

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

24 November 2017

ZZZ106021.E

Kuwait and Palestine: residence status of stateless Palestinians, including access to employment, education, health care and other services, and the ability to travel in and out of the country; the requirements and procedures to renew residence status; treatment of stateless Palestinians whose residency status has expired (2015-November 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

For information on residence regulations in Kuwait, see Response to Information Requests KWT104739 of January 2014, KWT104834 of April 2014, and KWT105395 of January 2016.

1. Residence Status of Stateless Palestinians in Kuwait

According to sources, Kuwait is not a signatory to the 1951 Refugee Convention (DW 28 July 2016; UN 11 Aug. 2016, 7), nor its 1967 Protocol (UN 11 Aug. 2016, 7). A report by the UN Human Rights Committee as part of the 2016 Universal Periodic Review of Kuwait indicates that there is an "absence of a legal framework in [Kuwait] regulating asylum proceedings and defining a refugee, which leads to the arbitrary implementation of the prohibition of non-refoulement" (UN 11 Aug. 2016, 7). The US Department of State's *Country Reports on Human Rights Practices for 2016* notes that the government of Kuwait "generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other individuals of concern" (US 3 Mar. 2017, 14).

Sources indicate that, in order to reside in Kuwait, Palestinians must have a valid work permit (Research Associate 14 Nov. 2017; BADIL 6 Nov. 2017), as well as a *kafeel* [sponsor] (BADIL 6 Nov. 2017). Human Rights Watch also states that the legal residence and immigration status of foreign workers are tied to an employer, according to the *kafala*, or sponsorship, system (Human Rights Watch 27 Jan. 2017).

1.1 Ability to Sponsor one's Family

According to sources citing an article by Arabic-language Kuwaiti daily *Al Rai* published on 5 February 2017, a letter by the Ministry of Interior of Kuwait states that, in October 2016, the Deputy Prime Minister and Interior Minister decided to "treat Palestinians holding Palestinian passports like all other Arab residents holding Arab passports and to allow them to bring their wives and children into the country" (*Gulf News* 6 Feb. 2017; *Kuwait Times* 6 Feb. 2017).

According to a report on a press statement published by *Al Rai* by *Gulf News*, an English-language newspaper based in the United Arab Emirates, , the minimum monthly salary required for foreigners to sponsor family members was increased from 250 Kuwaiti Dinars (KD) [C\$1,050] to 450 KD [C\$1,890], as part of a plan to address a "demographic imbalance" in Kuwait, according to the Director General of Residency Talal Al Maarifi (*Gulf News* 16 Oct. 2016). The same source notes that the "measure will be implemented on all applications for family visas submitted following the publication of the decision" and that, according to the

Director General of Residency, there "will be some exceptions on humanitarian grounds regarding spouses and children" (*Gulf News* 16 Oct. 2016). An article by the *Kuwait Times*, an English-language daily newspaper based in Kuwait, also reporting information published in *Al Rai*, indicates that, according to the Director General of Residency,

[o]nly male expatriates are allowed to sponsor a family, according to Kuwait's residency laws. The average salary of a male expat in the private sector is only KD 247, according to the latest statistics. In case the husband dies, a working mother can sponsor her children, provided that her monthly salary meets the KD 450 minimum requirement. (*Kuwait Times* 16 Oct. 2016)

According to *Gulf News*, Kuwait also increased the minimum monthly salary required for expatriates to bring their spouse or children on a visit to Kuwait from 150 KD [C\$630] to 200 KD [C\$840], and 300 KD [C\$1,260] to bring a sibling or other relative (*Gulf News* 16 Oct. 2016). The new measures also stipulate that visas for parents may not be issued if they are over 50 years old, though exceptions may be granted (*Gulf News* 16 Oct. 2016).

1.2 Access to Employment, Health Care, and Other Services

Without providing further detail, *US Country Reports 2016* states that "[s]ocietal discrimination" against noncitizens was "prevalent and occurred in most areas of daily life, including employment ..., education, housing, social interaction, and health care" (US 3 Mar. 2017, 26). A 2015 article by Al Jazeera indicates that "relations between Palestinians and Kuwaitis have improved" since the Gulf War, but quotes a Palestinian journalist as stating that "[d]iscrimination continues by keeping Palestinians from government jobs, as well as government schools and universities" (Al Jazeera 6 Aug. 2015). In correspondence with the Research Directorate, a legal researcher at BADIL Resource Center for Palestinian Residency and Refugee Rights, "an independent, human rights non-profit organization committed to protect and promote the rights of Palestinian refugees and internally displaced persons" (BADIL n.d.a), with offices in Bethlehem and Geneva (BADIL n.d.b), stated that in Kuwait, Palestinians with work visas do not have access to public healthcare and education and "they must use private healthcare and education services" (BADIL 6 Nov. 2017).

1.3 Palestinian Teachers in Kuwait

According to sources, Kuwait lifted its ban on hiring Palestinian teachers (*Gulf News* 21 Aug. 2017; *The Arab Weekly* 27 Aug. 2017, 20). *Gulf News* stated that the ban had lasted 26 years and quoted Kuwait's Education Ministry as having announced that it "would be recruiting hundreds of Palestinians to teach mathematics and science in its schools" and that the teachers would be "hired from Palestine or locally from the Palestinian community in Kuwait" (*Gulf News* 21 Aug. 2017). Sources indicate that 180 Palestinian teachers were to be hired in the subjects of math and sciences (*Gulf News* 26 Apr. 2017), including 90 female teachers (Al-Monitor 6 Apr. 2017). *The Arab Weekly*, an English-language weekly newspaper based in the UK, states that "105 Palestinian teachers" were hired (*The Arab Weekly* 27 Aug. 2017, 20).

A May 2017 *Gulf News* article indicates that 77 Palestinian teachers had turned down the contract due to salary disputes (*Gulf News* 18 May 2017). A 2016 report by the *Kuwait Times* states that Kuwait had recently reduced "the monthly rent allowance paid to expat teachers in public schools from KD 150 [C\$630] to KD 60 [C\$250]" (*Kuwait Times* 16 Oct. 2016).

1.4 Ability to Travel in and out of the Country

US Country Reports 2016 notes that foreign workers "faced problems with, or restrictions on, foreign travel," including that the law

permits travel bans on citizens and nonnationals accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to impose one. This provision resulted in delays and difficulties for citizens and foreigners leaving the country. (US 3 Mar. 2017, 14)

Further information, including information on the ability for Palestinians to travel in and out of the country, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Requirements and Procedures to Renew Residence Status

Gulf News reports that in 2016, the "Kuwaiti interior ministry said that the Palestinian passport was not enough to grant them the residence permit that will allow them to stay and work in the country" (*Gulf News* 6 Feb. 2017). Another article by the same source states that this "legal hurdle was cleared one month later after

the ministry said it would request Palestinians to present their passports as well as their laissez-passers when they apply for the residency permits," and quoting an Interior Ministry official as stating:

We need the laissez-passer because it allows us to deport the expatriate home in case he breaks the laws of Kuwait ... It is the guarantee that we need as a security department so that we do not face the issues we faced when dealing with Palestinians carrying Syrian, Jordanian or Egyptia[n] documents who were not, upon their deportation from Kuwait, accepted back by the countries that gave them the documents. (*Gulf News* 26 Apr. 2017)

A 2016 article in the *Kuwait Times* reports, citing Talal Maarafi, Director General of the Interior Ministry's Residency Affairs Department, that "[n]early 8,000 Palestinians" in Kuwait had been

dealing with a dilemma for the past few months after Egyptian authorities stopped renewing their travel documents issued by the Egyptian government on grounds that they already carry Palestinian passports. However, those Palestinians could not renew their visas in Kuwait because Kuwaiti authorities were yet to recognize their passports as official documents. But this changes this week as the systems at all immigration departments around Kuwait will be updated to accept Palestinian passports, Maarafi said, adding that Palestinians with expired visas would then be required to obtain a certificate from the Palestinian Embassy to confirm that their passports are valid, before their new visas are printed on the passport. (*Kuwait Times* 16 Oct. 2016)

For information on documents required by Kuwaiti authorities when applying for residency permits, see Response to Information Request KWT105395 of January 2016.

3. Situation of Foreigners Whose Residence Status is no Longer Valid

US Country Reports 2015 states that

authorities deported approximately 22,000 foreign workers for violating the law or suspected of minor legal infractions instead of prosecuting them. In August the Ministry of Interior conducted surprise raids in all six governorates and detained 1,444 foreign workers for a variety of violations including petty crimes, possession of banned substances, and violations of residency laws. Reportedly, authorities deported all of those detained workers. (US 13 Apr. 2016, 4)

The same source also indicates that

[u]nder the law questions of status, and citizenship, and various provisions of immigration law are not subject to judicial review, so noncitizens arrested, for example, for unlawful residency, or those whose lawful residency is canceled due to an arrest, have no access to the courts. The law subjects noncitizens charged with noncriminal offenses including some residency and traffic violations to administrative deportations that cannot be challenged in court; however, noncitizens charged in criminal cases face legal deportations, which can be challenged in court. (US 13 Apr. 2016, 6)

According to *US Country Reports 2016*, there were "numerous reports of police arresting and detaining foreign nationals without a warrant, primarily as part of the government's action against unlawful residents" (US 3 Mar. 2017, 5). The BADIL legal researcher stated the following regarding the residence of Palestinians in Gulf countries, including Kuwait:

If their residency permit has expired and hasn't been renewed, then Palestinian refugees risk detention by the local authorities, and potentially deportation. We have been contacted by both Palestinian refugees who had been detained, and who have been deported. (BADIL 6 Nov. 2017)

The same source also noted that "if the kafeel, for any reason, stops guaranteeing you, then the country usually expels you" (BADIL 6 Nov. 2017). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to a May 2015 article in the *Kuwait Times*, reprinting an article from *Al Rai*, Kuwait's Manpower Public Authority "suspends companies with code 71 [1] if they violate the labor law by bringing workers from abroad or hiring local labor without actually providing them with real jobs or proving their need for such laborers," explaining that this practice is often used by human traffickers (*Kuwait Times* 11 May 2015).

In a June 2015 article, citing "Manpower Public Authority's Deputy Director Ahmad Al-Mousa," *Kuwait Times* reports that, under code 71, "[f]ake companies" were given until 1 August 2015 to "legalize their status," noting that "6,770 violating companies employing 33,000 laborers [needed] to address their situation" (*Kuwait Times* 4 June 2015). A January 2017 article by the same source cites "[a]ssessment and follow-up director at the Public Authority for Manpower Sabah Al-Mutairi" as announcing that "1,090 companies - including 90 fake ones - that were closed down according to code 71, had been referred for

investigations for violating labor laws in 2016" and that Al-Mutairi "expected these companies to be referred to prosecution" (*Kuwait Times* 15 Jan. 2017). The same article notes that "1,238 peddlers and laborers" were arrested and "deported for violating labor laws" (*Kuwait Times* 15 Jan. 2017). A May 2017 article by the *Arab Times*, an English-language Kuwaiti newspaper, indicates that expatriate workers registered with employers blocked by code 71 "will be given a grace period of 60 days for modifying their status and transferring their residencies"; after the end of this grace period, these cases "are referred to the violations committee" (*Arab Times* 6 May 2017). Without providing further detail, the same source further states that some groups are "excluded" from this grace period, including "husbands of Kuwaiti women, holders of the Palestinian document, and expatriate[s] with families (wife and children)," along with "certain humanitarian cases" (*Arab Times* 6 May 2017).

A September 2017 article by the *Arab Times* states that, as of August of that year, the "Ministry of Interior has deported 22,000 expatriates for various reasons including those violating the labor laws and criminals, and those who committed serious traffic violations" (*Arab Times* 10 Sept. 2017). The same source also indicates that the Ministry of Interior is "currently pursuing 80,000 expatriates for violating the labor and residence laws" (*Arab Times* 10 Sept. 2017). An October 2017 article by the *Kuwait Times* reports that 843 companies, employing 5,911 employees, had their commercial licenses suspended, while noting that the "raids focused mainly on empty offices of fake companies, in addition to other violations. The employees registered with these fake companies are working somewhere else or are unemployed (marginal laborers)" (*Kuwait Times* 30 Oct. 2017). The same source cites Abdullah Al-Mutoutah, Deputy Director for Manpower Protection, as stating that these raids will "eliminate human trafficking" and that they "aim to ensure that employers respect the rules of the labor law" (*Kuwait Times* 30 Oct. 2017).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] A 2004 article by *Gulf News* states the following regarding "code 71": Local Arabic daily Al Watan quoted informed sources at the Ministry of Interior as saying that computers belonging to Interior Ministry personnel manning entry terminals show a 'Code 71' marker on private fictitious firms whose files have been declared closed by the social affairs ministry. (*Gulf News* 8 Sept. 2004)

References

- Al Jazeera. 6 August 2015. Megan O'Toole. "[Palestine-Kuwait Relations: 'Ice has Started to Melt.'](#)" [Accessed 7 Nov. 2017]
- Al-Monitor. 6 April 2017. Huda Baroud. "[Palestinian Teachers Seize Golden Opportunity in Kuwait.](#)" [Accessed 7 Nov. 2017]
- Arab Times*. 10 September 2017. "[Doctors & Graduates Among 22,000 Expatriates Deported.](#)" [Accessed 14 Nov. 2017]
- Arab Times*. 6 May 2017. "[Code 71 Expats to be Given 60-Day Grace Period - Legalise Stay or Face Violations Committee.](#)" [Accessed 8 Nov. 2017]
- The Arab Weekly*. 27 August 2017. "[Palestinian Educators Return to Kuwait After Long Absence.](#)" [Accessed 8 Nov. 2017]
- BADIL Resource Center for Palestinian Residency and Refugee Rights. 6 November 2017. Correspondence with a Legal Researcher.
- BADIL Resource Center for Palestinian Residency and Refugee Rights. N.d.a. "[About BADIL.](#)" [Accessed 6 Nov. 2017]
- BADIL Resource Center for Palestinian Residency and Refugee Rights. N.d.b. "[Contact Us.](#)" [Accessed 6 Nov. 2017]
- Deutsche Welle (DW). 28 July 2016. Natalie Muller. "[Refugee Convention of 1951 Still Crucial Cornerstone of Human Rights.](#)" [Accessed 1 Nov. 2017]
- Gulf News*. 21 August 2017. Habib Toumi. "[Kuwait Removes Ban on Palestinians Teachers.](#)" [Accessed 7 Nov. 2017]

Gulf News. 18 May 2017. Habib Toumi. "[Palestinian Teachers Turn Down Jobs in Kuwait over Salary Dispute](#)." [Accessed 15 Nov. 2017]

Gulf News. 26 April 2017. Habib Toumi. "[180 Palestinian Teachers Vetted to Work in Kuwait](#)." [Accessed 7 Nov. 2017]

Gulf News. 6 February 2017. Habib Toumi. "[Kuwait Lifts Decades-Long Ban on Palestinian Workers](#)." [Accessed 8 Nov. 2017]

Gulf News. 16 October 2016. Habib Toumi. "[Kuwait Raises Minimum Salary Requirement for Visit Visas](#)." [Accessed 8 Nov. 2017]

Gulf News. 8 September 2004. "[Expatriates Sponsored by 'Bogus Firms' Stranded](#)." [Accessed 22 Nov. 2017]

Human Rights Watch. 27 January 2016. "Kuwait." *World Report 2017: Events of 2016*. [Accessed 15 Nov. 2017]

Kuwait Times. 30 October 2017. Nawara Fattahova. "[Kuwait Suspends 843 Fake Companies](#)." [Accessed 15 Nov. 2017]

Kuwait Times. 6 February 2017. "[Kuwait to Recruit Palestinian Teachers After Eliminating last Standing Hurdle](#)." [Accessed 21 Nov. 2017]

Kuwait Times. 15 January 2017. "[1090 Companies Including 90 Fake Companies Closed](#)." [Accessed 14 Nov. 2017]

Kuwait Times. 16 October 2016. "[Minimum Salary for Visit Visas Raised to KD 200](#)." [Accessed 8 Nov. 2017]

Kuwait Times. 4 June 2015. Meshaal Al-Enezi. "[Fake Companies Given Until August 1 to Legalize Status](#)." [Accessed 14 Nov. 2017]

Kuwait Times. 11 May 2015. "[Study to Transfer Visas Under Code 71](#)." [Accessed 8 Nov. 2017]

Research Associate, Refugee Studies Centre (RSC), University of Oxford. 14 November 2017. Correspondence with the Research Directorate.

United Nations (UN). 11 August 2016. Human Rights Committee. *Concluding Observations on the Third Periodic Report of Kuwait*. CCPR/C/KWT/CO/3 [Accessed 8 Nov. 2017]

United States (US). 3 March 2017. Department of State. "Kuwait." *Country Reports on Human Rights Practices for 2016*. [Accessed 8 Nov. 2017]

United States (US). 13 April 2016. Department of State. "Kuwait." *Country Reports on Human Rights Practices for 2015*. [Accessed 8 Nov. 2017]

Additional Sources Consulted

Oral sources: Center for Palestine Studies, Columbia University; Centre for Palestine Studies, London Middle East Institute, University of London; Group 29; Institute for Gulf Affairs; Institute for Palestine Studies; Institute on Statelessness and Inclusion; Kuwait Society for Human Rights; Law firms in Kuwait specializing in immigration; Palestine – General Delegation in Ottawa, Mission to the UK; Palestinian Refugee and Diaspora Centre (SHAML); Refugee Studies Centre; Researchers specializing in statelessness and migration in the Gulf states.

Internet sites, including: Amnesty International; BBC; ecoi.net; Factiva; Freedom House; Gulf Labour Markets, Migration, and Population Programme; *Haaretz*; *Human Rights Quarterly*; International Crisis Group; IRIN; *Jane's Intelligence Review*; *Journal of Refugee Studies*; *The Middle East Journal*; *Political Handbook of the World*; UN – OHCHR, Refworld, UNHCR.

[Tips on how to use this search engine.](#)

[Top of Page](#)

Date modified: 2016-01-05