



**CROSS-REGIONAL CENTER
FOR REFUGEES AND MIGRANTS**
the arab euro med network



PROGRESS REPORT ON MIGRATION FOR THE YEAR 2022

HOSTED BY



Insan Association
Defending Human Rights

Overview on the Cross Regional Center for Refugees & Migrants

The Cross Regional Center for Refugees and Migrants CCRM is a regional network comprising of active civil society organizations working on refugee and migrant rights issues in the Arab and Euro-Mediterranean regions CCRM it was founded in 2017 and includes more than 20 national, non-governmental and independent organizations from the MENA, Gulf and Mediterranean regions.

CCRM has been leveling up in working to promote the rights of refugees and migrants in the region and to amplify local, regional and international advocacy work on refugees and migrants through:

- 1- Combating Racism and Xenophobia against migrants, refugees and children on the move in laws and application across the MENA, Gulf and Mediterranean regions.
- 2- Aligning the standards and language of refugees, migrants and children on the move in the region with international standards.
- 3- Advocating for the rights of the refugees, migrants, and children on the move nationally, regionally and internationally, and ensuring a balanced and diverse representation of the region.
- 4- Fostering experience sharing, dialogue and cooperation between Civil Society organizations in the Arab Region and Euro Mediterranean countries.

Since the adoption of the Global Compact for Migration in 2018, CCRM consolidated itself along with the Action Committee as a membership-based global platform for collective civil society coordination and engagement for global policy and governance of migration, including advocacy and engagement with UN member states, UN agencies through the UN Network on Migration, the private sector, local authorities, and other stakeholders and partners at the global level.

Table of Contents

ACKNOWLEDGEMENT.....	1
INTRODUCTION.....	2
THE UNITED ARAB EMIRATES	3
BAHRAIN	7
SAUDI ARABIA	8
KUWAIT	8
EGYPT	9
CONCLUSION	10



ACKNOWLEDGEMENT

This report is the work product of a dedicated team of CCRM Secretariat held by Insan association with the participation of CCRM member organizations in the region notably the Middle East center for training and development for their valuable contributions.

Introduction

The Total number of people who cross international borders to live, work, study or seek refuge has drastically increased in the recent period. Migration has thus become a major issue on the international agenda.

International migration includes voluntary migrants who often leave their country-of-origin seeking better employment education, and forced migration due to crisis, which is characterized as one of the biggest challenges of our times and thus is subject of polarizing debates.

The Middle east and Northern Africa (MENA) is considered a prominent region of origin, transit, and destination for international migration and forced displacement.

Challenges that are faced by migrant workers in the MENA region are still similar to those of the past however Migrant workers are an essential part in the Mena region especially in the Gulf region labour force.

Playing an essential part in the labour Force, lead the vast majority of countries in the Arab States region to introduce some protections for domestic workers in line with Convention No. 189 and Recommendation No. 201, either through the inclusion of domestic workers in the labour law, in separate laws or in subordinate regulations concerning domestic work.

Legal Reforms have reduced the gap in legal protection between domestic workers and other workers. However, in relation to most other labour rights, legal protections for domestic workers still fall short.

Following the first report published in 2021, CCRM will target process in legal frameworks made in some MENA countries during the year 2022 for a better protection of migrants The below will cover only states that showed progress in that regard during 2022. Countries that did not will not be mentioned below.

THE UNITED ARAB EMIRATES

The United Arab Emirates is a member of the Gulf Cooperation Council (GCC) and is one of the wealthiest high-income countries, ranking as the second-largest economy in the Arab region. Holding a population of 9.1 million people; UAE nationals (Emiratis) constitute only 12% of this population. UAE is considered a significant recipient of foreign labour, and more than 200 nationalities are residing in the UAE. Migrant workers have a vital role in the development of the country across different sectors, historically, socially, and economically. Over the years, the government of the United Arab Emirates has taken necessary measures to strengthen labour migration governance with laws and policies for the advancement of its economy and for improving migrant workers' lives in the UAE.

In 2022, to strengthen migrant workers' rights, the UAE government implemented a regulatory and statutory framework aligning with global standards, which led to passing a number of laws and regulations.

The below section will shed light on laws regulating workers in the private sector in addition to laws regulating domestic work.

Federal Labour Law reforms in the UAE

Labour law (8) of 1980 was repealed in the year 2021, and the government of the UAE issued instead Cabinet Resolution No. (1) of 2022 to implement Federal Decree-Law No. (33) of 2021 Regarding the Regulation of Labour Relations. The new law came into effect on the 2nd of February 2022 and applies to all entities established in the UAE in the private sector. The Federal Decree-Law was amended to extend further rights to private sector employees, and to create a more inclusive environment for workers in the country.

The government also issued Ministerial Decree No. (46) of 2022 regarding Work Permits, Job Offers and Employment Contracts' Forms which entails implementing a standard employment contract, which must also conform with the offer letter shared with the potential worker. The ministerial decree also spells out how contracts can be terminated and makes it easier for workers to switch employers.

The Federal Decree Law (hereon referred to as the new law) introduced key changes that have greatly impacted business operations in the UAE, as well as employers' interactions with their employees. Some of these changes include the Abolishing of the Unlimited term Contract , while the old labour law made a distinction between “unlimited term” contracts, that are by their nature unlimited in time, and “fixed term” contracts that are for a specified period of time, the new Labour Law abolished the concept of an unlimited term contract and mandates that all employees must be employed on fixed-term contracts that do not exceed 3 years. Such contracts can be extended though.

Another reform introduced in the UAE is the flexible Permit; the law introduced the scope of flexible work, both part-time work and remote working is expressly recognized in the New Labour amendments. In respect to part-time work, the law now recognized part-time employees who will be entitled to annual leave on a pro-rated basis. Remote working arrangements are expressly allowed, but only with the approval of the employer.

New Amendments also included an increase in Maternity leave to 60 days (from 45 days under the old Labour Law) and is for the benefit of any pregnant employee, regardless of the term of service of such employee with the relevant employer. Other leaves were also introduced in the amendments, including paternity leave, in addition to compassionate or bereavement leave, study leave, further extensions of sick leaves, Haj / Umhrah leave, among others.

The new law also included that any overtime work is restricted to a maximum of 144 hours every 3 weeks and employees should not work more than 2 hours overtime per day. Payments for overtime work is calculated based on basic salary only. Employers shall not require employees to work on more than 2 consecutive days of rest. Under the amendments, employers are required to pay all dues to employees within 14 days of the termination date which will include the end of service benefits payable by the employer. This is a new requirement introduced by the amendments as the existing law is open-ended with regards to the timing of final payments and thus allows for some flexibility for employers.

Ministerial Resolution No.43 of 2022

The Ministry of Human Resources and Emiratization (MOHRE) issued Ministerial Resolution No.43 of 2022, an update to the UAE's Wage Protection System (WPS) and the ministerial resolution no 346 of 2022.

Under the new resolution, MOHRE implemented a series of administrative procedures against establishments that do not follow the provisions of the WPS, depending on the duration of the delay in paying workers' salaries, the size of the establishment and the number of employees that have not been paid¹. All non-compliant establishments, regardless of size, that fail to pay wages four months after the due date will face a suspension on new work permits.

Unemployment Insurance Scheme

The UAE government issued Federal Decree Law No. (13) of 2022 concerning the Unemployment Insurance Scheme which was implemented on the 1st, January 2023.

The insurance scheme is a form of insurance/social security that provides employees working in the federal and private sectors a compensation of 60 percent of their basic wage up to a maximum of AED20,000 per month for a maximum period of three months if they lose their jobs as a result of termination by their employers, if certain requirements are met². Although this insurance is mandatory to all workers in the private and public sector, unfortunately domestic workers are excluded from this law.

Domestic Work

In regards to domestic work, the United Arab Emirates issued Federal decree law no (9) of 2022 replacing the law no (10) of 2017 concerning domestic workers. The law came into force as of December 15th, 2022.

The law established a comprehensive framework to regulate labour relations for domestic workers recruitment and employment in the UAE. The new regulation stipulates working

¹ <https://wam.ae/en/details/1395303069774>

² <https://u.ae/en/information-and-services/jobs/unemployment-insurance-scheme>

hours, weekly breaks and leave for domestic workers and affirms the right of domestic workers to a paid day off per week.

The decree-law grants the domestic worker the right to keep their personal identification documents. It also stipulates the conditions and guidelines to grant the heirs of a domestic worker who dies during service in the UAE, along with the salary for the month in which they passed away besides paying any other applicable dues.³

Whereas the previous law didn't include protection against disability, the new law included non-discrimination against the disabled.

In addition to the above, the new law introduces an explicit prohibition against unauthorised deduction of wages, while the previous law listed circumstances in which wage deduction would be permissible, but did not clearly indicate that no other such deductions would be illegal.

The new law expands sick leave for domestic workers, as under the previous law, the second fifteen days were unpaid. Finally, the new law also gives the domestic worker the right to terminate a contract. Under the previous law, a domestic worker who terminated their contract after the probation period would not only have to pay for their own return ticket, but also pay the employer a compensation amount equal to one month's total wages. In the new law, the recruitment agency is required to pay for the workers' return ticket, and the worker does not owe any compensation to the employer. If a worker is recruited directly by the employer, then the worker is required to pay for the return ticket. The government also introduced certain categories of domestic workers under the new WPS amendments.

The Ministry of Human Resources and Emiratisation, also issued a Cabinet Resolution No. (92) Of 2022, concerning the Licensing and Regulating the work of Domestic Workers Recruitment Offices. In addition to an Administrative Resolution No. (36) Of 2022 concerning the issuance of a procedure manual for Licensing Domestic Workers Recruitment Agencies.

Worker Welfare Initiatives

There are number of departments in UAE continue to engage in worker welfare activities.

- The Permanent Committee of Labour Affairs (PCLA) in Dubai

³ <https://www.mohre.gov.ae/en/laws-and-regulations/laws.aspx>

- The General Directorate of Residency and Foreign Affairs
- Dubai Police,
- Dubai Municipality
- Dubai Courts
- Community Development Authority (CDA)
- Jebel Ali Freezone Authority (JAFZA)

It also implements multiple government procedures such as labour inspections, labour complaint referrals, and worker assistance as per its duties and authorities.

The Committee collaborates with civil society organizations, and the private sector across the Emirate of Dubai to extend support, services, and basic assistance to workers across the Emirate. It is mandated by its functions under the law to provide training and awareness programs to workers and employers across various industries to promote rights and to reduce labour rights violations.

Bahrain

Rules and regulations have been strengthened to prevent rights of domestic workers being violated by employers

Cancelation of the Flexi-Permit Visa

During the year 2022 a set of new labour reforms replaced the Flexi permit that was introduced in the year 2017, the move comes after the Crown Prince and the Prime Minister of Bahrain ordered the Labour Market Regulatory Authority (LMRA) on 5 October 2022 to cancel the Flexi-Permit programme.

The reforms aimed at enhancing protection of expatriate workers and streamline processes pertaining to registering for work or change of employment.

In addition to ending the Flexi-Permit, the LMRA is responsible to:

Establish new labour registration centers and an online registration portal to simplify worker registration procedures to facilitate the registration of workers.

Guarantee representation for any disputes between employee and employer

Implement measures to link professional work licenses to standards and qualifications.

Golden Residency Visa

Bahrain also introduced on February 1 2022 the Golden residency Visa allowing eligible categories of foreign nationals to reside in Bahrain for extended periods of time without having to renew their residence permit, while attracting investment and highly-skilled professionals into Bahrain.

Saudi Arabia

Saudi Arabia's Ministry of Human Resources and Social Development (MHRSD) has updated regulations that permit domestic workers to switch employers without their current employer's permission under certain conditions.

The previous ministerial decision had already set up ten cases that would allow the transfer of domestic workers' services without requiring the employer's consent, including non-payment of wages and the assignment of dangerous or potentially hazardous tasks.

The latest update adds two new scenarios: When the employer transfers the worker's services to a different employer without the worker's consent, and secondly, upon the termination of the labor contract by the employer during the probation period⁴.

Kuwait

Kuwait is considered a host country for a lot of migrants 70% of Kuwait's population is comprised of expatriates from countries in the Arab region⁵.

Kuwait holds the 2nd largest number of domestic workers in the Middle east after Saudi Arabia⁶.The share of domestic workers in Kuwait is 25.4% of total employment.

Domestic workers are excluded from the Kuwait Labour Law, The State of Kuwait promulgated Law No. 68 of year 2015 regarding domestic labour. The law was intended to

⁴ <https://hrsd.gov.sa/ar/node/1133595>
<https://www.zawya.com/en/legal/regulations/saudi-ministry-updates-rules-allowing-house-workers-to-switch-jobs-without-employer-consent-rt1hix5w>

⁵ <https://www.iom.int/countries/kuwait>

⁶ https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_831916.pdf

remedy legislative gaps related to the regulation of domestic workers' affairs, as the Labour Law No. 6 of year 2010 in the Private Sector did not apply to them.

During March 2022, The National Assembly approved an amendment to a law governing domestic workers, changing the word "servant" to "domestic worker" in all Kuwaiti laws to ensure they are in sync with international laws, especially those related to human rights⁷.

On April 21, 2022 Ministerial resolution number No. 22 of 2022 was issued. The resolution included provisions preventing the deduction of any amount from the worker's dues in any case, preserving his/her rights and obligating the employer to feed the domestic help, clothe him/her, and offer treatment if needed.

In addition, the minimum wage for domestic worker increased to KD75 per month as it was 60 KD in the law of 2015, adding that employer who makes late payment of wages to domestic worker, will have to pay KD10 every month, apart from the due wages.

The resolution also included articles that stipulate that an annual leave of not less than 30 days with pay will be given, upon spending 11 months at work, apart from weekly leave of 24 consecutive hours after every six work days. Overtime hours should not exceed two hours a day, and half-day wage for overtime work.

Egypt

Egypt is considered a country of origin, destination and transit. The current overall estimate of the number of migrants in Egypt is 9 million⁸

In April 2022 Law No. 22 of 2022 amending some provisions of Law No. 82 of 2016 on combating illegal migration and the smuggling of migrants was published in the Official Gazette.

The positive aspect of the Law was introducing harsher penalties for anyone involved in attempting or mediating, facilitating or participating in irregular migration activities⁹.

⁷ <https://www.kuna.net.kw/ArticleDetails.aspx?id=3030766&language=ar>

⁸ A Statement by H.E. President Abdel Fattah El-Sisi before the 75th Session of the UN General Assembly

⁹ <https://hrsd.gov.sa/ar/node/1133595>

Conclusion

Shortly, and what is reflected in all the countries mentioned above, there is a step towards moving away, slowly but surely, from the Kafala system and towards loosening the restraints put on the movement of migrant workers and on changing their employers. While one cannot deny the progress taking place, it is important to say that the international community, and especially civil society organizations and migrant based organizations, have played a major role in ensuring access to rights and their advocacy efforts are becoming stronger and reaching more decision makers by the time. The pandemic highlighted the existing gaps, while advocacy efforts and states self-interest has driven the governments towards the implementation of such rule, amendments, and resolutions.