad charged extra passport processing fees to victims lacking documentation. The government did not have procedures in place to identify trafficking victims among migrants deported or forcibly removed by Eritrean security forces from neighbouring countries; these individuals, some of whom may have been trafficking victims, often faced detention in Eritrea.⁶⁶

64 RMMS, 2013d, p. 40-41.

65 US Department of State, 2013, p. 163.

66 *Ibid.*, p. 164.

2.3 Somali migration to Saudi Arabia

In 2013, a total of 11,045 Somalis arrived in Yemen, of which 5,934 crossed the Red Sea from Djibouti and 5,111 crossed the Arabian Sea. This the lowest number in years; new Somali arrivals amounted to 23,086 in 2012 and 27,350 in 2011.⁶⁷ On Yemen's Gulf of Aden coast, most Somali arrivals are transported to registration centres. Although Somalis, compared to Ethiopians, tend to stay in Yemen as they are recognized as refugees on a *prima facie* basis, some try to reach Saudi Arabia. Smugglers are reportedly present at these reception centres, where they try to lure Somalis into being smuggled to Saudi Arabia.⁶⁸

The number of Somalis who move on to Saudi Arabia is unknown. However, the deportation of approximately 33,000 irregular Somali migrants from Saudi Arabia between December 2013 and March 2014 indicates that a substantial share of Somalis arriving in Yemen succeeded in reaching Saudi Arabia (see chapter 4).

En route to Saudi Arabia, Somalis in Yemen face similar risks as Ethiopians do (see section 2.5). In 2012, for example, at least ten Somali migrants were killed at the border between Yemen and Saudi Arabia. According to the deputy Somali ambassador in Yemen, gunmen shot and killed them as they were trying to cross into Saudi Arabia.⁶⁹

Somali men are subjected to conditions of forced labour as herdsmen and menial workers in the Gulf states, while children are reportedly smuggled to Saudi Arabia through Yemen and then placed into forced begging.⁷⁰

Somali policy

Somalia has lacked an effective central government and suffered ongoing power conflicts between rival militias, clans, warlords and different armed forces for the past two decades. However, on 20 August 2012, Somali parliamentary elections marked the end of the transition period which started when a Transitional Federal Government (TFG) was formed in 2004. The TFG's mandate was to establish a new constitution with the eventual transition to a representative government. The new Parliament elected Hassan Sheikh Mohamud as the President of Federal Republic of Somalia on 10th September 2012. The TFG has given way to a new Federal Government of Somalia (FGS) with a provisional constitution and a Parliament.⁷¹

Given the extended governance vacuum and the current process of rebuilding its institutional structures, immigration procedures are not yet well established in Somalia. Somalia has not ratified the *Trafficking in Persons Protocol* or the *Smuggling of Migrants Protocol*. Not much is known about the official approach on migrant smuggling as the current government has only been in power since September 2012 and has faced critical challenges, not least the continuing conflict with Al-Shabaab. As a consequence, an effective government approach to curb migrant smuggling is unlikely to emerge in Somalia in the near future.⁷²

67 UNHCR, 2013b.

68 Soucy, 2011.

69 AllAfrica, 2012.

70 US Department of State, 2013, p. 402.

71 African Development Bank, 2013, p. 1.

72 RMMS, 2013d, p. 70-71.

Somali migration to Saudi Arabia

"My friend went to the border with Saudi Arabia a week ago, as part of group of six. One of them was shot and killed at the border by Saudi authorities. My friend managed to run away and travelled back to Sana'a".

Somali man in Sana'a,
16-11-2013

According to the US Department of State, the Somali government has minimal capacity to investigate and prosecute most crimes, including human trafficking. During the reporting period of *2013 Trafficking in Persons report* (over 2012), justice was primarily provided through military courts. Civilian courts were limited in number and capacity but functioned during the year. The respective authorities operating in Somalia's three regions (South Central, Puntland State of Somalia and Somaliland) struggled to address human trafficking, demonstrating weak efforts in prosecution, protection and prevention in all regions.⁷³

Puntland State of Somalia

Few mixed migrants in Yemen originate from Puntland itself. Most mixed migrants in Puntland originate from Ethiopia and Somalia, using Bossaso and nearby areas to cross the Gulf of Aden into Yemen. However, nowadays the majority of Horn of Africa migrants depart from Djibouti. Moreover, as described the number of migrants crossing the sea to Yemen decreased in general. In December 2013, just 206 migrants/refugees crossed the Arabian Sea to Yemen from Bossaso and other coastal areas of Puntland, a 66% decrease from the migrants/refugees that made the crossing in November 2013. The December 2013 Arabian Sea arrival figures were approximately 89% less than those recorded for the crossing in December 2012 and 2011.⁷⁴ Nevertheless, smuggling remains a substantial industry in Puntland State.⁷⁵

The US Department of State estimated in 2013 that there are 20,000 undocumented Ethiopians in Northern Somalia (Puntland and Somaliland) who are vulnerable to trafficking as they seek out employment to complete their journey to the Middle East where they also are vulnerable to exploitation upon arrival. Ethiopian women are smuggled through Northern Somalia to Yemen and onward to other destinations in the Middle East where they are subsequently forced into domestic servitude and prostitution.⁷⁶

Although Puntland is a semi-autonomous state, with its own legal framework that partially separates it from the former Transitional Federal Government of Somalia (TFG),⁷⁷ the Transitional Constitution of Puntland provides that migration matters shall be handled by the Federal Government of Somalia.⁷⁸

Puntland authorities claim to be actively fighting migrant smugglers, for example, by confiscating smuggling boats. In 2012, there were several accounts of official patrols and investigations against smuggling. Many dozens of smugglers – as well as pirates – are reportedly in jail in Puntland. In 2012 there were several reports of migrants being arrested by Puntland authorities.⁷⁹ Moreover, authorities have repeatedly deported significant numbers of people not considered to be originally from Puntland.⁸⁰ In January 2014, Ethiopian migrants/refugees attempting to reach Yemen were reportedly arrested, detained and deported by Puntland authorities. Some of them returned to Hargeysa (Somaliland) fearing that they would be identified and arrested at the Bossaso port by authorities.⁸¹

73 US Department of State, 2013, p. 401.

74 RMMS Monthly Summary December 2013.

75 RMMS, 2013d, p. 59.

76 US Department of State, 2013, p. 402.

77 ILO, 2011a, p. 3.

78 Arati, Meroke and Hersi, 2010, p. 16.

79 RMMS, 2013d, p. 60-61.

80 Immigration and Refugee Board of Canada, 2011.

81 RMMS Monthly Summary January 2014.

Puntland has laws prohibiting forced labour, involuntary servitude and slavery. Trafficking for sexual exploitation may be prohibited under the most widespread interpretations of Shari'a and customary law, but there is no unified police force in the territory to enforce these laws, nor any authoritative legal system through which traffickers can be prosecuted.⁸² According to the US Department of State, Puntland authorities made efforts to combat trafficking. However, due to capacity constraints and the ongoing campaign to eradicate al-Shabaab and secure Mogadishu, the Federal Government of Somalia lacked the resources and will to prosecute trafficking offenses, protect victims, or prevent the crime during the reporting period. Authorities within the three regions did not prosecute nor convict any trafficking offenders, although compared to South Central the Puntland State administration does have a functioning legal system and some law enforcement capacity. In Puntland, the Ministry of Women Development and Family Affairs oversaw anti-trafficking efforts, and the police force in Garowe had an anti-trafficking unit, although it lacked proper training. While limited information exists regarding these crimes and the status of specific cases, officials in Puntland nonetheless intercepted potential trafficking cases in 2012.⁸³

Somaliland

As with Puntland, few migrants in fact originate from Somaliland.⁸⁴ Somaliland is predominantly a transit country/area, with Somalis and Ethiopians transiting through Somaliland en route to Puntland or Djibouti. The Loya'ada border town between Somaliland and Djibouti is the major transit point, with well-established smuggling networks. Some use the Somaliland coastlines to sail directly to Yemen.⁸⁵

The Somaliland authorities are unhappy about the volume of migrants passing through and/or residing in their territory.⁸⁶ In 2011, for example, after issuing a decree that irregular migrants had to leave Somaliland, the authorities forcefully deported an unknown number - reportedly in the hundreds - of mainly Ethiopian migrants.⁸⁷ In response, the European Union wrote a letter to the authorities of Somaliland in January 2012, condemning their alleged *refoulement* of refugees and asylum seekers. The EU also expressed concern about the 'hostilities' between the host community and migrants who were affected by these actions. The Mixed Migration Task Force (MMTF) members in Hargeysa also raised concerns with the authorities. However, despite a short pause in round ups and deportations of illegal migrants, there were renewed reports of detentions and deportations some months later.⁸⁸

As in Puntland, Somaliland has a functioning legal system and some law enforcement capacity, Somaliland authorities made efforts to combat trafficking and intercepted potential trafficking cases in 2012. However, as in Puntland, no trafficking offenders were prosecuted or convicted in Somaliland.⁸⁹

Local laws in Somaliland prohibit forced labour, involuntary servitude, and slavery. The Ministry of Labour and Social Affairs in Somaliland operated a specialized unit to respond to suspected trafficking cases, and police and immigration officers played an active role in anti-trafficking efforts. However,

82 RMMS, 2013d, p. 60.

83 US Department of State, 2013, p. 402-403.

84 RMMS, 2013d, p. 63.

85 MMTF Somaliland, 2012, p. 3-4.

86 RMMS, 2013d, p. 65.

87 Ibid, p. 66.

88 Ibid.

89 US Department of State, 2013, p. 402-403.

no governmental entity provided protective services to victims of trafficking, although IOM and local organizations provided reintegration services to rescued trafficking victims in Puntland and Somaliland.⁹⁰

90 US Department of State, 2013, p. 403.

2.4 Kenyan migration to Saudi Arabia

It is estimated some 40,000 Kenyan migrants work in the Middle East, specifically in Saudi Arabia, the UAE and Qatar. Each year, recruitment agencies organise visas for an average of 17,000 Kenyans to work in Saudi Arabia.⁹¹ They face a number of risks, including labour exploitation, trafficking and smuggling. In 2012, there were a number of newspaper accounts of violence and abuse against Kenyan domestic workers working in the Middle East.

- In July 2012, for example, media reported that 80 Kenyans (who had mostly gone to Saudi Arabia to work as domestic workers) were stranded and starving in a transitional detention camp.
- In October 2012, more than 40 legal MDWs stranded in Saudi Arabia were returned to Kenya after government intervention. They had been living under poor conditions with no food, no proper sleeping place, or basic requirements.⁹²

Agencies based in Nairobi are known to recruit young Kenyans with a promise of better pay. As with migrant workers from other countries, some Kenyans have their passports confiscated on arrival and they are then allegedly forced into domestic servitude.⁹³

Kenya has undertaken efforts to assist potential emigrants by providing information on migration opportunities through pre-departure orientation seminars and counselling them about the risks and potential abuses involved. The International Organization for Migration (IOM) works with the Government of Kenya in providing such pre-departure orientation for migrant workers. Migrants are however not obliged to follow a pre-departure course, although they are required to have their contract attested by the Labour Department. Some, however, try to avoid the check by using unreliable agents. In 2012, following reports of abuse, the Kenyan government imposed a ban on its citizens travelling to the Gulf countries to work as domestic and other blue-collar labourers.⁹⁴

However, the ban apparently pushed agencies to redirect migrants to Qatar as an alternative⁹⁵, while some Kenyans reportedly used other capitals in the region, such as Dar es Salaam, as a transit point to reach the Gulf States. In November 2012, the policy was withdrawn.⁹⁶

In 2012, the government publicly called for a draft labour agreement between Saudi Arabia and Kenya to require binding contracts stipulating working hours, time off, remuneration, and the expectations of both employees and employers as a means of addressing the numerous complaints by domestic workers in Saudi Arabia. It is unclear if these additions were made to the draft agreement. Following several high profile cases of abuse, the National Assembly held multiple hearings of cases involving the mistreatment of Kenyan domestic workers in Saudi Arabia in 2012.⁹⁷

According to the US Department of State, Kenya should continue to increase oversight of and accountability for overseas recruitment agencies and

91 Daily Nation, 2012.

92 RMMS, 2013c, p. 16.

93 Ibid, p. 16-17.

94 Ibid, p. 17.

95 Kenya MMTF, 2012.

96 RMMS, 2013d, p. 55-56.

97 US Department of State, 2013, p. 219.

increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East. This is because most of Kenya's diplomatic missions failed to provide adequate assistance to trafficked Kenyan nationals despite the anti-trafficking in persons training new diplomats received from the Kenya Police Service and IOM before being posted overseas.⁹⁸

The US Department of State further states that the Kenyan Ministry of Labour (MOL), which is required by law to monitor the operations of labour recruitment agencies and attest employment contracts, continued to fail to fulfil its duties. Since the Ministry ceased its yearly renewal of recruitment agencies' accreditation certificates in 2011 without explanation, all agencies have been operating without valid licenses. This has led to agencies sending workers overseas without governmental attestation and vetting of workers' foreign contracts, leaving them increasingly vulnerable to trafficking. Moreover, bribery of government officials by recruitment agencies reportedly hindered efforts to stop fraudulent recruitment.⁹⁹

During 2012, the Kenyan embassy in Riyadh repatriated 708 Kenyans but lacked adequate shelter and other assistance for the number of Kenyans who sought help. The Kenyan media reported that Kenyan nationals waiting to be repatriated slept on the floor of the embassy or in a shipping container and were provided inadequate food.¹⁰⁰

98 US Department of State, 2013, p. 218-219.

99 Ibid, p. 219.

100 Ibid, p. 218-219.

2.5 Djibouti: Horn of Africa migrants in transit to Yemen

Djibouti is the major transit country for Horn of Africa migrants travelling irregularly to Yemen and further to Saudi Arabia. In 2012, over 80,000 migrants (78% of all arrivals in Yemen) entered via Djibouti, a sharp increase compared to 2010 when 34,894 migrants entered Yemen from Djibouti.¹⁰¹ In 2013, the number of new arrivals decreased; 48,102 migrants (74% of all arrivals in Yemen) crossed the Red Sea via Djibouti (42,168 Ethiopians and 5,934 Somalis).¹⁰² In December 2013, for example, an estimated 244 migrants/refugees arrived on Yemen's shores via Djibouti, an 82% decrease from arrivals in November 2013, and a 96% decrease from the migrants/refugees that arrived in December 2012 and 2011.¹⁰³

Most transit migrants depart from the vicinity of the small portal town of Obock, or, in order to avoid patrols by Djiboutian authorities, from remote coastal locations.¹⁰⁴ Recently, migrants/refugees indicated the use of a new departure point two hours away from the traditional departure points in Obock.¹⁰⁵

Djibouti is, according to the US Department of State, an origin, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. While in Djibouti, the large migrant population is vulnerable to various forms of exploitation, including human trafficking. Some migrant women and girls may fall victim to domestic servitude or sex trafficking in Djibouti City, along the Ethiopian-Djibouti trucking corridor or Obock. Networks, including Djiboutians and Djiboutian residents, may charge rents or kidnap and hold migrants for ransom. This increases the vulnerability of migrants to trafficking, and at times creates situations tantamount to debt bondage. In addition, ransoms may be paid by traffickers based in Saudi Arabia who reportedly intend to exploit migrants upon their arrival there.¹⁰⁶

Djiboutian policy and practices on irregular migration

Djiboutian authorities are trying to reduce irregular migration flows through its territory and Ethiopian migrants in Djibouti are regarded as irregular/illegal migrants.¹⁰⁷ Migrants travelling through Djibouti without proper documentation are often arrested and the authorities frequently intercept boats full of smuggled people.¹⁰⁸ The governments of Ethiopia and Djibouti are reported to have increased surveillance along migration routes and departure points in the last months of 2013 to deter migration flows.¹⁰⁹ Djiboutian authorities are also reported to have mounted checkpoints along the Djiboutian/Somaliland border. As a result, migrants/refugees intercepted are returned to Loya Ade near the border. The Djiboutian military was also reported to be patrolling the Obock coastline, arresting and deporting Ethiopian migrants encountered.¹¹⁰

101 RMMS, 2013d, p. 33.

102 UNHCR, 2013a

103 RMMS Monthly Summary, December 2013.

104 RMMS, 2013d, p. 33.

105 RMMS Monthly Summary, January 2014.

106 US Department of State, 2013, p. 152.

107 RMMS, 2013d, p. 34.

108 Ibid, p. 35.

109 RMMS Monthly Summary, December 2013.

110 RMMS Monthly Summary, January 2014.

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Somalis also continue to report arrest and detention on suspicion of affiliation to Al Shabaab, and mistreatment by authorities patrolling the coastline or at border points. In January 2014, migrants/refugees arriving in Yemen reported that at least 350 Somalis (predominately women and children) and 100 Ethiopian men were stranded at the Obock departure point. The stranded migrants/refugees may be the result of a crackdown on smugglers and traffickers by the Djiboutian authorities.¹¹¹

Tightening of the borders in the region may have resulted in increased smuggling transaction costs for migrants/refugees. In January 2014, migrants reported paying bribes to authorities, and an average of USD 70 (up from USD 20) to smugglers to facilitate their crossing from Loya Ade to Djibouti.¹¹² Alleged instances of collusion between smugglers and authorities, including official corruption, have been reported before. Migrants in Yemen who have transited through Djibouti report that in some cases boat owners and captains had paid the coast guards to continue their journey. Somali new arrivals in Yemen also reported being arrested in Djibouti by the authorities and only released upon payment of a bribe of approximately USD 50.¹¹³ According to the US Department of State, the Djiboutian government failed to investigate officials allegedly complicit in trafficking or trafficking-related crimes, including border guards bribed to allow entry into Djibouti.¹¹⁴

Police round-ups of non-Djiboutian residents, including asylum seekers, are semi-routine.¹¹⁵ However, as detention facilities and other resources in Djibouti are limited, the arrests appear to be arbitrary and not systematic.¹¹⁶ Djiboutian authorities also regularly deport irregular migrants, although they do not consistently screen this population for indications of human trafficking.¹¹⁷

Smuggling and trafficking are illegal by Djiboutian law and Djibouti ratified the *Protocol against the Smuggling of Migrants by Land, Sea and Air* on 20 April 2005.¹¹⁸ Although there is a deputy prosecutor with responsibility for overseeing all human trafficking prosecutions, the government did not successfully prosecute any trafficking offenders in 2012. The government did provide basic healthcare to undocumented migrants, but it failed to acknowledge their vulnerability to trafficking or the existence of various forms of human trafficking in the country.¹¹⁹

111 RMMS Monthly Summary, January 2014.

112 Ibid.

113 RMMS, 2013d, p. 36.

114 US Department of State, 2013, p. 153.

115 Ibid, p. 154.

116 RMMS Monthly Summary, September 2012.

117 US Department of State, 2013, p. 154.

118 RMMS, 2013d, p. 35.

119 US Department of State, 2013, p. 153.

2.6 Yemen: a country of origin and transit for migration to Saudi Arabia

Most migrants from the Horn of Africa heading to Saudi Arabia, except for those who are able to fly in directly, use Yemen as a transit country. Although Yemen is one of the poorest countries in the world, it is a gateway to countries that are among the wealthiest. As such it has become a major transit country for migrants originating from the Horn of Africa.¹²⁰

Yemen is also a country of origin. Large numbers of Yemenis have migrated abroad with many moving to the Gulf States, particularly after the oil boom in 1970s. According to 2007 United Nations figures, there were approximately 800,000 Yemenis living in Saudi Arabia. More recent estimates put the number of Yemenis (both documented and undocumented) in Saudi Arabia at 1.5 million.¹²¹

Besides being a country of origin, Yemen is also a destination country, with increasing numbers of Somali refugees and asylum seekers.¹²² Moreover, because many migrants do not succeed in reaching one of the Gulf States they often get stuck in Yemen or have to stay in the country to earn some money to pay for onward travel. Many Ethiopian women for example who do manage to reach Yemen, are neither able to return to Ethiopia due to the exit fine payable to the Yemeni government because of their illegal migrant status in the country. Neither are they able to undertake the even more dangerous and expensive next stage of the journey overland to Saudi Arabia.¹²³

Yet migrants continue to enter Yemen in large numbers.¹²⁴ 2012 showed an unprecedented exodus of Ethiopians migrating to Yemen. Out of 107,532 crossing the Arabian and Red Sea to Yemen in 2012, 78% were Ethiopians. Estimates indicate since 2006 over 500,000 migrants have made these crossings, almost all are of Somali and Ethiopian origin.¹²⁵ However, in 2013 the number of Ethiopians arriving in Yemen decreased significantly (approximately 30% lower than in 2012), with October, November and December 2013 showing the lowest numbers using the 'eastern route' out of the Horn for the last 4 years and the first time in 6 years that the numbers have significantly decreased. As of December 2013, 65,319 migrants arrived in Yemen, amongst which 54,213 Ethiopians and 11,045 Somalis.¹²⁶ It can be assumed that this is to a large extent related to the Saudi Arabian crackdown on irregular migrants that started in November 2013 (as most Ethiopians arriving in Yemen intended to move on to Saudi Arabia). Over the course of three months, Saudi authorities deported almost 160,000 Ethiopians back to Addis Ababa.

Since 2008 an estimated 2,000 people have died while crossing the seas to Yemen, however, lower numbers of migrant deaths or disappearances at sea were recorded in 2012, compared with two years earlier. UNHCR

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120 Fargues, 2006, p. 15.

121 Yemen Times, 2013.

122 Smith, 2012, p. 2: as of December 2013, Yemen hosted 255,250 refugees, of which 244,000 are Somali refugees: UNHCR, 2013a.

123 Fernandez, 2010, p 253.

124 A full account of the exodus from the Horn of Africa to Yemen is detailed and elaborated in other reports in this RMMS research series, most notably in: Study 1: "Migrant Smuggling in the Horn of Africa & Yemen: the political economy and protection risks" and Study 3: "Responses to mixed migration in the Horn of Africa & Yemen: policies and assistance responses in a fast changing context."

125 RMMS, 2013d, p. 11; UNHCR, 2013b.

126 UNHCR, 2013a.

"Women and girls are especially vulnerable. All throughout the journey they disappear. They are raped and disappear in Djibouti and during the sea crossing and are kidnapped upon arrival in Yemen".

Somali woman in Sana'a,
16-11-2013

"Ethiopians and Somalis are massively abused in Yemen".

Somali man in Sana'a,
16-11-2013

"They are dying in the streets of Sana'a".

Ethiopian man in Sana'a,
16-11-2013

"We are surrounded; we are in a very massive, big jail".

Somali man in Sana'a,
16-11-2013

reports 5 persons dead or missing in 2013, compared to 131 in 2011 and 43 in 2012.¹²⁷ One explanation for this reduction is that the life of the migrant has increased in value, due to the evolving practice of kidnapping migrants for ransom, as well as subjecting them to extortion.¹²⁸ An increasing number of young females face the risk of rape and sexual violence during the sea crossing to Yemen. Reports from migrants themselves suggest significant numbers of (mainly Ethiopian) female 'new arrivals' in mixed migration flows are separated, abducted and often sold on to other criminals or directly to private 'buyers'. Some of these women are never heard of again, according to those who crossed to Yemen with them.¹²⁹ According to INTERSOS, new arrivals often tell the monitoring teams they were with more women and girls on board than are actually encountered.

Some women get pregnant as a result of rape during the journey. They feel ashamed and try to blend in society and not attract attention. Migrants in Sana'a feel that women and children are, and should be, the biggest concern. Many women come from rural areas in Ethiopia, reportedly suffering from poverty, domestic violence and persecution by the government. The participants in the focus group discussion in Sana'a know of many people who disappeared during their migration. They know they left Djibouti, but they are still waiting for them as they have never arrived in Yemen.

The conditions for migrants in Yemen itself are harsh as well. Reports of torture and sexual abuse of migrants at the hands of traffickers and smugglers have increased in recent years.¹³⁰ MSF in Sana'a confirms that most of the Ethiopian migrants they encounter in the migrant detention centre in Sana'a have been tortured in Yemen.

Some migrants expressed disappointed with UNHCR in Sana'a. They said they were disappointed and frustrated about the long time it takes to be recognized as refugees, the lack of possibilities for resettlement, the lack of opportunities and the quality of health care services offered by the Migrant Health Centre run by UNHCR. In Sana'a in 2012 UNHCR offices were besieged by discontented refugees and asylum-seekers demonstrating in the roads around their offices. It took many weeks for the UNHCR, with assistance from the state security, to normalise the situation.

Kidnappings are very common, according to migrants in Sana'a. Migrants are held hostage in rural areas. People in Ethiopia have to sell their land to have them released. They have to pay between USD 1,500 and 2,000 for release. After release, most travel back to Sana'a in order to try to find jobs such as washing cars.

Indicative of the success of Saudi Arabia's tightened border control, thousands of Ethiopian men, women and children became stranded in Haradh in the early months of 2013. Haradh, situated in northern Yemen, is a strategic point on Yemen's Red Sea coast and is in immediate proximity to the Kingdom's border. Owing to the increased border controls, migrants were turned away at the Saudi border and many of those smuggled into the Kingdom have been expelled back to Yemen. International agencies highlighted this increasingly critical situation for thousands of migrants in and around Haradh, calling it a growing humanitarian crisis.¹³¹ IOM

127 UNHCR, 2013b.

128 RMMS, 2013d, p. 14.

129 Ibid, p. 75.

130 RMMS, 2013a.

131 Ibid.

estimated that in May 2013 around 25,000 destitute and stranded migrants lived in and around Haradh.¹³² On April 18th, the UN Yemen Humanitarian Coordinator, Mr Ismail Ould Cheikh Ahmed, led an assessment in Haradh and concluded that increasing efforts were required to address the most urgent needs. He also appealed for support to governments in the Horn of Africa and the Gulf region to strengthen the management of migration and national borders, combat transnational organised crime, and uphold migrants' human rights.¹³³

Migrants in Sana'a know of many examples of people who got stranded in Northern Yemen, ran out of money, fell ill, and died there.

IOM has been carrying out voluntary return operations of Ethiopians from Northern Yemen (2,050 Ethiopians were assisted to return home under IOMs assisted voluntary return (AVR) program in 2013¹³⁴). However, at the time of writing IOM was shifting some of its operations from Northern Yemen to the returnee crisis in Addis Ababa.

The situation is likely to be exacerbated by changes in Saudi policy and legislation relating to foreign workers (see Chapter 3) as well as the resumed construction of a fence along the border with Yemen. Currently, it is more difficult to enter Saudi Arabia and migrants are more dependent on smugglers and traffickers to 'assist' them than before, which might result in an increase of abusive practices. On the other hand, as mentioned, the number of new arrivals on Yemen's coasts from the Horn of Africa is decreasing.

Yemeni policy and practices on irregular migration

The large numbers of migrants in mixed migration flows pose a major challenge for Yemen, which already suffers from unemployment, rapid population growth, dwindling water resources and the highest poverty levels in the Arabian Peninsula. Moreover, Yemen is under strong pressure from Saudi Arabia and other neighbouring countries to stop these flows.

However, inadequate administrative, regulatory, and operational capacity, limits the ability of the Yemeni Government to respond to the sheer numbers of migrants entering the country. Nevertheless, in 2012, Yemen managed to increase its control of migratory movements by enhancing border control systems and procedures. In 2012, approximately 3,553 migrants were intercepted and returned to Djibouti.¹³⁵

Mixed migrants in Yemen risk detention and deportation. Until March 2010, many Ethiopians were being arrested and deported back to Addis Ababa without the chance to seek asylum.¹³⁶ Human Rights Watch reported in 2009 that Ethiopian asylum seekers who were captured by the security forces faced *refoulement* alongside other Ethiopians scheduled for deportation. There was also disturbing evidence that in some cases Ethiopian embassy officials were allowed to coerce asylum seekers detained in Sana'a's immigration facility into signing forms indicating their willingness to return to Ethiopia.¹³⁷ During a focus group discussion in Sana'a in November 2013, Ethiopian migrants still reported similar practices of Ethiopian authorities targeting them in Yemen,

132 IOM, 2013a.

133 UN OCHA, 2013.

134 RMMS Monthly Summary December 2013.

135 RMMS, 2013d, p. 75.

136 DRC and RMMS, 2012, p. 7.

137 Human Rights Watch, 2009, p. 3.; RMMS, 2013d, p. 78.

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"Yemeni authorities force other migrants to bury the dead in Northern Yemen".

Ethiopian man in Sana'a,
16-11-2013

During 2012 and 2013, there have been several reports of Yemeni authorities rounding up irregular migrants and deporting them. In March 2013 for example, 850 migrants were detained and returned to their home countries. A majority of the migrants were intercepted in the Northern governorate of Sada'a. Around the same time, the Yemeni Deportation Department in the Immigration and Passport Authority reported it had extradited 2,500 illegal African migrants from Yemen since the beginning of 2013.¹³⁸

Authorities in Yemen are aware of the trafficking and kidnapping practices in Yemen and did occasionally (for example in April 2013) carry out raids on compounds (known as torture camps by the migrants) where Ethiopian migrants were held. However, it must be assumed (and it is reported) that local authorities are aware of who the traffickers are and where they live. There is only one route to the northern border town of Haradh, with many police checks on the way. Furthermore, it is noteworthy that there have been few, if any, prosecutions of those perpetrating these brutal violations of human rights.

Indeed, reports indicate that some state officials, such as military and border guards, are complicit in migrant smuggling and trafficking. Local authorities in Haradh admit that there is collusion between border guards and smugglers, but claim to lack both the authority and military capability to dislodge smugglers or end their increasingly lucrative industry.¹³⁹

The laws against trafficking in persons are to be found in the *Yemeni Penal Code* and the *Child Rights Act*. However, they do not explicitly prohibit debt bondage or other forms of forced labour and prostitution.¹⁴⁰ Yemen ratified the *Convention against Transnational Organised Crime*, but has yet to ratify the *Palermo Protocols*.

According to the *2013 Trafficking in Persons Report*, the Yemeni government made no discernible progress in enforcing laws against human trafficking. Article 248 of *Yemen's penal code* prescribes up to 10 years' imprisonment for any person who "buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him." The US Department of State argues that, although this statute's prescribed penalty is commensurate with that prescribed for other serious crimes, such as rape, its narrow focus on transactions and movement means that many forms of forced labour and forced prostitution are not criminalized. The government reported that it convicted and sentenced 17 trafficking offenders in 2012, but the details of these cases are unknown. The government did not report efforts to investigate or punish government employees complicit in trafficking-related offenses despite allegations as mentioned above. The government also continued to lack formal victim identification procedures to proactively identify and assist victims of trafficking among vulnerable groups, such as individuals detained for illegal immigration.¹⁴¹

Currently, however, Yemen is taking some steps to fight trafficking. For example, an anti-trafficking unit has been set up as an initiative of the Yemeni Ministry of Human Rights. Together with the Ministry of Justice, the Ministry of Human Rights also drafted an anti-trafficking law, which

138 RMMS, 2013d, p. 78.

139 Reuters, 2012.

140 RMMS, 2013d, p. 74.

141 US Department of State, 2013, p. 396-397.

has been approved by the Cabinet and is at the time of writing awaiting parliamentary approval. Moreover, a national team has been set up to develop an anti-trafficking strategy and the Ministry of Human Rights is drafting a human rights strategy.

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2.7 Summary of (international) migration legislation, policy and practices in countries of origin, transit and destination

Summary of (international) migration legislation, policy and practices in countries of origin, transit and destination

The table below provides an overview of the most important international conventions related to migration and the status of ratification by the countries relevant to this research.¹⁴² Moreover, the table highlights some key issues regarding migration policy and practices by these countries.

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia ¹⁴³	Yemen
International refugee and migration legislation							
d succession s signature r ratification a accession¹⁴⁴							
<i>Convention relating to the Status of Refugees</i>	d9/8/1977		a10/11/1969	a16/5/1996		a10/10/1978	a18/1/1980
<i>Protocol relating to the Status of Refugees</i>	d9/8/1977		a10/11/1969	a13/11/1981		a10/10/1978	a18/1/1980
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹⁴⁵</i>							
<i>United Nations Convention against Transnational Organised Crime</i>	a20/5/2005		s14/12/2000 r23/7/2007	a16/6/2004	s12/11/2000 r18/1/2005		s15/12/2000 r8/2/2010
<i>Protocol against the Smuggling of Migrants</i>	a20/4/2005		a22/6/2012	a5/1/2005	s10/12/2002 r20/7/2007		
<i>Protocol to Prevent Suppress and Punish Trafficking in Persons</i>	a20/4/2005		a22/6/2012	a 5/1/2005	s10/11/2002 r20/7/2007		

142 Part of the table is extracted from: RMMS, 2013d; Ngunyi and Oucho, 2012.

143 According to the Puntland State of Somalia constitution, the Puntland government maintains the international conventions and treaties that the pre-1991 Somali Republic convened with foreign governments, provided such conventions are not contradictory to Shari'a law or the interests of Puntland. Similarly, according to the Article 10 of Somaliland's constitution, the government maintains the international conventions and treaties that the pre-1991 Somali Republic convened with foreign governments, provided such conventions are not contradictory to Shari'a law or the interests of Somaliland.

144 'Accession' is an act by which a State signifies its agreement to be legally bound by the terms of a particular treaty. It has the same legal effect as ratification, but is not preceded by an act of signature; 'Ratification' is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the State first signs it and then fulfils its own national legislative requirements; 'Signature' of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State's intent to examine the treaty domestically and consider ratifying it. 'Succession' occurs when one State is replaced by another in the responsibility for the international relations of territory. Generally, a newly independent State which makes a notification of succession is considered a party to a treaty from the date of the succession of States or from the date of entry into force of the treaty, whichever is the later date; United Nations Treaty Collection Glossary (<http://treaties.un.org>).

145 Also known as the *Migrant Workers Convention*.

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia	Yemen
Key issues regarding migration policies and practices							
General (labour) migration policy	<p>Article 4 of <i>Ordinance No. 77-053/IPR/AE</i> states that refugees can be expelled if they pose a threat to national security.</p> <p>No explicit policy on labour migration, as Djibouti is not a country of origin for (irregular) labour migration to the Middle East. Focus on large number or irregular Ethiopian and Somali migrants who use Djibouti as a transit country to Yemen and the Gulf countries.</p>	<p>Freedom of movement in and out of Eritrea extremely restricted.</p> <p>No established institutional structures regarding migration.</p> <p>No known policy of labour migration of Eritreans to the Middle East.</p> <p>Eritrean diaspora obliged to pay a 2% tax on all income.</p>	<p><i>Labour Proclamation No. 377/2003</i> deals with labour migration. Article 175 allows for an Ethiopian national to be employed outside the country provided that the Ministry has secured a satisfactory guarantee that his rights and dignity will be protected.</p> <p>Labour migration to the Middle East encouraged and facilitated for thousands of Ethiopian citizens (over 350,000 registered with MoLSA since 2011 (96% females in 2013), but worries about abuse.</p> <p>Migrants required to register with MoLSA (proof of contract, work permit, etc.) and receive pre-departure training</p> <p>All PEA's licences currently withdrawn for at least 6 months in order to develop a new strategy to manage labour migration.</p>	<p>Cooperation with IOM to assist labour migrants by providing information on migration opportunities through pre-departure orientation seminars and counselling about the risks and potential abuses.</p> <p>Temporary ban on domestic and blue collar migrant workers to Gulf States after reports of abuses of Kenyan citizens.</p>	<p>The <i>Iqama</i> regulation (the <i>Residency Act</i>) acts as a set of laws pertaining to foreign migrants' status and rights in the country. Once a foreigner is allowed to enter the country, he or she must obtain <i>Iqama</i>, a residency card, and a work permit.</p> <p>Non-Saudi workers are not allowed to enter the country without the sponsorship (<i>kafala</i>) of an eligible employer or a permitted Saudi household (in the case of domestic workers).</p> <p>The <i>kafala</i> system ties migrant workers' residency permits to "sponsoring" employers, whose written consent is required for workers to change employers or exit the country.</p> <p>Increasing Saudization policy (to replace migrant workers with Saudi citizens).</p> <p><i>Nitaqat</i> programme to restrict the number of immigrants in companies.</p>	<p>No well-established migration procedures due to two-decade long absence of an effective central government.</p>	<p>The <i>Entry and Residence of Foreigners Law</i> deals with immigration and citizenship issues.</p> <p>A newly created department with the Ministry of Human Rights is tasked with issues related to irregular and illegal migrants.</p> <p>The Yemeni coast guard acts to secure arrival of migrants and provides them with assistance through search and maritime rescue operations.¹⁴⁶</p>

146 Republic of Yemen, Ministry of Foreign Affairs, 2013.

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia	Yemen
Key issues regarding migration policies and practices							
Irregular migration and smuggling	<p>Ethiopian migrants in Djibouti are regarded as irregular/ illegal migrants.</p> <p>In cooperation with Ethiopia, Djibouti employs increased surveillance along migration routes and departure points to deter migration flows.</p> <p>Checkpoints along the Djiboutian/ Somaliland border.</p> <p>The Djiboutian military patrols the Obock coastline</p>	<p>Not allowed to leave Eritrea without permission (rarely provided).</p> <p>Shoot-on-sight policy towards people detected close to the Ethiopian border or intercepted trying to escape by sea.</p> <p>Authorities reportedly involved in smuggling and trafficking of Eritreans out of the country.</p>	<p>Increasing cooperation with Djibouti, to curb irregular migration</p>	<p>Kenya made efforts to prevent irregular labour migration to the Gulf States, by requiring migrants to have their contract attested by the Labour Department</p>	<p>Regular raids to arrest and deport irregular migrants and visa over-stayers.</p> <p>Construction of a fence along the border with Yemen.</p>	<p>Both Somaliland and Puntland actively combat irregular migration and migrant smuggling, for example by confiscating smuggling boats and detaining smugglers.</p> <p>Puntland government officials reportedly involved in migrant smuggling.</p>	<p>Inadequate administrative, regulatory and operational capacities limit the ability of the Yemeni Government to respond to numbers of migrants entering the country.</p>

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia	Yemen
Key issues regarding migration policies and practices							
Trafficking¹⁴⁷	<p>Act No. 210/AN/07/5ème on Combating Trafficking in Human Beings was adopted in 2007. Applies to any person who may be a victim of trafficking, with a focus on vulnerability due to age (under 18), sex (women) or physical and/or mental health.</p> <p>Despite the appointment of a deputy prosecutor with responsibility for overseeing all human trafficking prosecutions, the government did not successfully prosecute any trafficking offenders in 2012.</p>	<p>The Eritrean Transitional Criminal Code includes laws against trafficking in women and young persons for sexual exploitation, as well as laws prohibiting slavery. Laws forbidding forced labour are also contained in the national constitution. However, the latter has been suspended.</p> <p>No significant efforts to eliminate trafficking by Eritrean authorities.</p>	<p>The Criminal Code of Ethiopia, Proclamation No. 414/2004 applies to trafficking in persons.</p> <p>Strong government commitment to combat human trafficking.</p> <p>Ethiopia formed a National Committee on Human Trafficking, although its impact seems limited so far.</p> <p>Strong focus on awareness raising activities.</p> <p>Traffickers are increasingly convicted.</p>	<p>The Counter-Trafficking in Persons Act lays down punishments for those involved in such crimes. Offences include the promotion of trafficking, acquisition of travel documents by fraud or misrepresentation, facilitation of entry into or exit from Kenya. The act became operational in October 2012</p> <p>Diplomats receive anti-trafficking training before being posted overseas.</p> <p>Yet, inadequate protective services for trafficking victims, particularly those identified in and returned from the Middle East.</p>	<p>Saudi Arabia's 2009 Suppression of the Trafficking in Persons Act is in line with the international definition of trafficking and prescribes punishments of up to 15 years' imprisonment and fines of up to the equivalent of approximately USD 266,700 for violations.</p> <p>The government did not make systematic efforts to proactively identify trafficking victims among runaway domestic workers and children who received assistance in government-run facilities.</p>	<p>Federal Government of Somalia (FGS) has minimal capacity to investigate and prosecute human trafficking.</p> <p>Notwithstanding greater efforts to combat human trafficking and better functioning legal systems in Puntland and Somaliland, no convictions or prosecutions of traffickers in Puntland and Somaliland either.</p> <p>No government protection for victims of trafficking.</p>	<p>The Yemeni Penal Code and the Child Rights Act outline the laws against trafficking in persons.</p> <p>Yemen made no discernible progress in enforcing laws against human trafficking.</p> <p>However, an anti-trafficking unit has been set up. The Ministry of Justice and the Ministry of Human Rights drafted an anti-trafficking law. A national team has been set up to develop an anti-trafficking strategy.</p>

147 While many countries now do have anti-trafficking laws, these are poorly implemented. All the countries covered in this report are ranked as either Tier 2 (Djibouti, Kenya, Ethiopia) or Tier 3 (Eritrea, Saudi Arabia, Yemen; as a Special Case, Somalia (including Puntland and Somaliland) is not classified in the US Department of State report on the US Department of State's Trafficking in Persons Report 2013 Watch List). This means that none of them are considered to be sufficiently and effectively combating the practice; US Department of State, 2013.

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia	Yemen
Key issues regarding migration policies and practices							
De facto migration policy and practices (including arrests, detention and deportation)	<p>Regular police round-ups of non-Djiboutian residents, including asylum seekers.</p> <p>Arbitrary arrests and regular deportations of irregular migrants</p> <p>Alleged instances of collusion between smugglers and authorities (e.g. smugglers pay bribes to border officials at Somaliland border and to coast guards).</p>	<p>Eritrean migrants who are repatriated to Eritrea are detained and face life imprisonment or the death penalty.</p>	<p>The <i>Employment Exchange Services Proclamation No. 632/2009</i>, requires PAEs to place funds in escrow to provide assistance in the event a worker's contract is broken. The Ministry of Foreign Affairs (MFA) has never used these deposits to pay for victims' transportation back to Ethiopia and did not establish labour attaché positions in diplomatic missions abroad.</p>	<p>The Ministry of Labour (MOL) fails to fulfil its role of monitoring the operations of labour recruitment agencies and to attest to employment contracts. As the Ministry ceased its yearly renewal of recruitment agencies' accreditation certificates in 2011, all agencies have been operating without valid licenses.</p>	<p>In November 2013, Saudi Arabia started a massive crackdown on irregular migration and mass deportations of irregular migrants (some 250,000 – of which almost 160,000 Ethiopians and 23,000 Somalis).</p> <p>The operation is reportedly accompanied by severe human rights abuses.</p>	<p>Both Puntland and Somaliland regularly arrest, detain and deport irregular migrants (mainly Ethiopians).</p>	<p>There are reports of arrests, detention and deportation of irregular migrants (mainly Ethiopians) in Yemen.</p> <p>Some state officials, such as military and border guards, are complicit in migrant smuggling and trafficking.</p>

	Djibouti	Eritrea	Ethiopia	Kenya	Saudi Arabia	Somalia	Yemen
Key issues regarding migration policies and practices							
Return and reintegration	N/A	N/A	<p>Almost 160,000 Ethiopians have been deported from Saudi Arabia between November 2013 and February 2014.</p> <p>The Government of Ethiopia cooperates with a range of international organizations and NGOs (IOM is the leading agency) to provide return and reintegration assistance (including reception, medical and psychosocial support, onward transportation, temporary accommodation, family tracing and reunification for UAMs, treatment and rehabilitation of victimized female returnees).</p>	In 2012, the Kenyan Embassy in Riyadh repatriated 708 Kenyans	N/A	<p>The FGS requested IOM to provide assistance to over 23,000 Somali returnees from Saudi Arabia.</p> <p>Concerns that the deportees will exacerbate dire situation in Mogadishu by joining over 300,000 IDPs.</p>	<p>Yemen requested IOM to provide assistance to Yemeni migrant workers forced to leave Saudi Arabia since April.</p> <p>The Yemeni parliament called upon the private sector to play an important role in helping returning Yemenis to get jobs.</p>

3 Saudi Arabian migration policy and practices

3.1 General Saudi Arabian migration and refugee policy.

General Saudi Arabian migration and refugee policy.

Saudi Arabia is not a signatory to the *1951 Convention relating to the Status of Refugees* or to the *1967 Protocol*, and thus has no legal obligation to adhere to any framework set out by the UNHCR or organizations of similar purpose.¹⁴⁸ The *1992 Basic Law*¹⁴⁹ provides that “the state will grant political asylum, if so required by the public interest.”¹⁵⁰ Saudi Arabia has however no legislation implementing this provision and the government allows only those with residence permits to apply for asylum.¹⁵¹

There is no comprehensive migration policy in Saudi Arabia either. However, an *iqama* regulation (the *Residency Act*) exists, which acts as a set of laws pertaining to foreign migrants’ status and rights in the country. Once a foreigner enters the country, he or she must obtain *iqama*, a residency card and a work permit. The main institutions overseeing and coordinating migrant flows into the country are the Ministry of Interior and the Labour Department. Foreign or non-Saudi workers are not allowed to enter the country without the sponsorship of an eligible employer or a permitted Saudi household (in the case of domestic workers).¹⁵² Despite the absence of a comprehensive refugee and migration policy, several states in the Gulf Region, including Saudi Arabia, have begun to participate in international and regional efforts on migration since 2005. In 2005, five of the six Gulf Cooperation Council (GCC)¹⁵³ countries, were invited as observers to the regional consultative process (RCP) on migration known as the Colombo process.¹⁵⁴ In 2008, all states became involved in the Abu Dhabi Dialogue, another regional process on labour migration from South and South East Asia to the Gulf States, bringing together labour migration receiving and sending countries. Additionally, a number of GCC states are active in the UN-sponsored Global Forum on Migration and Development.¹⁵⁵ No real harmonized and regional attempts have been made though to develop a regional migration framework.¹⁵⁶ Nevertheless, as in other Regional Economic Communities (RECs), stipulations in the GCC protocols established free movement of nationals as an essential component of the region’s movement towards economic integration. There are, however, no similar steps taken to develop a regional mechanism to address others forms of movement into the region (such as migration by non-GCC citizens to the

148 Khalifa, 2012, p. 7; none of the six GCC countries is a signatory the *1951 Refugee Convention*.

149 The *Basic Law of Government*, issued by royal decree in March 1992, serves as the constitutional framework (Saudi Arabia has no formal constitution) and is based on the Qur’an and the life and tradition of the Prophet Mohammed. It is a constitution-like charter divided into nine chapters, consisting of 83 articles. It is in accordance with the Salafi understanding of Sharia and does not override Islamic laws. It sets out the general principles on which the Kingdom of Saudi Arabia is founded; CIA, 2013.

150 Khalifa, 2012, p. 7.

151 RMMS, 2013d, p. 81.

152 Khalifa, 2012, p. 3.

153 The members are: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

154 The Colombo process is a RCP on the management of overseas employment and contractual labour for countries of origin in Asia.

155 The Global Forum on Migration and Development, which held its first meeting in 2007, is an initiative of the United Nations Member States to address the migration and development interconnections in practical and action-oriented ways and is an informal, non-binding, voluntary and government-led process

156 Badar, 2011, p. 25.

GCC region). A unified approach to managing internal movement might require the creation of a regional framework to address external movement (migration). Nevertheless, such efforts at harmonization for dealing with third-country nationals are not yet present in the existing GCC protocols and agreements.¹⁵⁷

Box 1. Regional Conference on Asylum and Migration from the Horn of Africa to Yemen in Sana'a

From 11-13 November 2013, a major regional conference on asylum and migration from the Horn of Africa to Yemen established the *Sana'a Declaration*: a regional agreement on urgent international action to better manage mixed migration while boosting support for countries of origin and host nations. The Regional Conference on Asylum and Migration was hosted by the Yemini in Sana'a with the participation of the Kingdom of Bahrain, the Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia, the Federal Republic of Somalia, the United Arab Emirates, in addition to the Arab League, the Cooperation Council for the Arab States of the Gulf (GCC), the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The Declaration's recommendations aim to address the root causes of irregular migration and include recommendations to tackle mixed migration challenges immediately and in the long term. In the area of law enforcement, it calls for enhanced bilateral and multilateral support; implementing a capacity building strategy to improve law enforcement mechanisms; combatting smuggling and human trafficking; and increasing international support to strengthen search and rescue capacities. Other proposals include increased support for assisted voluntary return programmes; more burden-sharing; strengthening the refugee protection system, including respect for principles such as non-refoulement; enhancing cooperation in employment opportunities; economic development initiatives; more awareness-raising campaigns about the risks of irregular migration; and strengthened regional cooperation on information sharing, research and data analysis.

The outcome of the Conference is notable insofar that, with such a wide variety of regional governments attending they were able to find consensus and agreement on such a wide range of articles.¹⁵⁸ Interestingly, the conference took place shortly after the end the amnesty period in Saudi Arabia for irregular migrants to regularise their status or leave. While the delegates were negotiating, tens of thousands of irregular migrants in Saudi Arabia were being rounded up for deportation amid violent clashes and human rights agencies were already receiving reports of wide-scale right abuse in the process.¹⁵⁹ Nevertheless, during three days of regional negotiations, these events were not mentioned.

157 Badar, 2011, p. 5-6.

158 RMMS, 2013e.

159 Ibid.

3.2 Policy on irregular migration

Saudi Arabia struggles with irregular migration. According to a Saudi official of the Jazan border guard, 126,000 people were caught trying to enter into the kingdom for work in the first six months of 2013.¹⁶⁰ Vigorous efforts have been made in recent years to detect and deport those who have overstayed their visas and those with illegal visa status.¹⁶¹ For example, during a four month period from March to June 2005, police raids in Jeddah neighbourhoods resulted in arrests of 150,000 visa over-stayers. Many of the arrests were aided by tips from residents of these neighbourhoods who felt uneasy over the presence of a large number of African over-stayers, who they believed to be responsible for crimes such as robbery, theft, as well as selling drugs and alcohol.¹⁶² Migrants in Sana'a who had lived in Saudi Arabia, reported how they always felt scared as ordinary citizens in Saudi Arabia spy on them and report illegal migrants to the authorities who then arrest and deport them.

Policy on irregular migration

Recently, Saudi Arabia has been one of the most active countries in the region implementing policies to restrict migration.¹⁶³ One expression of the increasingly restrictive immigration policy is the construction of the Saudi-Yemen barrier. This three meter high barrier spans part of the 1,800-kilometre border with Yemen and consists of sandbags and pipelines and is filled with concrete and fitted with electronic detection equipment. Although construction had begun as early as 2003, a dispute soon arose between the Yemeni government and Saudi Arabia. The work was halted in 2004, but in 2008 Saudi Arabia recommenced the construction in the district of Haradh, claiming it was necessary for protecting their borders against an influx of illegal immigrants and the smuggling of drugs and weapons.¹⁶⁴ In 2013, Saudi soldiers sent out patrols in search of illegal immigrants and in 2012 dozens of observation posts were built along the border. According to statements by Saudi officials in newspapers in 2013, each day the patrols catch as many as 70 migrants trying to enter the country. Most of them are from Yemen, Ethiopia, Somalia and Bangladesh.¹⁶⁵

In 2012 it was reported that Saudi Arabian authorities were becoming increasingly aggressive in their treatment of irregular migrants.¹⁶⁶ Ethiopians face considerable dangers when entering the country, including the risk of imprisonment and deportation if they are caught by the authorities. Previously, Saudi authorities deported immigrants directly to their home countries. However, according to a 2012 report, Saudi authorities also 'dropped' migrants in the desert several kilometres from the border with Yemen. Migrants then have to travel the remaining distance without food or water. A number of migrants forced out of Saudi Arabia in this way have reported seeing the bodies of hundreds of migrants who had died trying to leave the country.¹⁶⁷ If not deported, migrants might be detained, often in Jizan prison close to the border with Yemen. Respondents in a 2012 DRC/RMMS study reported appalling conditions in prison, including poor sanitation, limited food and water, no access to medical care and violent beatings by the prison guards.¹⁶⁸

160 Business Week, 2013.

161 Shah, 2009, p. 11.

162 Shah, 2005, p. 5-6.

163 Ibid, p. 2.

164 Ibid.

165 Business Week, 2013.

166 DRC and RMMS, 2012, p. 51.

167 Ibid, p. 43.

168 Ibid, p. 44.

Box 2. Migrants in detention in Saudi Arabia

During a focus group discussion with migrants in Sana'a, Yemen, on 16 November 2013 - more than a week after the amnesty period ended and the raids and deportations had started - a call came in from an Ethiopian migrant in Saudi Arabia. Together with more than 500 other migrants (Somalis and Oromos) he was by held by Saudi authorities in a secret detention centre near Jizan. They were accused of being drug dealers and being part of the group that was causing riots in Riyadh and Jeddah. According to this migrant, the Saudi authorities sometimes took migrants out of the detention centre in order, reportedly, to kill them. Every day, 30 new migrants arrive at the centre. The detainees are not asked any questions, they are just being held. They suffocate, as there is no ventilation. There are no windows, people outside cannot see them. According to this migrant, there are many of these detention centres in Saudi Arabia.

3.3 Policy on Labour migration

International migration flows into the Gulf region are dominated by workers from developing countries coming for purposes of employment. They are often occupied in sectors such as domestic work, construction, and other low-skill occupations. For Saudi Arabia, as for other countries in the Gulf region, it has been a challenge to cope with increasing demands for cheap labour, while also coping with low employment rates amongst their own population.¹⁶⁹ Since the first Gulf War, Saudi Arabia - like other oil-exporting Arab countries in the Gulf Region – started to shift from a predominantly labour importing policy to a concern for keeping work, as far as it is possible, for their nationals.¹⁷⁰

Policy on Labour migration

‘Saudization’ and previous efforts to protect the labour market and curb irregular migration

The Saudi government formulated a policy of ‘Saudization’ in the mid-1990s,¹⁷¹ which refers to a policy of replacing migrant workers with Saudi citizens, aiming to encourage Saudi citizens, particularly the young, to work.¹⁷² Unemployment reached levels of 30% among younger cohorts in 2006. Another concern was the amount of money leaving the economy as remittances. In 2006 it was reported that an average of USD 16 billion left Saudi Arabia a year.

Nevertheless, the economy continued to rely heavily on immigrant labour. As in other GCC countries, Saudi Arabia has been unable to put an end to the flows of labour migrants.¹⁷³ Policies aiming at restricting the inflow of foreign workers regularly surfaced throughout the past years.¹⁷⁴ For example, in 2005 it was reported that Saudi Arabia announced a measure limiting the number of new visas available to foreign workers to be cut from the then 8.8 million to only 2 million over the next eight years. New visas would only be available for the menial jobs that Saudis were not willing to do or technical ones that citizens were not trained for. Another measure in 2004 was a ban on visa issuance to new companies and those that employed less than 10 workers.¹⁷⁵

The effectiveness of these measures however remained questionable. For example, when the government announced that foreigners can no longer work in certain sectors, it staged a few raids but backed down when business owners complained that they could not operate with Saudi nationals alone.¹⁷⁶ The lack of effectiveness is attributed to several fundamental difficulties such as:

- the lucrative nature of visa trading for the local sponsors, along with a ready and eager market of workers willing to buy such visas;
- the continued reluctance of the locals to take up jobs that have come to be seen as foreigner’s work; the preference among nationals for public sector jobs that are almost guaranteed by virtue of nationality;
- the contradiction between policies to limit the number of

169 Badar, 2011, p. 22.

170 Ibid, p. 21.

171 Fargues, 2006 p. 21.

172 COMPAS, 2013.

173 Fargues, 2006, p. 20.

174 Shah, 2005, p. 10.

175 Ibid, p. 7.

176 Ibid, p. 10.

expatriate workers on the one hand and develop a thriving private sector that relies extremely heavily on the import of such workers to survive and flourish.¹⁷⁷

Furthermore, at 72% of the total workforce, the supply of migrant workers remains ample.¹⁷⁸ It has therefore been argued that motivating a large number of nationals to work in lower wage, lower skill occupations is not considered realistic which means that a continued reliance on imported low-skill labour is inevitable.¹⁷⁹

As such, despite multiple efforts, participation rates of nationals in the workforce remain low. In 2011, it was reported nationals comprise 28% of the workforce in Saudi Arabia.¹⁸⁰ The global economic crisis has also exacerbated the existing situation of high youth unemployment as well as a growing demand for nationalisation of the workforce through the reduction of migration.¹⁸¹

In 2011, the government introduced the *Nitaqat* programme under which companies were classified as red, yellow, green or platinum according to the percentage of Saudi citizens in their workforce. Red companies are prohibited from employing immigrants or renewing permits for those already employed; platinum companies can not only continue to employ foreigners but may poach employees from red companies at will.¹⁸² In mid-December 2013, the Ministry of Labour published a comprehensive *Nitaqat* guide, with details on the *Nitaqat* Program, 'Saudization' and specifications for 'Saudization' percentages in the private sector, as well as the professions allocated to Saudis. The ministry has limited the number of visas that can be issued to each business with regard to the facility's space, the kind of commercial activity and the number of Saudi employees.¹⁸³

Recent 'Saudization' measures

In 2013, Saudi Arabia again implemented some strong measures to protect the labour market and curb irregular migration. Taking the past into account it remains to be seen how effective the measures will be this time, but, as observers have pointed out, it is only now that the 'Saudization' policy has been really put into practice.¹⁸⁴ Moreover, this time the policy turned out to be more strictly implemented, with the threatened mass deportations of irregular migrants coming into effect.

King Abdullah has made reducing unemployment among Saudi citizens (at 12% in 2013); a priority since popular unrest began toppling leaders across the Middle East in 2011.¹⁸⁵ The Saudi government begun to create concrete policies aiming to reduce the number of foreign workers in order to increase employment among Saudi nationals across all sectors of the economy, to reduce dependence on foreign workers and to recapture and reinvest capital that would have otherwise flowed overseas as remittances. A further challenge is providing additional jobs (an estimated 100,000 per year are needed) for young Saudi nationals who will enter the labour force in the next two decades.¹⁸⁶

177 Shah, 2005, p. 12.

178 Ibid, p. 13.

179 Badar, 2011, p. 22.

180 Ibid, p. 21; participation rates in the UAE and Kuwait were even lower with 12% and 18% respectively.

181 Fernandez, 2010, p. 255-256.

182 COMPAS, 2013

183 Arab News, 2013o.

184 COMPAS, 2013.

185 Business Week, 2013.

186 Ibid.

Saudi Arabia has also put in motion a tough new illegal immigration policy that cracks down on businesses for hiring undocumented workers. The country has hired 1,000 inspectors to check on small businesses' hiring practices and ensure foreigners are not working illegally.¹⁸⁷ Laws now ban hosting, accommodating or employing foreigners who arrive or lived in the country without proper documents. In late March 2013, Saudi authorities carried out raids on businesses and set up checkpoints across the country to find and detain workers who did not have required documentation or who were not working for their legal employers.¹⁸⁸

Since the beginning of King Abdullah's "corrective period", approximately 1 million migrants have been deported or have willingly left Saudi Arabia,¹⁸⁹ on top of the 575,000 illegal workers that were previously deported in 2012.¹⁹⁰ Initially a deadline of April 4 2013 was set for immigrants to regularise their status or leave the country without a penalty, but it soon became clear that neither the government nor the various foreign consular services had the resources to meet this deadline. Lengthy queues of irregular migrants seeking passports, whether to leave or to obtain *Iqamas* (resident permits) became a permanent feature outside many consulates. Therefore, Saudi authorities declared a grace period and announced an "amnesty" for all workers who had violated residency and labour rules before April 6, provided that the workers bring themselves into compliance with the law by July 3.¹⁹¹ This proved again to be too ambitious and on July 2, King Abdullah extended the deadline for migrant workers to regularize their residency and employment status to November 4, the end of the Islamic year.¹⁹² Officials promised further raids and punishments for migrants who neglected to declare themselves in during the remaining time of the amnesty period.¹⁹³

Mass deportations

Indeed, within only a week after the amnesty period ended, already 23,000 Ethiopian migrants handed themselves in, according to Saudi Arabian news reports. In November 2013, the Saudi Ministry of Labour had penalized 5,640 firms for violating labour and residency laws and failing to provide proper addresses, during 20,703 inspection visits all over the Kingdom.¹⁹⁴

Actual deportations of Ethiopians however started slowly, with some 20-80 deportations per day in mid-November.¹⁹⁵ By the end of November, early December, these numbers increased dramatically. On 23 November, Saudi media reported that Saudi Airlines intended to charter 70 flights to deport around 32,000 Ethiopians until the end of November. At that time, already 40 flights had left Riyadh and Jeddah for Addis Ababa since November 12.¹⁹⁶ With the support of Saudi airlines, Saudi Arabia was deporting 5,500 illegal foreigners daily by late November.¹⁹⁷ The number of daily flights and deportations kept increasing. Early December 2013, the number of deported Ethiopian migrants already exceeded 100,000.¹⁹⁸ A few days later, the number had risen to over 115,000, with an average of 7,000 labour migrants arriving at the Bole International Airport, Addis Ababa every day, of which 29%

187 Washington Times, 2013.

188 Human Rights Watch, 2013b.

189 Migrant Rights, 2013b.

190 Quartz, 2013.

191 Human Rights Watch, 2013b.

192 Ibid; COMPAS, 2013.

193 Migrant Rights, 2013b.

194 Arab News, 2013n.

195 Arab News, 2013e.

196 Arab News, 2013k.

197 Arab News, 2013l.

198 Al Jazeera, 2013c.

were women and 4% were children including unaccompanied minors.¹⁹⁹ Early December, it was announced that the Ethiopian government and IOM were expecting 130,000 returns by mid-December.²⁰⁰ Shortly thereafter, the estimate was again increased, to 155,000.

In addition to Ethiopians, large numbers of other nationalities have been leaving Saudi Arabia, either voluntarily or having been deported. An estimated 1.5 million Yemeni migrant workers (both documented and undocumented)²⁰¹ are particularly affected. BBC reported that in the first two weeks of November 2013, 30,000 Yemenis crossed to their home country.²⁰² Early November, the Yemeni media reported that preliminary estimates indicated that 150,000 Yemeni workers were on the verge of deportation to the country.²⁰³ Additionally over 200,000 migrant workers from Yemen are said to have already returned from Saudi Arabia since March 2013. Yemeni returnees arrive at the Yemeni, Al Tuwal border with Saudi Arabia with no personal belongings (which they reported confiscated by the authorities), exhausted and dehydrated due to the time spent in unfavourable detention facilities. IOM is providing returnees with assistance, and reported that 27% of the returnees indicated their intention to return to Saudi Arabia when the situation permits.²⁰⁴ As of 13 February 2014, 23,692 Somali returnees had arrived in Mogadishu since December 2013.²⁰⁵

Saudi authorities are determined to continue the campaign. On November 20th, King Abdullah instructed labour and security agencies to continue their campaign to clear out all illegal workers from the country. He wants the campaign to continue until the correction process is completed in order "to safeguard the country's safety and security".²⁰⁶ Local media recently quoted the chairman of the board of trustees of the University of Business and Technology, saying that the correction process has helped in reducing the number of foreign workers by one million and they expected two million more could be sent away by next year.²⁰⁷ As of January 2014, Saudi Arabia had deported 250,000 foreign migrant workers over the course of three months.²⁰⁸

Abuse and unrest as a result of the Saudi crackdown on irregular migration

Reportedly, the current campaign has given rise to abuse and unrest. There are images showing hundreds of workers packed into trucks, sent back home, and Saudi Arabian officials have been caught on camera beating migrant workers and chasing them out of passport offices.²⁰⁹ Soon after the raids started, riots broke out in Manfouha, a neighbourhood in southern Riyadh inhabiting a large number of migrants. According to Saudi Arabian news reports, Ethiopian workers carried knives, rocks and broken bottles, threatening the police, pedestrians and motorists. According to Saudi authorities the clashes resulted in a Saudi and an Ethiopian being killed, leaving another 68 people injured.²¹⁰ Ethiopia's Foreign Minister claimed in the media that three Ethiopian citizens had been killed in clashes in the first

199 RMMS Monthly Summary November 2013.

200 IOM, 2013d.; see section 4.1 for more on the Ethiopian returnee crisis on the Ethiopian side.

201 Yemen Times, 2013.

202 BBC, 2013.

203 Yemen Times, 2013.

204 RMMS Monthly Summary November 2013.

205 IOM, 2014d.

206 Arab News, 2013j.

207 Arab News, 2013l.

208 Saudi Gazette, 2014.

209 Daily Mail, 2013.

210 Arab News, 2013c.

week of November 2013.²¹¹ On Wednesday 13 November, a 15-year old Sudanese boy was killed during the riots.²¹²

According to officials and state-controlled media, migrant workers are responsible for violence, including attacks on Saudi citizens, in the wake of the legitimate crackdown on irregular ('illegal') migrants.²¹³ Human Rights Watch, on the other hand, reports that Ethiopian migrant workers have been the victims of physical assaults, some of them fatal, following the government crackdown on foreign workers. Two Ethiopian migrant workers told Human Rights Watch that they saw groups of people they assumed to be Saudi citizens armed with sticks, swords, machetes, and firearms, attack foreign workers. Saudi authorities have, according to Human Rights Watch, spent months branding foreign workers as criminals in the media, and stirring up anti-migrant sentiment to justify the labour crackdown.²¹⁴ Indeed, Arab media reported a considerable drop in crime rates in the Kingdom in November, and quoted the assistant director of Public Security, who attributed the fall in crime rates to the crackdown on illegal workers, especially Ethiopians.²¹⁵

There is a similar contradiction in the way Saudi media and Human Rights Watch report on the treatment migrants awaiting deportation. Saudi media report that Saudi authorities were spending 1 million Saudi Riyals [USD 266,652] everyday by mid-November for shelters, food and drinks, transportation and mobile clinics for the upkeep of detained illegal Ethiopians.²¹⁶ Human Rights Watch reports that Ethiopians are being held in makeshift detention centers without adequate food or shelter, where Saudi guards give the detainees only one small meal of rice per day, and provide no access to medical attention. Many had been left without shelter during heavy rainfall in Riyadh in November.²¹⁷ Despite the unprecedented number of deportations, including Somalis who elsewhere are eligible for international protection as refugees (see section 4.1), the activities have attracted minimal interest in international press.

Other effects of the crackdown on irregular migrants

Although, in the past companies often complained about Saudi policy (which aimed at reducing the inflow of foreign workers) it has recently been reported that Saudi Arabia's current crackdown on illegal foreign workers is proving to be a blessing for local companies. Because illegal workers now have to find a sponsored job or risk being fined or deported, they are willing to take up jobs with lower salaries just to stay in Saudi Arabia. As of June 2013, 1.5 million foreign workers have managed to change their status, which is estimated to have saved local businesses USD 4 billion, according to the Saudi labour ministry. Businesses are reportedly now paying foreign employees' salaries that are around one-fifth of what they were before the crackdown.²¹⁸ Nevertheless, the campaign also showed Saudi's heavy reliance on foreign labour. A few days after the raids, arrests and deportations started, some companies almost stopped working, and contractors found themselves in trouble because manual labour had

211 BBC, 2013.

212 Arab News, 2013d.

213 The website of the English language Saudi newspaper Arab News is extensively used in this report because of its daily coverage on the deportations of irregular migrants. It should be noted however that, according to Freedom House, Saudi Arabia has one of the most censored media environments in the world, as well as some of the strictest internet practices.

214 Human Rights Watch, 2013d.

215 Arab News, 2013m.

216 Arab News, 2013f.

217 Human Rights Watch, 2013d.

218 Quartz, 2013.

become very scarce.²¹⁹ Housing unit prices were also expected to increase dramatically due to shortage of workers following the labour inspection raids. Many workers abstained from reporting to work for fear of arrest and deportation.²²⁰

219 Arab News, 2013g.

220 Arab News, 2013h.

3.4 The sponsorship system and domestic workers

The Kafala system

A quintessential aspect of Saudi labour migration policy is the *kafala* (sponsorship) system. The *kafala* system ties migrant workers' residency permits to "sponsoring" employers, whose written consent is required for workers to change employers or exit the country.²²¹ A non-Saudi cannot change his or her sponsor or job unless a release from the sponsor is issued, along with a new sponsorship from a new employer and an approval from the Passport and Labour Authorities. In addition, the sponsor has a set of rights over a migrant worker. A sponsor may choose to refuse to give a release to a migrant worker, or may recommend that the worker is deported, or may request that the authorities ban the worker from re-entering the country again for two years.²²² The sponsor can either be an individual or a governmental or private institution. As soon as the labour contract is no longer in place, the visa automatically becomes invalid and the worker has to leave the country. These regulations give immense power to the employer.²²³ Employers abuse this power to confiscate passports, withhold wages, and force migrants to work against their will.²²⁴

The sponsorship system and domestic workers

Domestic workers who wish to end their contract early require an exit visa and a court order to do so. By running away from the employer, the worker risks punishment by detention or deportation. The sponsorship system thus severely limits the freedom of domestic workers.²²⁵ According to the ILO, the *kafala* system is inherently problematic as it creates an unequal power dynamic between the employer and the worker.²²⁶ It can therefore result in forcible servitude, unpaid wages, intimidation and other forms of exploitation.²²⁷ It has been argued that Articles 13, 23 and 24 of the 1948 *Universal Declaration of Human Rights* are being violated daily against foreign domestic workers in the Middle East.²²⁸

Reforming the kafala system

For some time, Saudi Arabia has been considering ending or reforming the *kafala* system, although it seems no alternative system of recruiting or hiring domestic work has been seriously weighted.²²⁹ In 2008 and in 2010, Human Rights Watch reported that Saudi Arabia was considering a proposal to transfer sponsorship of domestic workers away from employers to three or four large recruitment agencies. The government argued that such a move would dissolve all smaller recruitment agencies, and leave it in a better position to monitor the large recruitment agencies that remained. In 2010 Human Rights Watch wrote that "despite numerous announcements

221 Human Rights Watch, 2013a, p. 605.

222 Khalifa, 2012, p. 3.

223 Vlieger, 2011a, p. 144.

224 Human Rights Watch, 2013a, p. 605.

225 Vlieger, 2011a, p. 144.

226 ILO, 2013b, p. 12.

227 USCRI, 2009.

228 Vlieger, 2011a, p. 146-147; These state: Article 13: Everyone has the right to freedom of movement and residence within the borders of each state; Everyone has the right to leave any country, including his own, and to return to his country. Article 23: Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment; Everyone, without any discrimination, has the right to equal pay for equal work; Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection; Everyone has the right to form and to join trade unions for the protection of his interests. Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

229 Witkamp, 2012, p. 44-45.

that reform was imminent, this idea has languished for almost ten years.²³⁰ Moreover, as Human Rights Watch warned already in 2008, such a system presents new challenges “by concentrating a lucrative industry under the control of a few large agencies that would still exercise enormous control over the lives of migrant workers. In order to prevent corruption and abuse of migrant workers by recruitment agents, any such reform should include checks and balances to protect the rights of migrant workers, including mechanisms for rigorous and independent monitoring.”²³¹ Moreover, there is reportedly a flourishing black market, where rules are circumvented, visas are sold, and thousands of immigrants do not work for their sponsors. All indicating that there must have been a formal blind eye to such practice.²³²

In April 2012, the Labour Ministry again proposed abolishing the *kafala* system by transferring immigration sponsorship to recruitment and placement agencies, but decided, once again, to retain the current system. A 2011 paper provides several reasons as to why the *kafala* system had not been abolished before then. The most important reason given by employers was the fact that they pay large fees (from USD 700 to USD 2,700) to agencies, governmental institutions and other parties when hiring a worker. As such, they do not want domestic workers to leave and work for someone else who has not paid these fees, and who would therefore be willing to pay a higher salary.²³³ A non-financial reason is the fear that immigration will grow even larger without the *kafala* system and the workers will no longer leave the country and will eventually ‘take over the country’.²³⁴

In 2005, Saudi Arabia adopted a new labour law, which included all sorts of rights for migrant workers. It guarantees, for example, that the workers are provided with written employment contracts stipulating: regular payments, the duration of work and the location of the work. Moreover, the law obliges employers to pay for migrant workers’ return air tickets and it protects the employee from having to pay recruitment fees. Nevertheless, this law excludes domestic servants²³⁵, who are the bulk of the workers and are women with particular vulnerabilities.

In July 2013, acknowledging that 1.5 million migrant domestic workers were still entirely excluded from the 2005 *Labour Law*, Human Rights Watch once again urged Saudi Arabia to amend its *Residency Law* to tackle *kafala*-related abuses, so that a migrant worker no longer requires a sponsor’s consent to change jobs or leave the country.²³⁶

Conflicts with countries of origin over migrant workers

In recent years, Saudi Arabia’s policy on migrant domestic workers caused several conflicts with countries of origin. Embassies from labour sending countries in Saudi Arabia report that abuses against domestic workers account for the vast majority of the complaints they receive.²³⁷ The Indonesian, Sri Lankan, and Philippine embassies handle thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year.²³⁸ Widespread abuse led the Philippines, Indonesia, Nepal, and Kenya to impose restrictions on their citizens from migrating

230 Human Rights Watch, 2010a, p. 17.

231 Human Rights Watch, 2008, p. 4.

232 COMPAS, 2013.

233 Vlieger, 2011a, p. 168.

234 Ibid, p. 170.

235 Witkamp, 2012, p. 20; Vlieger, 2011a, p. 141.

236 Human Rights Watch, 2013b.

237 Vlieger, 2011a, p. 48.

238 Human Rights Watch, 2010a, p. 11.

to Saudi Arabia for domestic work.²³⁹ In October 2013, as discussed, the Government of Ethiopia shut down the operations of all PEAs in Ethiopia and banned unskilled labour migration to the Gulf countries for at least six months. At the time of writing the ban is still in place. According to the Ethiopian government, the ban will remain in place until a solution is found to better manage regular labour migration.

In February 2013, Sri Lanka imposed a moratorium on domestic workers migrating to Saudi Arabia after the execution of Rizana Nafeek – charged for killing a baby - and demanded improved protection for its domestic workers. In a response, the Saudis increasingly turned to Ethiopians to meet domestic worker demands. The Chairman of the Jeddah Chamber of Commerce and Industry's Recruitment Committee noted that Ethiopians are a good alternative, perhaps because they are less expensive and because of Ethiopia's lax labour requirements.²⁴⁰

In a few instances, it was Saudi Arabia banning certain groups of migrant domestic workers. In mid-July 2013, Saudi Arabia decided to suspend hiring maids from Ethiopia, following a series of attacks by those maids on their employers,²⁴¹ although in another recent media report a diplomat at the Ethiopian consulate said Ethiopia had not received any information about the ban.²⁴² In 2011, Saudi Arabia blocked work permits for Filipino domestic workers, after the Philippines had demanded its domestic workers to be paid a minimum wage of USD 400 a month and an improvement of work conditions.²⁴³ Migration from the Philippines resumed in October 2012 after Saudi authorities agreed on a USD 400 per month minimum wage, but few other legal protections. In May 2013, the Philippines and Saudi Arabia also announced a bilateral agreement to cooperate on labour issues – the first such agreement Saudi Arabia has signed.²⁴⁴

Improvements in Saudi labour laws

In 2013, a few other improvements were made. According to the US Department of State, the Saudi government implemented regulations mandating the formation of new unified recruitment companies that will replace the prevalent model of sponsorship by individual people and companies, and will allow migrant workers to leave employers without losing their legal status in the country. During the reporting period of the most recent *Trafficking in Persons Report (2013)*, 13 unified recruitment companies were established in different parts of Saudi Arabia, and the government reportedly began to transfer sponsorship from individuals to recruitment companies.²⁴⁵ In early December 2013, it was reported that out of 20 recruiting firms that applied for licensing, 16 were approved.²⁴⁶

In July 2013, the Council of Ministers passed a new law, protecting the rights of domestic workers as well as their employers. The law allows domestic workers nine-hour free time daily (presumably to sleep most of it), a weekly full day-off, one month paid vacation after every two years and medical leave. Employers have the right to put the worker in probation for not more than three months. The worker should respect the teachings of Islam, obey the employer and his family members, protect their property, should not

239 Human Rights Watch, 2013a, p. 606.

240 Migrant Rights, 2013a.

241 Ethiopian Review, 2013.

242 Arab News, 2013b.

243 Aljazeera, 2013b.

244 Human Rights Watch, 2013b.

245 US Department of State, 2013, p. 320.

246 Arab News, 2013n.

harm children or elderly members and preserve family secrets. The worker does not have the right to reject work or leave the job without any genuine reason. Employers should pay the salary at the end of every month without delay, provide suitable accommodation and end-of-service benefits after four years. Penalties for first time violators of the law are 2,000 Saudi Riyal [USD 533] for employers and a ban from recruiting domestic workers for a year, and 2,000 Saudi Riyal for workers and a ban from working in Saudi Arabia.²⁴⁷

Finally, on 26 August 2013, Saudi Arabia's Council of Ministers passed a law criminalizing domestic abuse. The new law defines domestic abuse as "all forms of exploitation, or bodily, psychological, or sexual abuse, or threat of it, committed by one person against another, including if [that person] has authority, power, or responsibility, or [if there is a] a family, support, sponsorship, guardianship, or living dependency relationship between the two [individuals]." The law also classifies neglect as domestic abuse. The penalty for domestic abuse is set between one month and one year in prison and/or a fine of between 5,000 [USD 1,333] and 50,000 [USD 13,330] Saudi Riyals unless Sharia law provides for a harsher sentence. Judges can double the specified penalties for repeat offenders. Although it is welcoming that Saudi Arabia banned domestic abuse, Human Rights Watch criticized the new law because it is not yet clear which agencies will oversee the law's implementation. Moreover, "the law does not detail specific enforcement mechanisms to ensure prompt investigations of abuse allegations or prosecution of those who commit abuses. The new law gives an unspecified 'competent' government agency authority to investigate abuse allegations and take steps to ensure the safety of victims of abuse, and it authorizes the agency to refer cases to criminal justice authorities to arrest, prosecute, and convict perpetrators of abuse and remove dependents from an abusive guardian's care." According to Human Rights Watch the law is "merely ink on paper, without effective mechanisms to punish domestic abuse".²⁴⁸

247 Arab News, 2013a.

248 Human Rights Watch, 2013c.

3.5 Conditions of migrant workers in Saudi Arabia

Despite various reports of abuse, it was Human Rights Watch who in 2004 published the first comprehensive examination of the variety of human rights abuses that foreign workers experience in Saudi Arabia. In the years that followed, they continued publishing reports of abuse of migrant workers in Saudi Arabia. Many migrant workers paid large sums of money to recruitment agencies in their home countries to secure legal employment visas. Once in Saudi Arabia, they found themselves at the mercy of legal sponsors and de facto employers who had the power to impose oppressive working conditions on them. The majority of those workers endured gross labour exploitation.²⁴⁹ For example, a study published by the Filipino Committee on Workers Overseas Welfare found that 70% of workers employed as caregivers or without a specific work qualification suffer continuous physical and psychological harassment.²⁵⁰

Migrant workers face pervasive workplace abuses such as non-payment or underpayment of wages; wage exploitation; forced confinement in the workplace; excessively long working hours; and no rest days. They may also suffer physical, psychological, and sexual abuse; food deprivation and inadequate living conditions; confiscation of their identity documents; restricted communication; limitations on their ability to return to their home countries when they wish to do so; and exploitation by labour agents in their countries of employment.²⁵¹

Human Rights Watch documented numerous cases where workers were unable to escape from the abusive conditions or even to return home upon completion of their contracts because their employer denied them permission to leave the country.²⁵²

“Overwork” is one of the most common complaints received by embassies and the Saudi Ministry of Social Affairs. Most domestic workers reported working 15-20 hours a day, typically with one hour of rest or no rest at all. Domestic workers reported to Human Rights Watch of having to work even when ill or injured and had little access to health care.²⁵³ Overall, Human Rights Watch documented dozens of cases where the combination of these conditions amounted to forced labour, trafficking, or slavery-like conditions.²⁵⁴

In a 2011 doctoral dissertation, it was concluded by one analyst that domestic workers in Saudi Arabia can be considered slaves. “Because the labour relationship is perceived as a private issue in which the government may not interfere, no one protects the domestic worker from the power of the employer.”²⁵⁵

Not much seems to have changed in the past decade. In 2013 Human Rights Watch still concludes that many domestic workers endure forced confinement, food deprivation, and severe psychological, physical, and sexual abuse.²⁵⁶

249 Human Rights Watch, 2004, p. 2.

250 Asia News, 2012.

251 Human Rights Watch, 2007, p. 43.

252 Human Rights Watch, 2008, p. 3.

253 Ibid, p. 5.

254 Ibid, p. 2.

255 Vlieger, 2011a, p. 246.

256 Human Rights Watch, 2013a, p. 606.

Conditions of migrant workers in Saudi Arabia

“I was thrown out of the window by my employer, and broke my legs”.

Ethiopian girl in the transit centre for Ethiopian returnees in Addis Ababa, 29-01-2014

“The owner of the house, a woman, was very mean, she beat me, give me electric shocks, abused me. But when my family called, I said everything is fine. I thought I could endure and finish my 2-year contract to earn the money for my family”.

15-year old Ethiopian girl in Addis Ababa, 30-01-2014

“After I got sick, the owner took me to hospital and left me there. They did not visit me; I did not get my salary or my passport back. They just left me there; the government collected me and deported me to Ethiopia”.

24-year old Ethiopian women in Addis Ababa, 31-01-2014

"The boys were sexually harassing me and insulted me because I did not accept it. I protected myself by telling it to the women in the house. She told her husband and then it stopped".

17-year old Ethiopian girl in Addis Ababa, 30-01-2014

Although most victims of abuse are migrant women, few women approach Saudi authorities with these complaints, fearing being prosecuted themselves for adultery, fornication, or other moral misconduct.²⁵⁷ The number of runaways is, however, substantial. In 2011, embassies reported multiple requests on a daily basis and most safe houses are overly full. In 2011 for example, it was reported that the Jeddah deportation center housed 8,000 people in a facility for 5,500.²⁵⁸

257 Human Rights Watch, 2008, p. 4-5.

258 Vlieger, 2011a, p. 48.

3.6 Assistance to migrant domestic workers

Unlike other labour sectors, oversight of domestic workers falls under the Interior Ministry instead of the Labour Ministry in Saudi Arabia. Therefore, officials tend to emphasize oversight of migrant domestic workers as an immigration enforcement problem rather than a labour issue.²⁵⁹ A further problem in Saudi Arabia is that officially women are not permitted to go to the police on their own. They are supposed to go with a *mahram*, an unmarried male (a father, brother, son, or husband). Most migrant domestic workers, however, do not have *mahram* in Saudi Arabia. As a result, some policemen will not talk to them. Moreover, the language barrier presents one more problem. Poor knowledge of the Arabic language limits migrant workers' possibilities to protect themselves from exploitation.²⁶⁰ As they cannot access labour offices, some domestic workers write letters to the governor's office, the National Society for Human Rights, or to the Human Rights Commission, three governmental organizations that seem to function as ombudsmen.²⁶¹

Saudi Arabia also claims to have opened a hotline for, among others, domestic workers in distress. In 2011 it was reported that the hotline's phone numbers were so difficult to find that it is effectively useless to domestic workers in distress.²⁶²

There are two government-run shelters in Saudi Arabia. One is in Riyadh, for domestic workers who require exit visas, return tickets, identity documents, and who have on-going wage disputes with their employers. This, according to Human Rights Watch, represented a significant step forward in 2008 towards providing domestic workers with a mechanism to resolve immigration and labour problems. However, domestic workers must often "settle for unfair financial settlements and wait for months in overcrowded shelters with little information about their cases".²⁶³ Domestic workers also refer to the shelters as deportation centers. IOM reported that according to the Government of Ethiopia, there were, as of late 2013, 64 detention centres holding Ethiopian irregular migrants in Saudi Arabia.²⁶⁴ Exit visas are processed there for domestic workers who are unable to secure their employer's consent. Reportedly, domestic workers are not allowed to enter the shelter if they have a cold, fever, are pregnant, or have any other sickness. The staff members confiscate mobile phones and prevent domestic workers from contacting their families or making independent calls to consular officials. Without the freedom to leave, domestic workers reported that they believed they were in a women's prison or detention center.²⁶⁵

The other shelter in Jeddah was originally set up to help repatriate pilgrims who had lost their documents or overstayed their trip to Mecca. As the inflow in this centre became very large, in 2011 it was reported that many migrant workers were now refused entrance and consequently ended up under the flyovers of Sitteen Street, Jeddah, where hundreds of irregular workers sleep on the streets for months without proper access to sanitary facilities.²⁶⁶

259 Human Rights Watch, 2010a, p. 12.

260 Vlieger, 2011a, p. 182.

261 Ibid, p. 184.

262 Vlieger, 2011a, p. 196

263 Human Rights Watch, 2008, p. 6.

264 IOM, 2014c.

265 Vlieger, 2011a, p. 194.

266 Ibid.

Assistance to
migrant domestic
workers

Finally, there are hidden illegal shelters for runaways. However, runaways cannot always know whether these places have been set up with good or bad intentions. Some shelters allegedly forced women into prostitution.²⁶⁷

In many countries, trade unions or non-governmental or civil society organizations could be expected to represent the interests of labourers (including migrant workers), in assisting victims of trafficking, and exposing corruption and fraud. However, Saudi Arabia bans trade unions.²⁶⁸ Moreover, non-governmental organizations are state-controlled or non-existent in Saudi Arabia.²⁶⁹ The country does not allow NGOs to be set up.²⁷⁰

267 Vlieger, 2011a, p. 196.

268 Human Rights Watch, 2010a, p. 23.

269 Vlieger, 2011a, p. 165.

270 Vlieger, 2011b, p. 17.

3.7 Human trafficking

Saudi Arabia is, according to the *2013 Trafficking in Persons Report*, a destination country for men and women subjected to forced labour and, to a lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, Vietnam, Burma, and many other countries voluntarily travel to Saudi Arabia as domestic workers or low-skilled labourers, and many subsequently face conditions indicative of involuntary servitude (see section 3.5 on the conditions of domestic workers).²⁷¹ In a recent study, the ILO puts the number of victims of forced labour in the Middle East at 600,000,²⁷² although they did not provide a separate estimate for Saudi Arabia. However, in 2011 it was estimated that at least one-third of the domestic workers in the Emirates and in Saudi Arabia meet the definition of trafficking victims, as they regularly end up in situations of forced labour and exploitation. They are also regularly misinformed about important work conditions and they are often minors.²⁷³ According to this analysis, because there are 1.4 and 2 million domestic workers in Saudi Arabia, approximately 460,000 and 660,000 are trafficking victims.

Human trafficking

Saudi Arabia does, however, have an Anti-Trafficking law. The *2009 Suppression of the Trafficking in Persons Act* adopts the international definition of trafficking in Article 2, which “prohibits the trafficking of any person by any means, including through coercion or threat, or of fraud, or deception, or abduction, exploitation of a position or influence, or abuse of power or a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual attack, or forced labour or services, or begging, or slavery, or slavery-like practices, or servitude, or the removal of organs, or to conduct medical experiments.”²⁷⁴

The Act prescribes punishments of up to 15 years’ imprisonment and fines of up to the equivalent of approximately USD 266,700 for violations. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with disabilities, or if trafficking is committed by a law enforcement officer. The law does not address the withholding of passports and exit visas as means of obtaining or maintaining a person’s forced labour or service. However, in 2000 the Council of Ministers decided to prohibit the practice of withholding workers’ passports as a separate, lesser offense. There are no reports on Government’s efforts to enforce this decision and reports indicate that this practice continues to be widespread.²⁷⁵ In fact, it is argued that the situation of forced labour is reinforced by the fact that most employers still confiscate the passport of the domestic worker.²⁷⁶

The General Secretariat to Combat Human Trafficking is the main body responsible for coordinating the government’s anti-trafficking efforts.²⁷⁷ The Saudi police also maintain a 24-hour emergency anti-trafficking hotline

271 US Department of State, 2013, p. 318.

272 ILO, 2013b, p. 20.

273 Vlieger, 2011a, p. 296.

274 Human Rights Watch, 2010b.

275 US Department of State, 2013, p. 319.

276 Vlieger, 2011b, p. 5.

277 US Department of State, 2013, p. 320.

with operators who speak Arabic and English and several source-country languages. It is, however, unclear how many victims were identified through this hotline.²⁷⁸

The Government of Saudi Arabia does, according to the US Department of State, not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Government made limited law enforcement efforts against human trafficking during the reporting period of the *2013 Trafficking in Persons Report*. The government reported that it prosecuted, convicted, and sentenced 10 cases of forced labour, one case of forced begging, and two cases of sex trafficking under the anti-trafficking law during the reporting period. However, Saudi Arabia's Anti-Trafficking law covers offenses that are broader than human trafficking. As such, it is not clear whether these cases were human trafficking cases as defined by international standards, since the government did not provide the details to indicate which prosecutions and convictions were for trafficking. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses.²⁷⁹

The government did not make systematic efforts to proactively identify trafficking victims among runaway domestic workers and children who received assistance in government-run facilities. Some Saudi police and officials continued to arrest, detain, and sometimes charge runaway and illegal migrant workers who may be unidentified trafficking victims.²⁸⁰ No specialized shelter was available to victims of sex trafficking or male victims of trafficking.²⁸¹

An analysis of Wikileaks cables in 2012, revealed that many Saudi officials on the one hand deny or downplay the problems related to trafficking in persons, while on the other hand show an acknowledgement of the problems. They often outline and applaud the actions being taken by the government to combat trafficking in persons in the very same meetings in which they denied the existence of the problem.²⁸²

Trafficking in persons is a persistent problem globally. In 2011, it was estimated that the human trafficking business is about as large as the illegal arms trade and the drug trade combined, leading one author to conclude that "this kind of money can buy a lot".²⁸³ It was also argued that governments of labour-sending countries are more concerned with employment and remittances, which constitute a very large portion of their GDP. Therefore they do not make a strong stand for their overseas workers and do not want to embarrass hosting countries or jeopardise bilateral relations that exist. Muslim countries like Indonesia struggle with an additional problem: if they complain excessively about the treatment of their workers, they might not continue to be provided with visas for visiting Mecca.²⁸⁴

278 US Department of State, 2013, p. 320.

279 US Department of State, 2013, p. 319-320.

280 Ibid, p. 318.

281 Ibid, p. 320.

282 Witkamp, 2012, p. 49.

283 Vlieger, 2011a, p. 172-173.

284 Ibid.

4 Impact of current Saudi migration policies

As described, Saudi authorities launched a massive crackdown on irregular labour migrants early November 2013. Hundreds of thousands of migrants (including many Ethiopians and Yemenis) left the Kingdom voluntarily or have been deported. Moreover, Saudi Arabia tried to stop irregular migrants entering the country by resuming the construction of a fence along its border with Yemen.

These events impact the origin and transit countries in the Horn of Africa and Yemen region, and in particular mixed migration flows in this region, in several ways.

- Countries in the region, particularly Ethiopia and Yemen have to deal with the return and reintegration of large numbers of their citizens. Additionally, Yemen has to deal with stranded migrants who did not succeed in entering Saudi Arabia from Yemen;
- With fewer labour migrants in Saudi Arabia, remittances flowing back to the countries of origin will decrease;
- Due to the Saudi policy, fewer migrants might decide to go and try to enter the country, resulting in fewer arrivals on Yemen's coasts, and therefore shifting migration routes and the development of new migration routes;
- Finally, the question remains what the impact will be on Saudi Arabia itself and on future labour migration in the region.

4.1 Return and reintegration

At the time of writing, the most pressing issue is the return and reintegration of very large numbers of migrants to several countries of origin.

Yemen

The Yemeni Migrants Organization estimates 300,000 Yemeni migrants could be put out of work by the new Saudi policy. The Yemeni economy might struggle to cope with a massive influx of returnees. Especially when taken into account that these should be added to the large numbers of, mostly, Somali and Ethiopian refugees and migrants already in Yemen. Many of those were intending to cross the border in Saudi Arabia. However, the new Saudi policies, the increased border patrols and the new fence made this almost impossible. This places an increasing strain on Yemen. In early 2013 thousands of destitute migrants found themselves stranded in the border town of Haradh.²⁸⁵ However, as of early 2014 this figure reportedly went down to about 500.

Yemen requested IOM to provide assistance to Yemeni migrant workers forced to leave Saudi Arabia since April, even before the end of the amnesty period. The government asked IOM to support vulnerable returnees by providing basic assistance in terms of shelter, access to water, non-food relief items and hygiene kits and by asking for medical and other facilities in the border town of Haradh. Before the start of the deportations, IOM

²⁸⁵ COMPAS, 2013.

Return and reintegration.

used these facilities mainly to assist stranded migrants from the Horn of Africa. Since 2007, IOM also assisted almost 19,000 Ethiopian migrants to voluntarily return home. The number of stranded migrants continues to increase, while funding for the programme has shrunk. At the beginning of 2013, IOM was forced to scale back its operations.²⁸⁶

Based on interviews in Yemen it seems that most Yemenis are not staying in the border area after deportation. Most travel further south, going back home. It is difficult to pin down the effect of Saudi policy on Yemen, according to the Ministry of Human Rights. The Yemeni parliament called upon the private sector to play an important role in helping returning Yemenis to get jobs. Another respondent in Yemen however expected the returns will have a huge impact on Yemen, in terms of decreasing remittances and rising unemployment. The returnees often come back without any savings and will have difficulties finding a job. They may also be easy targets for recruitment by extremists (as Yemen continues to battle terrorism against the state, extremist insurgency and to some degree separatist/tribal conflict) because they are in need of money.

Ethiopia

Almost 160,000 Ethiopian migrants have been deported from KSA over the course of 3 months. Initially, because many Ethiopian migrants went to Saudi Arabia illegally, it seems the Ethiopian government as well as international agencies did not know what to expect. At first, it was expected some 23,000 Ethiopian migrants would be deported from Saudi Arabia. Soon however, the actual number already exceeded this figure by far. During the first visit by RMMS to Addis Ababa late November 2013, the Ethiopian government had just launched a new estimate of 80,000 returns. This figure was soon overshoot when the number exceeded 100,000 in early December 2013. Nevertheless, as ILO pointed out during an interview, it should not have come as such a surprise, with the annual number of regular labour migrants on average 150,000 and the estimated number of irregular labour migrant at least double that size. Among the returnees are both migrants who had spent the last 2-3 years in a detention centre as well as migrants who were recently rounded up during the labour inspections by Saudi authorities.

Many respondents in Addis Ababa feel that the Ethiopian government is doing the best they can, within their ability and limited resources, to provide a good structure for reception and reintegration of returnees. There are initiatives for example, run by MoFA and MoLSA to create jobs for returning migrants and they are exploring the possibilities to provide access to micro-finance. According to the MoFA they send 10 extra people to the Ethiopian Embassy in Saudi Arabia, to support Ethiopians by issuing a laissez-passer, arranging flight documents and by visiting Ethiopians in detention centres in Saudi Arabia.

Nevertheless, the scale of returns has been unprecedented. Although, the efforts by the Ethiopian government to effectively manage the returnee crisis are applauded by most stakeholders, Ethiopian migrants in Sana'a expressed their concerns about the reception by Ethiopian authorities of certain groups of migrants (those who are opposed to the regime). According to them, they are detained (and sometimes tortured) upon their return by Ethiopian authorities. RMMS has not been able to confirm this

286 IOM, 2013b.

during visits to Addis Ababa. Returnees in Addis Ababa did however report a lack of assistance by the Ethiopian embassy in Saudi Arabia and a lack of concern with human rights abuses of Ethiopian citizens in Saudi Arabia. Many of them expressed the opinion that the Ethiopian government should care more about the protection of its overseas citizens.

IOM is the leading agency in responding to the 'returnee crisis'. IOM provides reception at the airport with medical and psychosocial support, onward transportation, temporary accommodation, family tracing and reunification for UAMs, reinsertion and onward transportation allowance and treatment and rehabilitation of victimized female returnees. IOM cooperates with other IOM missions in the region²⁸⁷, with the Government of Ethiopia, IRC, UNICEF, OCHA, UNDP, WFP, WHO, World Vision International, UNECA, OXFAM Canada, Spanish Cooperation, DFID, Narcotics Anonymous (NA) and AGAR Ethiopia (local NGO).²⁸⁸ During the height of the returnee crisis in December 2013, there were 5 transit centres in Addis Ababa, while in January 2014 this was scaled down to 2 transit centres. As of early February 2014, the total number of returnees that had arrived at Bole International Airport was 158,125, of which 97,666 male, 52,119 female, and 8,340 children, including 514 Unaccompanied Minors (UAMs). 90% received post arrival assistance from IOM.²⁸⁹

IOM provided 8,725 returnees with post arrival medical support; among which 274 were referred for specialized care and 280 children were vaccinated.²⁹⁰ While at some point in December 2013, the average number of daily arrivals was almost 7,000 this went down to 345 during January 2014 and further down to 115 as of early February 2014.²⁹¹ Most of the returnees are from Amhara region (over 50,000), followed by Oromia (approximately 33,000) and Tigray (approximately 28,000). From the Amhara region, approximately 45% of the returnees are female, while from Tigray and Oromia, female returnees numbered approximately 25%.²⁹²

On arrival at the airport or in the transit centres, returnees collect their baggage (if it arrived) an allowance of 900 birr (USD 47), initial food (biscuits, some sugary sweet and water) and are registered. They can then go straight onto buses which will take them to a bus station, from where they can arrange their onward transportation home. If they arrive late in the day, or if any of the key elements are missing (they cannot find their luggage, it is too late to register or collect their allowance) they can stay at the transit centre and return to the airport the next day for the next stage in the process.

Although many seem to be keen to get back to their areas of origin (which is the North of Ethiopia for most of the returnees), many are also reluctant to face their families out of shame associated with returning home empty handed or after having suffered abuse.

It is therefore plausible that some will stay in Addis and try to find work or try to get out of the country again. Indeed, one NGO in Addis Ababa expressed its concern that many returnees might stay in Addis and never get on the bus. According to them, it is not properly monitored whether returnees really leave Addis Ababa after being taken to the bus station by IOM.

287 Somalia, Kampala and Nairobi have given support.

288 IOM, 2014b.

289 Ibid.

290 IOM, 2014c.

291 IOM, 2014b.

292 IOM, 2014c.

Return and reintegration.

"My father is very poor; he borrowed money and gave it to me to work in Saudi Arabia. How can I see my father's face now?"

15-year old Ethiopian girl in Addis Ababa, 30-01-2014

"We are very worried about the future; what will happen with these people in the future. They lost everything".

IOM health worker in the transit centre in Addis Ababa, 29-01-2014

The whole deportation operation is reportedly accompanied by serious abuses in Saudi Arabia.

"The police hit me with a stick and I broke my shoulder".

Ethiopian man in the TC in Addis Ababa, 29-01-2014

"The family threw me on the street and then the police arrested me and took me to prison. I came back only with these clothes, no money. Seven months I worked for them, but they gave me nothing".

15-year old Ethiopian girl in Addis Ababa, 30-01-2014

"They took me from the house because I was sick. They wanted to send me back to my country, but I refused because I was afraid they would take me to the police. Then they just left in the middle of the road. The police took me to a camp with other returnees. All my belongings are still with the family in Saudi Arabia".

17-year old Ethiopian girl in Addis Ababa, 30-01-2014

"They gave me medicine. I don't know if they slept with me, but before that they wanted me. I'm feeling they raped me".

15-year old Ethiopian girl in Addis Ababa, 30-01-2014

From detention centres in Saudi Arabia, Ethiopians were having their gold (having no bank accounts) and shoes confiscated, before being put onto buses and driven directly up to planes for deportation. During the first weeks of the operation, their luggage used to travel separately from the detention centres to Ethiopia and was not tagged by Saudi authorities. Returnees often did not know whether their baggage had actually been put onto planes.

IOM provides, in cooperation with the Ethiopian Ministry of Health, post-arrival health assistance at all sites. However, the system's capacity to deal with complex psychological trauma is overstretched.²⁹³ Especially since a significant proportion of the women returning from Saudi Arabia are mentally ill. They have been sexually abused in Saudi Arabia, denied of basic needs such as food and shelter, had to work 24/7 and have been denied salary. Two local NGOs running a shelter for female returnees suffering from mental illnesses – AGAR Ethiopia and Good Samaritan Association - provide essential and valuable support to these vulnerable women.

With thousands of returnees arriving every day – there have been days with almost 8,000 deportees – it proved difficult to properly screen for mental health problems. AGAR reported that they received migrant returnees via the Ethiopian police, who were encountered by the police on the streets of Addis in a confused state, which proof there have been cases of mental illness that were not diagnosed upon return.

Based on detailed reports from Addis Ababa received by RMMS, as of 27 November 2013, 95% of returning women were pregnant or lactating; the pregnancies have either come about from their own husbands or due to rape. It was reported that heavily pregnant women were put on planes, and there were several births in transit. Women pregnant by Saudi men sometimes want to abandon their children as they are afraid to return home in Ethiopia with Saudi-looking children.

Although IOM is applauded for leading the operation and the transit centres are considered to be well set-up, IOM's resources have been overstretched. In early December there was approximately one staff member for every 300 returnees at the airport; water, sanitation and hygiene (WASH) are a major potential public health hazard and food and water supplies were below optimal and sometimes lacking.

²⁹³ IOM, 2013d.

Box 3. The Transit Centre for returnees from Saudi Arabia

The RMMS consultant visited one of the IOM transit centres in Addis Ababa. At the time of the visit there are still approximately 800 people in the centre, although the capacity of the building is 5,000. There is a different floor for women and a different room for women with children. The majority in the building seem to be men and most of the returnees are very young. They come from rural areas, mostly from the North East of Ethiopia. Some of the returnees tell their stories. One man broke his leg, when he was attacked by thieves in KSA. One girl was thrown out of the window by her Saudi employer and broke two legs. Another man reports suspicions of organ theft:

“He was a healthy guy, 20 years old. Then he woke up in a hospital in Saudi Arabia, remembers nothing. Look at this scar. His kidney might have been taken out”.

Ethiopian man in the TC in Addis Ababa, about a fellow patient with a large scar along the belly and chest, 29-01-2014

One man tells he travelled through Djibouti and Yemen and worked in Saudi for 3 years. The employers took his passport.

“You come legal, but they take your passport and then you’re illegal. That is a big problem. Please help us”.

Ethiopian man in the TC in Addis Ababa, 29-01-2014

Some people in the TC look very desperate and ask for help. They are in the transit centre for one month already, waiting for their luggage which is still in Saudi Arabia. Often they had money in their bags. Without the luggage, they have nothing. However, most new returnees now seem to return with their luggage. The returnees say many Ethiopian migrants are still in Saudi Arabia.

“Many Ethiopians are still there, in prison camps in Saudi Arabia”.

Ethiopian man in the TC in Addis Ababa, 29-01-2014

Box 4. Shelter for female returnees

The Good Samaritan Association (GSA) is another local NGO running a shelter. GSA started working with victims of trafficking from Arab countries about six years ago and now also runs a women’s health clinic. In total, GSA received 96 women returning from Saudi Arabia, some of them arrived pregnant. Recently, one woman arrived paralyzed, as the Saudi family where she worked threw her off a balcony. On average, women spend 3 to 4 months in the shelter and most are between 18 and 30, although some are as young as 14. When women start talking and remember where their family is, GSA tries to bring them home and reunify them with families. At the time of the visit to GSA in January 2014, there are 8 women living in the shelter, located at the outskirts of Addis Ababa. One of them has lived in the shelter for 5 months, but has not spoken since her arrival. She’s sitting on her bed, motionless. One of the girls tells her story. She paid 10,000 Birr to a broker. Somebody in her village knew this broker in Addis Ababa. She left after her father died and flew to Saudi Arabia. She worked as a housemaid with a Saudi family. During the pre-departure training by the Ministry of Labour and Social Affairs, she learned you have to work 8 hours, but she had to work 20 hours a day. They tried to rape her, but she resisted and became aggressive. She has been deported and came back mentally ill, but is now feeling better and works as staff for GSA.

“Most common are sexual abuse and fractures”.

IOM health worker in the transit centre in Addis Ababa, 29-01-2014

All the issues as described above, give rise to serious human rights concerns over the operation that has been and continues to be (at the time of writing) carried out by the Saudi authorities. According to Ethiopian authorities, it is difficult to raise this issue at the government level without concrete evidence. Other stakeholders confirmed that Ethiopia is respecting its diplomatic relationship and not taking any drastic action. Human rights abuses are not systematically documented on arrival. IOM is apparently understaffed on this issue and the Government of Ethiopia has limited capacity to investigate individual cases.

Somalia

As of 13 February 2014, 23,692 Somalis have been deported to Mogadishu from Saudi Arabia.²⁹⁴ Although these numbers are much lower than the number of Ethiopian returns, in total some 33,000 are expected to arrive in February/March 2014, although this number has not been confirmed yet by Saudi authorities.

Moreover, it seems that at the time of writing, less elaborate assistance structures were in place compared to Ethiopia. Many of those already returned are, according to IOM Somalia, stranded in various districts of Mogadishu and cannot afford to continue their journey to reach their areas of origin in Somalia. Moreover, as in Ethiopia, many of these irregular migrants were arrested and held in detention centers in substandard conditions in Saudi Arabia before deportation. A significant number may have been subject to ill-treatment, including gender-based violence and many return with severe medical conditions such as physical and psychological trauma, psychiatric illness due to suspected rape, and respiratory illnesses including pneumonia.

Human Rights Watch interviewed Somali deportees in Mogadishu in February 2014. They told the researchers that the Saudi authorities had detained them for weeks in appalling conditions and described severe overcrowding, lack of access to air and daylight, sweltering heat and limited medical assistance. All complained about the quality and quantity of the food. With one exception, none of the detention centres had bedding and detainees slept on the floor. Some said Saudi security personnel and prison guards beat them. None of the returnees had been allowed to speak with UNHCR to discuss possible refugee claims. The Somalis also said the beatings and other abusive treatment continued during the deportation process. A woman in her ninth month of pregnancy, who was arrested and deported separately from her husband, told Human Rights Watch that a Saudi policewoman beat her on the back with a baton while she stood in line at Jeddah airport. She went into labour and gave birth on the cabin floor of the plane as it flew to Mogadishu. Another Somali said the Saudi authorities detained him for 57 days in five different detention centres. In one of the centres, there were 2 toilets for 1,200 people, including dozens of children. In another centre in Riyadh, the detainees had to fight over food as there was so little.²⁹⁵

Although fewer in number when compared to Ethiopia, there is a notable difference between Addis Ababa and Mogadishu in terms of the security situation to which the deportees return. To illustrate this, according to UNHCR, two Somali returnees who had just arrived at Mogadishu airport were killed the same day, while four others were injured during the explosion incident near the main airport gate on 13 February.²⁹⁶

294 IOM, 2014d.

295 Human Rights Watch, 2014.

296 IOM, 2014d.

On 28 January 2014, UNHCR issued a publication on current developments in South Central Somalia, related to the determination of eligibility for international protection of asylum-seekers originating from Somalia. UNHCR “considers that individuals who originate from areas affected by active conflict between the SNSF/AMISOM²⁹⁷ and Al-Shabaab (and/or related militia or armed groups) or from areas under the effective control of Al-Shabaab (and/or related militias or armed groups), may, depending on the individual circumstances of the case, be eligible for international protection under UNHCR’s broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order”.²⁹⁸ Therefore UNHCR “appeals to all states to all states to uphold their international obligations with regard to no forced returns, or *non-refoulement*. Somali nationals should not be forcibly returned to Somalia unless the returning state is convinced that the persons involved would not be at risk of persecution.²⁹⁹” Human Rights Watch concludes that the Saudi government is entitled to promote employment opportunities for its own citizens, but it needs to make sure people are not send back to life threatening situation.³⁰⁰

Early February, IOM reported there is an urgent need for immediate support to “save their lives”.³⁰¹ The Federal Government of Somalia requested for the support of IOM to intervene and provide assistance to the returnees as it has limited capacity to deal with such an influx. Moreover, the government is worried that the deported migrants might exacerbate the already dire situation in Mogadishu by joining the over 300,000 internally displaced persons. There are also concerns regarding the unpredictable security situation in Mogadishu. Furthermore, there is limited access for humanitarian actors to the final destinations of the migrants, and there are challenges with regard to appropriate accommodation for the returnees who are on transit and waiting for onward-transportation. IOM is planning a similar response to Addis Ababa, by providing reception and registration at the airport, health screening and referral services for psychosocial support, provision of food and water and onward transportation.³⁰² However, by the end of February the IOM operation is still limited due to operational constraints. Since the start of the operation, IOM registered 621 adults (506 men and 186 women) and 186 accompanied children, provided water and biscuits to 416 people, provided accommodation to 108 people and assisted 50 people with travel allowance.³⁰³

Other countries

Ethiopia, Yemen and Somalia are not the only countries dealing with large numbers of returning migrants. Several governments, for example, India’s state of Kerala, already have expressed concern about a sudden influx of returning workers, because of Saudi Arabia’s crackdown on foreign workers.³⁰⁴ It is reported that 150,000 Indians were deported from Saudi Arabia in 2013.³⁰⁵ In Sudan’s press there appeared a number of 300,000 deportations of Sudanese migrants, out of the estimated 900,000 living in Saudi Arabia. According to the Sudanese ambassador in Saudi Arabia these figures were however misleading. He announced by mid-November

297 Somali National Security Forces / African Union Mission to Somalia.

298 UNHCR, 2014a, p. 11.

299 UNHCR, 2014b.

300 Human Rights Watch, 2014.

301 IOM, 2014a.

302 Ibid.

303 IOM, 2014d.

304 Aljazeera, 2013a.

305 Financial Times, 2013.

2013, that 10,500 workers had gone back to Sudan taking advantage of the amnesty period and the embassy declared it had issued around 40,500 emergency travel documents.³⁰⁶ In early December, official media in Sudan said more than 11,000 workers had returned voluntarily after the amnesty ended.³⁰⁷

306 Arab News, 2013d.

307 Aljazeera, 2013c.

4.2 Remittances

Fewer labour migrants in Saudi Arabia will result in a decrease in remittance flows to the countries of origin. Remittances sent home by Yemeni migrants are an important source of income for Yemen. According to the World Bank estimates, total remittances to Yemen (not only from Saudi Arabia), amounted to USD 1.6 billion in 2010 and 2011 respectively, equivalent to 3.9% of the Yemeni's GDP.³⁰⁸ According to IOM Yemen, 75% of the Yemeni returnees arriving in Yemen (and who were interviewed) in October and November 2013 previously sent remittances home to their families in Yemen of up to USD 200 per month. IOM estimates this means USD 5 million lost in remittances for the months of October and November alone. The fact that the families will not receive these remittances anymore will have a major impact on them and the economy of their region. Most of them are returning to areas with high levels of food insecurity and malnutrition. The massive loss of income will, according to IOM Yemen, inevitably exacerbate this situation.³⁰⁹

Yearly, some USD 26 billion is sent from Saudi Arabia to families at home in Asia and elsewhere. As such, the 'Saudization' policy could potentially have significant economic effects in many migrant-sending communities.³¹⁰

Several respondents in Ethiopia however nuanced, or questioned, the effect the deportations will have on the Ethiopian economy, because the Ethiopian diaspora in the Middle East and the Gulf region consists of mostly workers in low-paid, unskilled jobs, very different from the Ethiopian diaspora in the North America or Europe.

That might be true on a macro-economic level, but with migrant workers often being the main breadwinners for families in poor rural areas of Ethiopia, their return is likely to have large economic ramifications on a micro-level. Moreover, in villages and areas with established 'cultures of migration' the return of many of its former citizens is likely to have a profound economic impact on the whole community as well, particularly as these areas lack the proper conditions for the reintegration of returnees.

308 Smith, 2012, p. 4.

309 IOM, 2013c.

310 COMPAS, 2013.

4.3 Shifting routes

Stricter border controls and migration policies, including bans on migration, usually will not stop migration, but lead to shifting migration means, routes and destinations. In response to the types of abuses described, some labour-sending countries have experimented with or called for bans on migration to Saudi Arabia. However, usually, such bans result only in migrants using less secure, illegal channels that may put them at greater risk.³¹¹ For example, in recent years, most Ethiopian women flew directly from the Addis Ababa airport. In 2009 however it was reported that, due to the establishment of an immigration checkpoint at the airport where permits must be shown prior to departure, it became more common for Ethiopian women to go to neighbouring countries before heading on to the Gulf. This makes it difficult for the government to track their movements.³¹² As the ILO puts it: 'poverty on one hand, and the increasing demand for cheap labour, on the other, with the cumulative effect of strict border controls and entry requirements of some countries, have fuelled irregular migration in general and trafficking in persons in particular.'³¹³

Currently, Ethiopia banned regular, unskilled labour migration to the Gulf States. Although respondents in Ethiopia acknowledge the importance of taking the time to put a new system in place to regulate labour migration, they are sceptical about the current ban. It will increase the demand for traffickers as people will still be inclined to leave the country in the coming months and will, to an even larger extent, have to use illegal means. The ban will thus not block irregular migration, only regular migration. Indeed, migrants in Sana'a expected that, despite the current Saudi campaign and crackdown on illegal migrants, migrants will always be going, assisted by smugglers.

Even though they are aware that it became increasingly difficult to enter KSA and migrants in Yemen even try to warn and convince each other not to go. Especially Yemenis are expected to try to get back into Saudi Arabia.

On the other hand, the construction of the fence along the border with Yemen, increased border controls and the mass deportations, eventually

311 Human Rights Watch, 2008, p. 7.

312 Fransen and Kuschminder, 2009, p. 19.

313 ILO, 2011b, p. 25.

Shifting routes

"We know that the situation in Saudi Arabia is really bad. But there is no other option".

Ethiopian man in Sana'a,
16-11-2013

“Oman is not really an alternative. We know of a lot of people who died trying to get to Oman, especially women and children. To get there, you have to cross a big desert”.

Ethiopian man in Sana'a, 16-11-2013

might lead to fewer migrants intending to go to Saudi Arabia. Moreover, if more than 100,000 Ethiopian returnees spread out over the country and share their experiences, which often will contain stories of serious abuse, this may impact future migration decisions. In that sense, the Saudi policies might not only lead to shifting routes into the country and the use of more illegal means of entering, but might actually lead to a lower number of migrants coming to Saudi Arabia. Additionally, the Ethiopian government together with its partners put great effort in awareness raising campaigns on trafficking and irregular migration in recent months.

As mentioned, current arrival figures on Yemen's shores seem to point in this direction. Figures already show a notable decrease of new arrivals from Ethiopia in Yemen as of late 2013 compared to 2012, with October, November and December 2013 showing the lowest numbers using the 'eastern route' out of the Horn for a least 4 years (only over 400 arrivals in December 2013, compared to over 4,000 in December 2012). Although it is not possible to prove a causal relationship, this could be, at least partly, caused by the Saudi policy, as well as by Ethiopian awareness raising activities in-country that aims to discourage migration.

If fewer migrants are going to Saudi Arabia, where else are they going, assuming the root drivers causing migration are still present? Migrants in Sana'a expect more Ethiopians will now choose other destinations, for example going south to Kenya, Tanzania and South Africa. Oman is not really an alternative, according to them:

According to IOM in Addis Ababa, there is currently no concrete evidence of Ethiopian migrants taking other routes as a result. Changes in routes may take some time because people often have a network along one route or at one destination and have yet to establish this along other routes and destinations.

Nevertheless, the increased strictness of Saudi authorities will not thwart the rising desire of some of the 80 million-strong Ethiopian population to migrate for better employment opportunities. The flow of those hoping to be smuggled into Saudi Arabia will continue, but is expected to be much more limited. Meanwhile alternative routes of migration will swell with Ethiopians increasingly using the southern route towards South Africa as well as the western route through Libya to Europe.³¹⁴

³¹⁴ RMMS, 2013f; for a detailed study on migration from the Horn of Africa through Sudan and Libya to Europe refer to another recent RMMS publication: RMMS (2014). Going West: contemporary mixed migration trends from the Horn of Africa to Libya & Europe.

4.4 Impact on Saudi Arabia and future labour migration from the Horn and Yemen to the Kingdom

It remains to be seen what the impact will be on Saudi Arabia itself when eventually 2 million out of 9 million migrant workers have left the country. Most respondents expect labour migration from Ethiopia to Saudi Arabia to continue after some months, as Saudi Arabia will still be in need of a large number of labour migrants, particularly for the low or non-skilled jobs. It is doubtful the Saudis will be able to fill the labour gaps left by migrant workers with Saudi nationals, particularly in jobs that are largely unpopular and thought to be poorly paid among the prospective national work force.³¹⁵

However, Saudi media quoted the Saudi Arabian Labour Minister saying that the number of Saudi citizens working for private companies had doubled in the 30 months since the Saudi government introduced wide-ranging reforms to tackle long-term unemployment.³¹⁶

In fact, Saudi Arabia continues to recruit migrant workers, including domestic workers. In 2013, Saudi Arabia's foreign missions issued more than 1.7 million work visas despite the *Nitaqat* nationalization campaign to replace expat workers with Saudi nationals. According to a national newspaper, the work visas were partly issued to reduce the shortage of workers due to the departure of thousands of foreigners, especially illegals, during the 'correction campaign'.³¹⁷

This makes the Saudi policy difficult to grasp. Why would they deport such large numbers of migrant workers and spend so much money on this operation, only to shortly re-engage in overseas recruitment to fill labour shortages or to regularise the situation of existing irregular migrants? As described, King Abdullah had made reducing unemployment among Saudi citizens a priority since popular unrest began toppling leaders across the Middle East in 2011.³¹⁸ It most likely has to do with showing the population that jobs are opened up for the Saudis now. This means there is a fair chance that the situation in Saudi Arabia, after some months of massive deportations, will return back to normal soon, with millions of migrant workers in jobs that have been filled by migrant workers for years.

315 RMMS, 2013f.

316 Saudi Gazette, 2014.

317 Arab News, 2013p.

318 Business Week, 2013.

Impact on Saudi Arabia and future labour migration from the Horn and Yemen to the Kingdom

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³¹⁹ The website of the English language Saudi newspaper Arab News is extensively used in this report because of its daily coverage on the deportations of irregular migrants. It should be noted however that, according to Freedom House, Saudi Arabia has one of the most censored media environments in the world, as well as some of the strictest internet practices.

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The Horn of Africa and Yemen region continues to witness large groups of people on the move. The routes and means used for movement are dynamic and responding to the political, military, geographical, economic and climatic changes in the region. Many in these mixed migration flows are forced migrants (refugees) and asylum seekers, others are fleeing environmental stress and economic hardship as economic migrants while others are involuntary migrants (trafficked).

Saudi Arabia, as all other major immigration countries, hosts unrecorded but large numbers of irregular migrants. Recently, Saudi Arabia has been one of the most active countries in the region implementing policies to restrict migration, particularly with the construction of a barrier along the Saudi-Yemeni border, observation posts, patrols in search of illegal migrants and mass deportations of irregular migrants. *The Letter of the Law* is RMMS's 4th research study in a series explaining people on the move in the region and offers analysis on regular and irregular migration in Saudi Arabia in a context of rapid change.



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