

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 and as issues are expected to grow exponentially as climate change issues translate into more international migration.

International migration includes voluntary migrants who often leave their country-of-origin seeking better employment, education, and livelihoods, 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, and challenges that are faced by migrant workers in the MENA region are still similar to those of the past with some minor and varying improvements.

Socioeconomic conditions, political and economic instability, the war in Ukraine, and the Covid-19 pandemic in 2020 have all created severe economic challenges for migrants. The Covid19 pandemic exposed migrants to higher vulnerabilities than ever before imagined, including the non-payment of wages, mass lay-offs – many times without the possibility of compensation or end of service benefits, difficulties to remain in the country of destination due to an insecurity of legal status and difficulty to return home due to international travel bans, The lack of social protections became extremely apparent during the crisis, and not only affected the well-being of migrant workers but also created social and economic vulnerabilities for them and their families.

Although some Arab countries continue to attempt to amend their employment laws, the Kafala system or “Sponsorship” system is still prevalent in major parts of the region, which is based on restricted entry, rights, and a limited duration of employment contracts and visas – and often leads to “temporary migration” in the region.

Under the Kafala system, migrant domestic workers are excluded from the National labour legislation making migrants subject to lack of major social rights and protections, although some have recently either introduced or reformed their already existing domestic labor laws. The Kafala system ties the legal residency of the worker to their employer - “sponsor”, keeping migrants under the mercy of their “sponsors”. Since many countries in the MENA region either have separate laws for migrant domestic workers, have not yet integrated them within their national legislations, or have no laws at all covering domestic workers, employers usually have the upper hand with their domestic help, exposing the domestic worker to vulnerabilities such as the confiscation of identity documents, excessive working hours – most of the time without overtime compensation, and a restriction of mobility to prevent them from leaving their place of residence outside of working hours.

Other challenges faced by migrants include limited access to legal recourse, and limited knowledge and awareness of the available mechanisms in the country of destination in cases of mistreatment or abuse, weak and inefficient dispute settlement mechanisms, selective or inconsistent access to justice pathways, and absence of straightforward compensation schemes.

In addition, migrant workers and especially domestic workers in most of the MENA region are often invisible in governmental data and statistics, which in turn translates into their absence from policy discussions on their social protection.

These practices are all concerning and can contribute to a cycle of exploitation and abuse for migrant workers in the MENA region. Addressing these issues will require concerted efforts from governments, employers, and civil society organizations to promote fair labour practices and protect the rights of all workers, regardless of their nationality or immigration status.