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## **Kuwait and Migration**

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Affidavit

I hereby declare that this Master's Thesis represents my own written work and that I have used with no sources and aids other than those indicated.

In Pilsen, April 30, 2018

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## Abstract

The UNHCR office and its staff in Kuwait has been repeatedly asked the same question: “*Are there refugees in Kuwait?*” The answer is: “yes”. Refugees in Kuwait are a sensitive topic and do not enjoy any recognition or special treatment by the government, as the State of Kuwait is not signatory to the 1951 Conventions and its 1967 Protocol. These individuals are only considered as refugees by the UNHCR and under its mandate. UNHCR’s protection work in Kuwait has been done with an unspoken disapproval of the authorities, which limits the assistance provided and in the shadow of its highly praised external relations department as their work managed to raise millions of dollars for the cause of refugees around the world. This thesis examines, analyzes and describes the refugee communities in Kuwait and the protection environment regarding the Persons of Concern which fall under the UNHCR mandate. Through multiple interviews and on the ground professional work unique view is offered into UNHCR’s protection approach in Kuwait and into the steps taken to address the various protection concerns. Possible future roadmaps for enhancing protection of refugees in Kuwait and further suggestions for relevant entities including the UNHCR have been made within this research.

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# Introduction

In 2015 the world was once again flooded with new wave of refugees, this time it originated after a long lasting conflict in Syria. Europe and Syria's neighboring countries felt the human flow the most in terms of providing a shelter for those who are fleeing the violence. On the contrary, other countries which were not able to or didn't want to provide a shelter had to once again reach down into their pockets to help in the old fashioned way. During the "refugee crisis" the media started pointing fingers on those who didn't open their doors to the women, men and children who were fleeing the war. The focus was concentrated on the Gulf monarchies as these countries, unlike Europe, are sharing the same language and similar cultural and religious beliefs. Thus, most importantly, they also have much higher GDP than for instance Lebanon and Jordan which are hosting a large number of Syrian refugees. Although this thesis is not only about the Syrian refugees, it is worth mentioning them in the beginning as it catches one's attention. The Syrian refugee crisis reminded the world once again about refugees, people fleeing their countries, fearing death and persecution. Many of them living as refugees for generations.

As mentioned, neither of the Gulf countries opened its borders to refugees, to provide them with save a place and secure homes. On the other hand, this doesn't come as a surprise knowing the regional exclusive nationality politics and migration policies. Kuwait is a great example from the region, as it received an international recognition for its humanitarian leadership for the generous efforts which assisted many refugees. Yet, Kuwait officially doesn't have any refugees and is most probably not going to accept any. How is it possible for a country be recognized as a humanitarian leader for helping refugees without accepting any? Isn't a safe home and a sound place to build a life the thing refugees need the most? Even if it's just until they can go back home? It comes back to the International treaties, more specifically to the 1951 Convention and its 1967



Protocol which were not signed by Kuwait, therefore the country is not obliged to accept refugees, as it doesn't recognize them. Nevertheless, how would it even look if Kuwait would accept refugees? In order for a country to accept refugees it needs to have certain policies and systems in place, which ensure legal protection, social security and equal treatment leading to local integration.

We are able to examine the current protection environment and the state of refugees in Kuwait through the many Syrian, Iraqi and Somali nationals, who are currently residing in the country. These individuals are Persons of Concern to the UNHCR, as large number of them falls under the mandate, therefore are considered refugees. As a result, this thesis is aiming to analyze and describe the protection environment of the Persons of Concern to the UNHCR in Kuwait which will lead to better understanding Kuwait's international policies regarding refugees. It also offers an unusual angle to the problematic of migrant workers in Kuwait. Despite the fact that refugees in Kuwait are facing life threatening danger upon refoulement and their living conditions are far away from ideal, most research and advocacy work regarding Kuwait and its foreign population has been focused only on the abuse of domestic workers or on the issue of statelessness. As a matter of fact, very little research has been done into the protection issues concerning refugees inside of Kuwait.

Although, this thesis focuses of the protection environment of refugees and the work of UNHCR in Kuwait the title for the thesis was chosen to be "Kuwait and Migration". This derives from multiple reasons. First of all, from the Kuwaiti government's point of view; there are no asylum-seekers and refugees in Kuwait. Kuwait is not signatory to the 1951 Convention and its 1967 Protocol relating to the status of refugees, which means all non-Kuwaiti nationals are treated as expatriates, according to the Kuwaiti immigration law with no exceptions. Second of all, people of various nationalities migrate to Kuwait due to the high demand for workers of all skills, levels of education and nationalities. Refugees in Kuwait came as migrant workers, but after sometime living abroad new

circumstances arose in their countries of origin, which do not allow them to return. “*Sur place*” refugees are people who did not leave as refugees but ask for recognition of their status later, which is the case of refugees in Kuwait.<sup>1</sup> Therefore, the title “Kuwait and Migration” is more suitable and appropriate.

Throughout this thesis many references have been made to the prices of buying residency, medical care, education and to other relative subjects. All of the prices are stated in Kuwaiti Dinars, as of April 25, 2018 according to the exchange rate 1KD is 3.3 USD.<sup>2</sup>

## Methodology

Kuwait is a society built on personal connections and good network of contacts can bring a lots of benefits and useful, up to date information as the access to official written documents is rare. UNHCR has its own manuals and handbooks applied in all operations. Regarding the protection environment of refugees in Kuwait and in the Gulf countries in general, detailed reports and in-depth information about the work of these operations is hard to find, as not many documents have been published. Though word-of-mouth doesn't provide a perfect analysis, it is the best source to obtain information in Kuwait's circumstances. This path was also taken when verifying information written in news articles and obtaining additional context about the mentioned topics.

Methodologically, this paper is a descriptive analytical study which examines the protection environment of refugees in Kuwait and the response of UNHCR. The study was based on the insights gained during a six months UNHCR internship in Kuwait, supported by interviews and informal discussion with UN representatives, relevant

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<sup>1</sup> Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. *UNHCR*, p. 16.

<sup>2</sup> *XE Currency Converter: KWD to USD. EX.*

authorities, refugees and other stakeholders, and completed by news articles and reports.

A total of eleven interviews have been conducted through the snowball and actors identified approach. Depending on the interviews, many were conducted a semi-directive way and through informal discussions. The languages of the interviews were Arabic and English. Only one respondent agreed to have the interview audio recorded which was later transcribed, for others notes were taken. In order to respect interviewees request and for the protection of privacy and take into consideration the political climate in Kuwait, in most cases the names of respondents are not included and rather the organization or entity is mentioned.

## 1. UNHCR's Mandate, 1951 Convention and its 1967 Protocol

In order to fully understand the mission and work of UNHCR it is necessary to go back to the beginning and mention reasons for establishment of the UN and UNHCR and its mandate, the 1951 Convention and its 1967 Protocol, which are forming the daily work of UNHCR staff and the defining who is entitled to international protection.

The United Nations officially came into existence in October 24, 1949. After the UN Charter was ratified by the major signatories such as United States of America, United Kingdom, Soviet Union and China which were among the 51 powers which first signed the charter.<sup>3</sup> The UN's main reason for establishment was to replace the inefficient League of Nations and prevent another conflict such as World War II. Moreover, the world had to face the aftermath of the war, therefore in the following years multiple

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<sup>3</sup> *History of the United Nations*. United Nations.

agencies under the umbrella of the UN were established, among them was the United Nations High Commissioner for Refugees.<sup>4</sup>

The UNHCR's core mandate is to provide international protection and seek permanent solutions for the problem of refugees. The mandate is embedded in public international law, more broadly in some international law concepts, where the High Commissioner is alternative for in the function of diplomatic and consular protection for refugees and stateless persons, who would otherwise be stripped of the legal international representation.<sup>5</sup>

The centerpiece for international refugee protection and the core work of UNHCR today stands on the United Nations Convention adopted in 1951, colloquially known as the 1951 Convention, which was meant to tackle the refugee crisis which resolved from World War II. Therefore, the establishment of the High Commissioner was meant to be only temporary and was limited to the individuals fleeing the events which occurred in Europe before January 1, 1951. As the refugee crisis was nowhere close to being solved, the Convention had to be amended by the 1967 Protocol which lifted the geographic and temporal limits of the Convention.

The 1951 Convention Article 1 sets a universal definition of the term “refugee”, articulates the importance of protecting persons from political and other forms of persecution and sets standards for their treatment.<sup>6</sup> According to the convention “*a refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion*”<sup>7</sup>.

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<sup>4</sup> *History of the United Nations*. United Nations.

<sup>5</sup> Note on the Mandate of the High Commissioner for Refugees and his Office. *UNHCR*, p. 1-2.

<sup>6</sup> Convention and Protocol relating to the status of refugees. *UNHCR*, p. 2-3.

<sup>7</sup> *Ibid*, p.3.

Fundamental principles grounded in the Universal Declaration of Human Rights are also applied by this Convention to refugees. Therefore, international protection is to be granted without discrimination to race, religion, country of origin, age, sex, disability, sexuality or other prohibited grounds of discrimination. Moreover, as refugees are people fleeing persecution to another country, they are to be excluded from charges and penalties which would apply to them by the country's migration law for entering or staying illegally. The convention contains various safeguard against expulsion of refugees such as above mention non-discrimination, non-penalization and more over non-refoulement, which means "*no one shall expel or return ("refouler ") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom*".<sup>8</sup> In addition, basic minimum standards such as access to primary education, work, court and provision for documentations should be granted to refugees by the signatory States.

Despite the humanitarian, non-discriminatory, non-political and social nature of UNHCR work, not all people deserve international protection even if they fit the definition of a refugee. The exclusion clauses apply to people who could be considered persecutors, who committed crime against peace, war crime or a crime against humanity or acts contrary to the purposes and principles of the UN shall not be protected by the High Commissioner.<sup>9</sup>

The UNHCR's core mandated covers refugees, asylum seekers, returnees and stateless persons but the General Assembly it has been authorized to be involved under certain circumstances in providing protection and humanitarian services and assistance to internally displaced people.<sup>10</sup> Moreover, the mandate applies to emergency and non-emergency situation in both camp and urban settings. To simplify, the High Commissioner has a mandate with respect to refugees globally, regardless of the

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<sup>8</sup> Convention and Protocol relating to the status of refugees. *UNHCR*, p. 3.

<sup>9</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 19.

<sup>10</sup> Note on the Mandate of the High Commissioner for Refugees and his Office. *UNHCR*, p. 9.

location. As mentioned, the core function is to secure international protection, provide humanitarian assistance and seek permanent solutions for persons falling under the office's mandate. Other activities carried out by the UNHCR include, registration of refugees, refugees status determination, relief distribution, emergency preparedness, special humanitarian activities and broader development work.<sup>11</sup>

In order for the High Commissioner to exercise its mandate and achieve its objectives the commitment of the signatory States, collaboration with other UN agencies and partnership with non-governmental organizations is crucial. Ratifying States of the 1951 Convention and the 1967 Protocol are obliged to cooperate with UNHCR to exercise its function which is set out in the Statute.<sup>12</sup> As of April 2015 there were 142 countries whom have signed the 1951 Convention and the 1967 Protocol.<sup>13</sup> Within the Arab world, even countries hosting large numbers of refugees such as Jordan and Lebanon are not signatory to the Convention. Despite this, their governments have signed memorandums of understanding with UNHCR to work towards assisting refugees in the best possible way. Neither of the Gulf monarchies have ratified the Convention and its Protocol, therefore refugees and asylum seekers are treated as expatriates with very little rights for protection.<sup>14</sup>

## 2. Terminology

UNHCR uses specific terminology embedded in its mandate and the founding documents. The following chapter provides an explanation of the most important terms within UNHCR's framework, as well as for other terms which are frequently used within the thesis. Refugees, asylum-seekers, internally displaced persons, stateless and

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<sup>11</sup> Note on the Mandate of the High Commissioner for Refugees and his Office. *UNHCR*, p. 5.

<sup>12</sup> Convention and Protocol relating to the status of refugees. *UNHCR*, p. 4.

<sup>13</sup> States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. *UNHCR*.

<sup>14</sup> UNHCR Global Appeal: Middle East, recent development. *UNHCR*, p. 229-230.

returnees fall under the umbrella of UNHCR's mandate but due to the title and topic discussed, terms such as migrant and community are also included.

This chapter is not only aiming to provide explanation of the terminology, but it also focuses on providing a deeper view into the UNHCR's work and the solutions for the refugee problem which are known as the durable solutions. Most of the terms below are explained using the UNHCR Refugees Status Determination Handbook and the Resettlement Handbook.

## 2.1. International Protection

*“International protection are the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries.”<sup>15</sup>*

## 2.2. Person of Concern (PoC)

Widely used term by UNHCR which relates to several groups falling under the responsibility of the High Commissioner including refugees, asylum-seekers, returnees, stateless persons and, under certain conditions, internally displaced persons.<sup>16</sup>

## 2.3. Migrant

There is no objective definition of a migrant. International migrants are usually divided into groups by their motive or by the legal status such as temporary labor migrants, highly skilled and business migrants, irregular migrants (or undocumented/illegal

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<sup>15</sup> UNHCR Master Glossary of Terms. *UNHCR*, p. 13.

<sup>16</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 18.

migrants), individuals forced to migrate (usually due to external factors such as environmental catastrophes or development projects), family reunification migrants and others.<sup>17</sup> According to UNHCR, migrants do not face any direct threats such as death and persecution as refugees. They choose to leave their countries of origin in a search for better employment, education and opportunities. Moreover, migrants do not have any well-founded fear upon their return, they are coming back to a safe environment and they will continue to receive the protection of their government.<sup>18</sup>

## 2.4. Asylum-seeker

Asylum-seeker is an individual seeking international protection from persecution or serious harm in their home country. Yet, their refugee status has not been determined.<sup>19</sup>

## 2.5. Refugee

As mentioned in the previous chapter regarding the 1951 Convention, its Article 1 lays down the definition of refugees as any person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”*.<sup>20</sup> In addition to this definition, the mandate is extended to *“persons owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order”*<sup>21</sup>.

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<sup>17</sup> *Learning to live together: Migrant/Migration*. UNESCO.

<sup>18</sup> *UNHCR viewpoint: ‘Refugee’ or ‘migrant’ – Which is right?*. UNHCR.

<sup>19</sup> *Asylum-seekers: Seeking international protection*. UNHCR.

<sup>20</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 18.

<sup>21</sup> *Ibid*, p. 19.



In some cases, especially when fast reaction is needed to provide urgent assistance individual refugee status determination is timely consuming, therefore inconvenient. In this case, *prima facie* recognition of refugees comes into place, assuming the circumstances of the flight indicate that members of the group could be considered individually as refugees.<sup>22</sup>

## 2.6. Internally Displaced Person (IDP)

Internally Displaced Persons differ from refugees by the fact that during their flight they did not cross international borders. IDP's can be individuals or a group of people who have been forced to leave their home due to armed conflict, generalized violence, man-made disasters or violation of human rights in the area. Under certain circumstances UNHCR provides humanitarian assistance to Internally Displaced Persons.<sup>23</sup> There are no Internally Displaced Persons in Kuwait.

## 2.7. Stateless

Stateless person is an individual who is not considered as a national by any State under the operation of its law. It is the core of UNHCR's mandate to address statelessness as embedded in the 1954 Convention Relating to the Status of Stateless Persons. Statelessness can occur due to discrimination against women to pass on their nationality to children, discrimination based on religion, ethnicity or race and many other reasons. Stateless individuals can face problems accessing services such as medical care, education, employment or travel documents. Stateless persons may and may not be refugees.<sup>24</sup>

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<sup>22</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 19.

<sup>23</sup> *Ibid*, p. 24.

<sup>24</sup> *Ibid*, p. 22-23.

## 2.8. Returnees

Returnees are refugees who have crossed the borders back to their country of origin under the voluntary repatriation durable solution. UNHCR's mandate was traditionally supposed to end once a refugee returns to their country of origin but as the countries might face post-conflict situations in many cases UNHCR's involvement continues to monitor the security situation and protection environment. Moreover, UNHCR provides assistance, monitors returnee operations, participates in capacity-building role through training programs, development of infrastructure and material support.<sup>25</sup>

## 2.9. Community

There are many definitions of what community is. According to the Community Based Protection Manual, *“Community” can be described as a group of people that recognizes itself or is recognized by outsiders as sharing common cultural, religious or other social features, backgrounds and interests, and that forms a collective identity with shared goals. However, what is externally perceived as a community might in fact be an entity with many sub-groups or communities. It might be divided into clans or castes or by social class, language or religion. A community might be inclusive and protective of its members; but it might also be socially controlling, making it difficult for sub-groups, particularly minorities and marginalized groups, to express their opinions and claim their rights.*<sup>26</sup> To clarify the term community within thesis, it mainly refers to groups of people who are residing in Kuwait, sought asylum at UNHCR Kuwait and are carrying the same nationality. Although, these communities are divided into many other subgroups which were not further mentioned and discussed in details as the Kuwait's office has not explored these subgroups in ways which would be beneficial and relevant to the topic.

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<sup>25</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 24.

<sup>26</sup> UNHCR Manual on a Community Based Approach in UNHCR Operations. *UNHCR*, p. 14.

## 2.10. Durable Solutions

Referenced in the mandate, seeking and providing permanent solutions for the refugee problem is in the central of UNHCR's mission and vision. Durable solution will end the displacement cycle of a refugee, will provide a stable place to settle and lead a normal life. Finding the best solution may not always be an easy task and many external factors play an important role in the decision of a refugee and the UNHCR staff when assisting Persons of Concern to seek the most appropriate solution. There is no hierarchy to the solutions, in nature they tend to compliment each other, and when applied together they form a comprehensive strategy for resolving refugee situation.

Voluntary repatriation is one of the first solutions mentioned and is found the most desirable by many refugees and asylum States. Unfortunately, this solution is not always feasible due to the long lasting conflicts and violence. The conditions for voluntary repatriation are that a safe return with dignity is available, based on the refugee's free and well informed decision. For a country to become a suitable environment for repatriation it brings out major challenges not only for the country itself but also for the a international community. Many post-conflict countries are lacking survival and basic service such as drinking water, health care, education and infrastructure, which can makes the process very long and expensive. Among others, peace has to be established, judicial and economical system rebuild, political and social life restored. Some civil wars can leave various provinces unscathed and in control of relatively working and effective administrations, in this case voluntary repatriation might seem very desirable and suitable not only by hosting States but by individual refugees. Yet, repatriation of this kind should be done with extreme caution, as fragile peace and stability might not last for a long time and the flow of returnees can trigger a conflict.<sup>27</sup>

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<sup>27</sup> An Introduction to International Protection. *UNHCR*, p. 138-141.

All durable solutions depend on circumstances of the hosting State, country of origin, partners and the refugees themselves. Most importantly this applies in the case of local integration, the second durable solution, when the laws, possibilities and willingness of the asylum State are the key factors. Local integration is a process which takes place in three interrelated dimensions; legal, economic and social. Obtaining legal rights will assure that the person will be protected by the State. During local integration refugees should progressively obtain rights, similar those enjoyed by the citizens, leading to permanent residency and in some cases becoming a naturalized citizen. Economic rights will safeguard refugees future and independence. It is necessary that refugees become self-reliable, sufficient, and slowly less dependent on aid from the country of asylum and humanitarian assistance provided by other entities and organizations. In addition, economic independence will lift the burden of the hosting country and contribute to the local economy. Refugees seeking asylum in States with similar social and cultural backgrounds will find the process of being integrated easier. It is necessary that ties between the refugees and local communities are built which will allow refugees to participate in the country's social life without fear of discrimination and hostility.<sup>28</sup>

Resettlement, the third and last durable solution for the refugee problem, it is a transfer of refugee or a group of refugees from the country they sought asylum to another State, who has agreed to admit them and grant them permanent settlement and the opportunity of eventually obtaining a citizenship. As resettlement is not a right, there is no obligation for any of the signatory State of the Convention and its Protocol to offer places and admit refugees through resettlement programs. Comparatively, a small number of refugees benefit from resettlement, therefore the process has to be transparent and fair. In order to be resettled, refugees needs to meet the preconditions and fall under one of the resettlement submission categories. The submission categories are the following legal and/or physical protection needs, survivor or torture and/or violence, medical needs, women and girls at risk, family reunification, children

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<sup>28</sup> An Introduction to International Protection. *UNHCR*, p. 141-142.

and adolescents at risk and lack of foreseeable alternative durable solutions. In addition, each State has its own criteria for admitting refugees, hence the ultimate decision is within the accepting State. Due to the limited number of resettlement quota, it is not guaranteed that when fallen under one of the categories the refugee will be resettled. Resettlement is only used when the two other durable solutions have been considered and there is still an immediate threat on the life, liberty, safety, health or other fundamental rights of the refugee in the country where they sought asylum. This situation may occur in countries which are not signatory to the Convention and Protocol.

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Providing international protection for refugees is in the interest and responsibility of the whole international community. Thus, resettlement is in its very nature responsibility and burden-sharing mechanism of States. One of the goals of UNHCR is to increase the number of resettlement countries and to improve the programs so they could effectively react and deal with unexpected refugee emergencies.<sup>30</sup>

In some cases durable solutions are difficult to reach and provide in a timely manner. Meanwhile, waiting refugees can lose hope and the feeling that they have no control over their lives can be overpowering. Hence, it is important that self-resilience is encouraged, built and promoted within the refugee communities. Making full use of the refugee's skills and community's abilities has positive effects on the local community and the asylum State as well, since it reduces the burden of refugees being depended on assistance. Moreover, enormous impact on refugee mental health has been noted though self-resilience approach, it boosts their dignity and confidence providing a feeling that they have a control over their own lives. Besides, self-reliable individuals are more likely to cope and take on the challenges which come with each durable solution.

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<sup>29</sup> UNHCR Resettlement Handbook. *UNHCR*, p. 39.

<sup>30</sup> An Introduction to International Protection. *UNHCR*, p.143.

### 3. Major Events in Kuwait's Modern History and Their Effects on Migration

Kuwait, is a small monarchy located in the Gulf Region, sharing its borders with Saudi Arabia and Iraq. As other Gulf countries it is known for its oil wealth and conservative society. Kuwait's population has reached 4.5 million in 2018, with 70% being 3.14 million of the whole population expatriates and only 30%, ranging at 1.37 holding the Kuwaiti nationality.<sup>31</sup>

In 1960 the geopolitics of this region has dramatically changed. Great Britain lost its two major provinces, India and Pakistan, therefore it was not a priority to secure the sea and land roads which would grant them access from the Mediterranean to the Indian Ocean. United State's interest in this region has been growing as the US and its major trading partner's economies were dependent on oil shipped from the Middle East. Once Kuwait and Britain announced their join decision, Kuwait was granted independence shortly after. In June 1961 the State of Kuwait become a sovereign independent nation and sheikh Abdullah Al-Salim Al-Sabah was its first leader, leading the country towards modernity and development. Consequently, new constitution was written and first election to National Assembly were held. Despite the protest of Iraq, claiming Kuwait as part of the Basra region, the new nation of Kuwait was welcomed by the Arab League and in 1963 joined the United Nations.<sup>32</sup>

After the Iran-Iraq war, Iraq's economy suffered and oil prices dropped dramatically, at that time Kuwait's and UAE's oil production was on its rise. Subsequently, Kuwait started to drill oil from South Rumayla oil field which Iraq claimed to be within its territory. Additionally, Iraq's debt to Kuwait in the end of the war has reached

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<sup>31</sup> *Population by Nationality*. The Public Authority for Civil Information: Statistic Services System.

<sup>32</sup> CASEY, M. S., *The History of Kuwait*. p. 67-68.

approximately ten billion dollars and Kuwait declined Iraq's request to forgive this debt.<sup>33</sup> Considering the economic reasons and Iraq's historical claim over Kuwait's territory, Iraq's aggression was no surprise and reached its final point on August 2, 1990 when Saddam Hussein invaded and annexed Kuwait. Iraq's actions has been condemned by the international community and Kuwait was liberated again on February 26, 1991 by the US led coalition. Nonetheless, the trauma of the invasion was imprinted in the Kuwaiti society and almost every family lost a member during the invasion.<sup>34</sup>

The occupation did not only affect the Kuwaiti population but also the expatriates living in Kuwait at that time and unfortunately the relationship between the two was forever changed. During the invasion half the population including Kuwaitis and non-nationals fled the country. In May of 1991, after the vital services have been restored the government opened the door for Kuwaiti citizens who had fled and wished to come back. On the other hand, the government has been far more reluctant to allow two-thirds of the previous expatriates who fled to enter the country again due to security risks. Before the Gulf War, the largest foreign group were Palestinians, numbering to almost 400, 000. In contrast, only 30,000 of the Palestinian population remained in Kuwait during and after the invasion. The days following the liberation, recorded murders of dozens of Palestinians and Iraqis and torture of hundreds more, most of them have become victims to the animosities of private vigilante groups of which some were apparently linked to members of the ruling family. The brutal revenge was taken up due to the public support of some wealthy Palestinians around the world for the Iraq's invasion and annex of Kuwait.

The government decided to drastically reduce Kuwait's dependence on foreign labor by drafting new regulations and rules in order to ensure that Kuwait's nationals remain the majority in the State. The non-national population was supposed to be kept below 50%

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<sup>33</sup> KHADDUR, M. and GHAREEB, E. *War in the Gulf 1990-1991: The Iraq-Kuwait Conflict and Its Implications*, p. 276-278.

<sup>34</sup> CRYSTAL, J. *The Persian Gulf States: A Country Study: Persian Gulf War*.

and no single non-Kuwaiti nationality could not make up more than 10% of the total population. Regulations for issuing visas to dependents of expatriates became stricter posing minimum wage requirements on the applicants. In addition, Kuwaiti population was encouraged to grow by doubling the sum received by Kuwaiti men to \$14,000 upon marriage and discouraging from mixed nationality marriages.<sup>35</sup>

The new restrictions and exodus of foreign workers had serious economical consequences. The country suffered from brain drain in many fields as expats were holding high managerial positions, and represented large number of technical specialists and teachers. Kuwait started to pay attention to high quality training of its national population and begin to lean towards Asian market for cheap labor.<sup>36</sup>

## 4. UNHCR in Kuwait

In 1961 the Security Council unanimously decided to recommend to the General Assembly that the State of Kuwait be admitted as a member of the United Nations. This recommendation became official by adopting the resolution 1872 and admitting the State of Kuwait as an official member of the United Nations. Following, the State of Kuwait started to develop multiple activities to support the work of UN by making significant contributions, being an active partner and promoting the principles of the United Nations Charter.<sup>37</sup> Most importantly, *on April 8, 1996, "His Highness the Amir of the State of Kuwait, Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah (Minister of Foreign Affairs at the time) signed a cooperation agreement with UNHCR establishing an official presence in the country on behalf of the Government of Kuwait"*.<sup>38</sup> The offices and representatives of multiple UN specialized agencies are housed in a UN Building which

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<sup>35</sup> CRYSTAL, J. *The Persian Gulf States: A Country Study: Persian Gulf War. Reconstruction after the Persian Gulf War.*

<sup>36</sup> CRYSTAL, J. *The Persian Gulf States: A Country Study: Reconstruction after the Persian Gulf War.*

<sup>37</sup> *Kuwait and the United Nations.* Permanent Mission of the State of Kuwait to the United Nations.

<sup>38</sup> UNHCR. *Kuwait Responds.*



was inaugurated by the Secretary-General, Mr. Ban Ki-Moon in 2009 and was given to the UN as a gift by the State of Kuwait in order to ensure that the agencies are able to perform their responsibilities in a safe and appropriate environment. Among others, the United Nations Development Programme (UNDP), United Nations Human Settlements Programme (UN-HABITAT), International Organization for Migration (IOM), International Labor Organization (ILO), the World Bank (WB) and also the office of the United Nations High Commissioner for Refugees (UNHCR) office is located in this building.<sup>39</sup>

Upon Kuwait's liberation, the country was going through a transitional period and many issues needed to be addressed immediately, among them was the question of Iraqi national inside of Kuwait. These individuals were no longer welcomed and were being a subject of the aftermath animosities. They have become refugees, thus in order to assist them and identify durable solutions UNHCR office was established in Kuwait in August 1991 at the Radisson Sas Hotel. With only three international staff members, the office moved the following year to an office in Sharq and hired three addition local staff members; two secretaries and one driver. Most of the unwanted population including Palestinians, Jordanians and Iraqis were put in the Abduli Camp which was operating from 1991 to 1992. UNHCR carried out registration of refugees, conducted refugee status determination (RSD) and resettlement (RST) interviews and facilitate all departures. In 1992 a mission of Sweden and Denmark came and resettled many from the camp. As all of the refugees from the camp were resettled or repatriated the camp was closed.<sup>40</sup>

Nowadays, the UNHCR Kuwait Office is divided into two sectors; the external relations division which laises with the government and private sector to support and aid refugees around the world and the protection unit which facilitates protection of refugees inside of Kuwait and constantly searches and identifies feasible durable solutions.

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<sup>39</sup> UNHCR. *Kuwait Responds*.

<sup>40</sup> Interview with UNHCR Representative 4.

## 5. Kuwait as a Humanitarian Leader

*“Kuwait may be a small country in size but she has a big and broad and compassionate heart.”* Sounded in the speech of the UN Secretary-General Ban Ki-moon during the ceremony in 2004 when the humanitarian leadership of His Highness Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait, was recognized. The deepest tribute was paid to his highness and the people of Kuwait after the continuous humanitarian efforts and assistance they provided to the people of Syrian and Iraq who have suffered due to continuing conflict and emergencies. The humanitarian aid of Kuwait has not been limited only to the Middle East and its contributions helped to save lives in Chad, Ethiopia, Kenya, Nigeria, Somalia and Sudan.<sup>41</sup> Moreover, since the conflict broke out in Syria, Kuwait hosted three international pledging conferences and co-chaired two other pledging conferences. In 2014 the Amir made an *“official decisions to double the fixed annual voluntary contributions to a number of international agencies and organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the United Nations International Children's Fund (UNICEF). This has provided the humanitarian work of Kuwait with wider horizons and more comprehensive dimensions to promote direct cooperation in the various crises, with those international bodies.”*<sup>42</sup> In total, the State of Kuwait contributed an amount of USD 343 million through UNHCR between the years of 2013 to 2017. This generous contribution enabled UNHCR to assist over 7 million Syrian individuals. Considering the Iraqi crisis, Kuwait has been fast in reacting to the emergency which occurred in 2016 and donated USD 8 million in winter assistance which aided 12,000 Iraqi families. Other large crises such as the Rohingya and Yemen have also seen generous support from the State of Kuwait.<sup>43</sup>

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<sup>41</sup> *Kuwait's 'Exemplary Humanitarian Leadership' Has Saved Thousands of Lives, Secretary-General Says at Ceremony Recognizing Amir of Kuwait.* United Nations.

<sup>42</sup> UN chief honors Amir as 'Humanitarian Leader' – Sheikh Sabah recounts Kuwait's charitable initiatives. *Kuwait Times.*

<sup>43</sup> Saud Al-Sabah Institute Presentation. Kuwait: UNHCR.

UNHCR External Relations staff have over the years build partnerships and signed memorandums of understanding with key stakeholders in Kuwait such as Zain,<sup>44</sup> to support activities and raise awareness of refugee causes and most importantly the Alghanim Industries<sup>45</sup> to support education outreach activities in Lebanon.

## 6. Kuwait's Foreign Population Today and Related Regulations

With demand for professionals, experts and also manual and domestic workers the number of expatriates grew again after the Iraqi invasion. Nowadays 70% of Kuwait's population are foreigners. The largest community is the Indian with one million members, followed by the 700,000 Egyptian community,<sup>46</sup> other communities are Filipinos, who are mostly employed as domestic workers, Pakistanis, and Iranians. From the Arab nationalities large percentage of Syrians, Iraqis, Palestinians and Yemenis are present. Understandably, non of these individuals entered Kuwait as refugees but all came as "economic migrants" some of them obtained working visa, others came on family visas.

Kuwait welcomes qualified and unskilled workforce to live and work. On the other hand, finding a job and obtaining a residency can be a really difficult task for some due to the many requirements and obstacles imposed on the applicants. Moreover, depending on nationality, type of sponsorship and class status requirements can vary.

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<sup>44</sup> Mobile telecommunication company.

<sup>45</sup> One of the largest privately owned companies in the Gulf region.

<sup>46</sup> TOUMI, H. 15-year cap on expatriates in Kuwait proposed.

Kuwait has multiple laws restricting expatries in many aspects of life, for example on purchasing property, obtaining a driving licence, medicine availability and others. These laws and the overall approach towards expats makes the message very clear: this is a place for a limited time, where people come to work. Once the age of an individual or the economic circumstance do not allow them to work, they are not welcomed anymore and they should return. Despite this ideology which is hidden behind the country's legal system, some people have made Kuwait their home. They have been born and raised in Kuwait, they speak Kuwaiti dialect and in some cases, especially Somalian cases, they can't even speak their own language. Others have never visited their "homes" due to the security situation or political instability such as many Iraqis and Palestinians.

The following chapters highlight the most important aspects of life in Kuwait, such as having a legal residency, access to education and medical care and being able to afford basic viable services, focusing on the laws and regulations which are imposed on expatriates regarding these stipulations. Moreover, each chapter has a sub-chapter describing the protection concerns when the viable services and needs are hard to access or not met at all. To follow up on the topics, the thesis further discusses the various ways in which UNHCR Kuwait is addressing mentioned protection concerns.

## 7. Residency Permit

### 7.1. Obtaining New Work Residence Permit

Strict rules on entry and registration apply for all foreign nationals except of GCC citizens. All individuals permanently living in Kuwait must have an iqama (residency permit). The types of residencies are colloquially known by the article numbers in the immigration regulation. The most common types of residencies are work visa, domestic and dependent visa, which all require kafil, meaning a sponsor. Kuwait's kafala system

ties the individual's legal and residency status to the employee. However, some expatriates can sponsor themselves under the Article 24 by proving he/she has been living in Kuwait for many years and has the sufficient financial means.

Work visas are granted under the Article 17 for public sector employees and Article 18 for private sector employees. To enter Kuwait on a work visa, first job offer has to be accepted. The Kuwaiti employee has to apply for a work permit at the Ministry of Social Affairs and Labor and relevant documents have to be obtained from the Ministry of Interior. Applicants are also required to provide a medical certificate as a proof of their good health condition and being free of any epidemic diseases. Some nationalities have to provide good conduct certificate from the police. This will secure an entry permit, which will allow the individual enter Kuwait. If the individual is on a visit visa when he accepts the employment, once all the documents are ready he/she is obliged to leave the country and enter again under the entry visa provided by the new employer. All persons obtaining a new work residency have to undergo a medical test upon their arrival, which includes a blood test, serious infectious diseases such as AIDS and chest X-ray. Persons found to be infected by any of the diseases tested are immediately deported.<sup>47</sup>

A work iqama can be obtained for a maximum of 5 years. All public employees must bare the cost of residency by themselves, but in the private sector it is determined by the previous negotiations on the employment details and benefits. The cost is 10 KD per year plus additional 2 KD per year.

Renewing residency under the same employer is not a complicated or time-consuming process, as no medical tests are needed. The process should be started a month before the expiry date.<sup>48</sup>

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<sup>47</sup> *Kuwait Employment Visa and Residence Visa*. Visit Kuwait: Kuwait Visa Information.

<sup>48</sup> Kuwait: A copy of the laws pertaining to the permanent residency and exit requirements of foreigners in Kuwait. *Canada: Immigration and Refugee Board of Canada.*; *Kuwait Employment Visa and Residence Visa*. Visit Kuwait: Kuwait Visa Information.

Effective of 2018, new administrative decision has banned the recruitment of first time expatriates to Kuwait under the age of 30 years old.<sup>49</sup>

## 7.2. Dependent Visa or Family Visa

Upon obtaining residency, an employed man can sponsor his wife and children. A minimum salary limit has been set to allow individuals sponsor their families. When working in the public sector with residency on Article 17, minimum income required is at least 450 KD, on the other hand, employees of the private sector, Article 18 are required to have minimum income 650 KD. When both parents are working and their dependent child is for various reasons outside of Kuwait they can sponsor them with a combined of 350 KD. However, working wife can not sponsor her husband and sons over 21 years old and they have to transfer their residency to a work visa. On the other hand, daughters and parents can be sponsored with no age limitations. While residing in Kuwait on a family visa the individual is not allowed to work. Residency fee for each dependent applies depending on the sponsors residency type. For the first year the private sector employees have to pay a standard fee of 100 KD per individual in case of sponsoring wife and the first 2 children and 200 KD for individual for the remaining children. The fees are much lower for public sector employees being only 10 KD per individual for the first year in the case of wife and first 2 children and 100 KD for the remaining children for the first year. In all cases the renewal visa charge is 10 KD.<sup>50</sup>

## 7.3. Temporary Residency Visa

This type of visa permits the stay from 3 months up to one year. This visa can be obtained when regular residency is not available. Thus, it is only for limited purposes

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<sup>49</sup> Ban on recruitment of expats below 30 years of age for degree holders. *Arab Times*.

<sup>50</sup> *Kuwait Dependent Visa*. Visit Kuwait: Kuwait Visa Information.

such as settling a court case, personal emergencies (illness) or for western businessmen.<sup>51</sup>

#### 7.4. Retirement and losing residency

Once someone has reached the retirement age they will most likely lose their job, meaning they will no longer be able to obtain residency, unless their children are willing and eligible to sponsor them. The age of retirement is 65 years old for employees of the public sector and 60 years old for employees in the private sector. According to the regulations any person who has lived and worked in Kuwait is able to retire here as long as *“they have a private pension or state pension from their country of origin, and can prove that they do not plan to live off the state in Kuwait.”*<sup>52</sup> The amount required is around 10,000 KD. There has been some exceptions made by the government to pardon or lower the amount for certain individuals, with no detailed information on what grounds,<sup>53</sup> yet unfortunately most people do not meet the criteria of providing sufficient financial means or do not have the necessary connections, therefore are not able to retire in Kuwait.

Kuwait also grants other types of visa; student visa, domestic workers visa and others but as the Persons of Concern to UNHCR do not tend to enter or reside in Kuwait obtaining these types of visas and residencies the details won't be discussed due to the lack of relevance.

#### 7.5. Entry ban

In 2011, Kuwait Government banned 5 nationalities from entering Kuwait, including Syrians, Iraqis, Iranians, Pakistanis and Afghans, this ban was supposed to be

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<sup>51</sup> *Kuwait Dependent Visa*. Visit Kuwait: Kuwait Visa Information.

<sup>52</sup> *Visa cancellation and Retirement age*. Visit Kuwait: Kuwait Visa Information.

<sup>53</sup> Interview with the CBP Volunteer 1.

temporary due to the security unrest in these countries. Kuwait's authorities mentioned there has been an increase of family visas applications from nationals of these countries residing in Kuwait wishing to bring their relatives. Two years later Yemen was also added to the list. In the same year, the authorities claimed they have eased the ban by allowing wives and children of public sector workers to enter the country and for private sector worker's sons under the age of 15 and daughters under the age of 18.

The Kuwaiti authorities reformed the visa requirements and made it easier to obtain but excluded the five above mentioned nationalities.<sup>54</sup> The information whether or not a certain nationality can obtain a visit visa are difficult to find. On the other hand, by assessing asylum-seekers applications and consulting PoCs the majority who approached the office, holding Syrian, Iraqi and Yemen nationality claim that they were not allowed to obtain a visit visa for their families.

## 7.6. Deportation

According to the Kuwaiti regulations, there are certain crimes and offences, when accused and convicted of, the punishment for expatriates can be deportation. These offences include several traffic violations such as driving without a valid driving licence, and residency and labour laws including not working for the sponsor of one's residency, or overstaying a visa. During 2016 and 2017, around 2,200 expatriates have been deported on the grounds of these violation. Moreover, the deportation orders were only carried out by the police officers until this has been pointed out as an abuse, thus the law has been changed and deportation orders now require approval from the Ministry.<sup>55</sup> Unfortunately, it is very difficult for external researchers to conduct interviews in the deportation center not only with the detainees, but with the staff as well as many approvals from ministries are required due to the sensitivity of the issue. Thus,

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<sup>54</sup> JACOBSON, L. Donald Trump wrong to say Kuwait followed his lead on visa ban., TOUMI, H. Six nationalities excluded from Kuwait's new visa plan.

<sup>55</sup> TOUMI, H. Kuwait to deport 88 expats for breaking residency, labour rules.



information about the nationalities held in the deportation center and the treatment conditions were not able to be obtained.

### 7.7. Protection Concerns Regarding Residency

The recent downfall of the economic situation and policy of kuwaitization<sup>56</sup> costed many people their jobs especially in the public sector. People fear what is going to happen if they are not be able to find employment, therefore they won't have a sponsor for their residency. For some, the fear of unknown and instability, with no place to return to can be unbearable.

With aging parents reaching the retirement age, they are no longer able to obtain residency through their work, thus people need to find another solution how to stay in the country. As mentioned above, the same rules on sponsoring wife and children apply for sponsoring parents over the age 65, however additional financial requirements have been imposed in 2017. These restrictions are aiming to reduce the geographical imbalance of the population, which is currently making the Kuwaiti nationals minority in their own country. Moreover, as claimed by many, Kuwait has been recently concerned *“that some expatriates bring their family members to Kuwait especially their parents in order to have access to the subsidized state-offered medical services”*,<sup>57</sup> which is creating high pressure for the public medical facilities. The new regulations were effective immediately and were supposed to impact over 12,000 residents in Kuwait, who are currently sponsored by their children. Applicants wishing to sponsor their parents are required to *“produce a certificate of private health insurance and payment of 50 KD in health ministry insurance, apart from the payment of 200 KD per year per*

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<sup>56</sup> During December 2016 the Public Authority of Housing Welfare started to implement new policy aiming to reduce the number of expatriates in the public sector. Around 85,000 expatriates will be replaced with Kuwaiti nationals, and only in positions for which no qualifies Kuwaiti can be found a non Kuwaiti can be appointed.; *The Impact Of Kuwaitization On The Government And Expats*. The Expat Women.

<sup>57</sup> Bylaws issued for parental residence – Parents cannot sponsor children above 24 yrs on family visa. *The Arab Times*.

*parent. The rules said the private health insurance value will be between 300 KD to 600 KD for parents according to their age, bringing the total annual fee to a minimum of 1,100 KD and up to 1,700 KD.*<sup>58</sup> This financial requirements have made in nearly impossible for many to sponsor their parents.

The kafala system, has been widely criticized by the West, especially for allowing abusive treatment of domestic workers, which has been compared to modern slavery.<sup>59</sup> Consequently, the kafala system provides space for other forms exploitation of employees and many has made it a business, creating a black market for residency purchasing. Unfortunately, no official documents nor articles were found discussing this issue. The process of creating and “selling” residencies is done in a simple way, when a company lends a new project it requests a certain number of new employees. Usually, the numbers are overestimated and the company ends up with more slots employment spots than they actually need or even intended to hire at the first place. This makes the other residencies available to be sold. Understandably, it is illegal to have a residency on a company one is not working with and regular controls are conducted by the authorities, making sure all workers are present and no-one with different sponsor is working there. The missing or extra workers with different sponsorship can be always somehow justified. With many individuals and families being desperate, not wanting or being able to return home, people are willing to pay large amounts of money to obtain legal residency and stay in Kuwait. Depending on the sponsor, company, type of residency with the salary written and the individuals nationality the price of a residency varies ranging from 500 KD to 1,000 KD<sup>60</sup>.

Another legal issue faced by many refugees is not being able to renew residency due to the ban imposed when sponsoring family visit visa which has expired, this is the case of many Syrians residing in Kuwait. As the conflict broke out in Syria, despite the various

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<sup>58</sup> Up to KD 1,700 annual fee for parent’s visa. *Kuwaiti Times*.

<sup>59</sup> Walls at Every Turn: Abuse of Migrant Domestic Workers through Kuwait’s Sponsorship System. *Human Right Watch*.

<sup>60</sup> Interview with the CBP Volunteer 2.; Interview with a Refugee.

bans and restrictions on Syrians applying for family visit visa, during some periods Syrian residents in Kuwait were able to obtain a family visit visa, especially for wives and children. The visit visas are issued for three months and their holders are not able to transfer them to residencies; not a family dependent residency nor to a work residency. With many fearing to go back, the only acceptable option was to stay in Kuwait illegally. Visit visas are under usual circumstances not renewable without leaving the country, though some extensions for one month up to three months are possible depending on individual circumstances. On the other hand, some have been able to keep their visit visas valid for couple of years. The problem rises when the holder of a work permit, who has family members in Kuwait under his sponsorship on a family visa which has expired wants to renew his residency. His residency can not be renewed unless the fees which has accumulated on overstayed visit visas are payed. The fee for each overstayed day is 10 KD and the cap amount has been set on 600 KD<sup>61</sup> per individual. Paying 600 KD can be cheaper than renewing a visit visa, therefore some families wait until the sponsor needs to renew his residency, then he pays the 600 KD fine for each family member with expired visit visa to renew it, consequently renewing his own residency permit. This creates a financial burden on the family and many are not able to effort to pay the fines, which often leads to the sponsor losing his residency and staying illegally as well.<sup>62</sup>

The reasons for people being able to repeatedly renew residencies, with expired family visit visas linked to them or keep extending the family visit visa for long period of time are not clear. It might be through personal connections or due to some friendly exceptions adopted by the government for Syrian nationals which were not able to be identified further.

Keeping a legal status, whether it is valid work permit or a visit visa, is crucial for simply existing and accessing services in Kuwait. Illegal residents are not able to receive

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<sup>61</sup> *What happens in you overstay your Kuwaiti visit visa?. Kuwait Visa.*

<sup>62</sup> Interview with UNHCR Representative 1.

medical care in public nor private hospital and clinics, which makes them vulnerable and dependent on unofficial medical providers. Moreover, children can't be enrolled at schools and only walking or riding a car can pose a danger due to the many police checks and controls. In recent years there has been many crackdowns on illegal resident.<sup>63</sup> Once caught, illegals are brought to police station and deported. The fear of deportation is enhanced for Persons of Concern to UNHCR as their country of origin is not safe to live in, thus some choose not to leave the house in order to avoid any contact with the authorities.

### 7.8. UNHCR Addressing Residency Issues

UNHCR is aware that one of the most serious protection issues is illegal status of refugees, despite this UNHCR Kuwait is not able to provide any assistance regarding residencies. The office is not able to issue new residency permits, extensions nor to advocate on behalf of individual cases. As the State of Kuwait is not signatory to the Convention and its Protocol, therefore not recognizing refugees, all asylum-seekers and refugees are subject to the same treatment as expatriates. Immigration laws are created and endorsed by the sovereign decision of the State, thus UNHCR is not able to interfere. On the other hand, UNHCR is able to advocate thought capacity buildings for the government and relevant authorities for considering the various protection issues by adopting friendlier regulations towards the nationalities of concern.<sup>64</sup>

## 8. Health Care

Residency holders in Kuwait used to enjoy very low cost and high quality medical services in public facilities. They have been provided until October 2017 when a new

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<sup>63</sup> Over 1,000 expats arrested in major Hawally crackdown – Detained illegal residents face deportation. *Kuwait Times*.

<sup>64</sup> Interview with UNHCR Representative 2.

law was passed and higher charges were imposed on expatriates, thus making it challenging for some to access medical care. Public medical centers have seen an increase in patients seeking medical health care in recent years, making them crowded with long waiting lines. Additionally, many of the authorities claim that expatriates bring their extended families to enjoy heavily state subsidized health care, therefore higher fees have been imposed to ease up the government's financial burden to provide these services.

To be able to renew iqama, expatriates are required to pay 50 KD per person every year for insurance to access public hospitals. The standard visit fee to a general clinic was 1KD, including basic medicine and standard medical tests, later on it rose up by 100% making it 2 KD after October 2017.<sup>65</sup> With the new regulations coming into effect in 2017, patients have to pay 5 KD for a regular medical check-up in hospitals. Just to provide a brief example of the rapid escalation of prices, some services were provided without any charge such as stay in a public ward; however, nowadays the fee is 10 KD and staying in a intensive care is 30 KD per day. These fees include medicine, medical treatment, basic x-ray and laboratory tests. Surgery, more complex tests and x-rays are subject to an additional charge.

Higher prices apply to visitors, which have to pay 10KD doctor fee at a public hospital, not including any medicine, tests or x-rays. Other medical interventions can add up to hundreds of Kuwaiti Dinars.<sup>66</sup> Despite the high medical fees, Kuwaiti government shows its generosity when providing cancer treatment for expatriate children. All children under the age of 12 with valid residency are exempt for cancer diagnosis, treatment and medication.<sup>67</sup>

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<sup>65</sup> TOUMI, H. Expatriates in Kuwait now have to pay for medical services.

<sup>66</sup> FATTAHOVA, N. MoH details fee increases for expatriates, visitors.

<sup>67</sup> SALEH, A. MoH exempts expat child cancer patients from fees.

## 8.1. Protection Concerns Regarding Medical Treatment

The rise of medical fees became an additional financial burden for many families. PoC's started to avoid doctor visits and are trying to treat symptoms themselves or by asking for an advice from a local pharmacist and buying medicine over the counter. Additionally, depending on the specific type of medicine, some higher quality medicine are only for Kuwaiti nationals. In some cases, these medications are not available for expatriates or can only be purchased at a very high price. Among the ones not available are Creator, Plavix, Lipitor, Januvia, as well as some mental health medicine which can have a large impact on the patients' treatment. It has been a common practice by many expatriates, especially among the large communities such as Syrians and Iraqis, that family members, relatives or acquaintances who are travelling to their country of origin would bring back local medicine. This has been a convenient solution as the prices are much lower than purchasing the medicine in Kuwait as people are familiar with the medicine and its usage. Moreover, medicine from Egypt are widely brought to Kuwait and used by the Arab expatriate community due to their affordable prices and the large Egyptian population.<sup>68</sup>

The most concerning protection issue is access to medical services for illegal status refugees. Without a valid residency or a tourist visa, admission and treatment in public or private medical facility is not possible. The only solution for seeking professional medical advice is through personal connections. During emergencies such as car accidents, which are very common in Kuwait, individuals would be brought by an ambulance to a hospital, and upon recovery, they would be faced with a large medical bill and possible deportation from the country.

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<sup>68</sup> Interview with a Local Pharmacist.

Kuwaiti government grants special attention and generosity towards Kuwaiti families who have children with special needs. Unfortunately, this is not extended to the expatriate population which results in asylum-seekers and refugees with children with special needs finding themselves in a very difficult situation. Special needs cases are most common among the Somali community and some within the Syrian community with most cases being autism and mild cognitive delay. Depending on the child's diagnosis and severity of the disability, there are almost no schools accepting these children into regular curriculum programs, additionally, special needs schools are mostly for Kuwaitis with sky ranging annual fees with minimum of 1,500 KD.<sup>69</sup> Moreover, even specialized centers for autism offering behaviour therapy and counselling for parents are not accessible due to the very high fees. This results in leaving the children behind, in most cases staying at home and not accessing any professional care, leading to increase of bad behaviour and growth of the family desperation.<sup>70</sup>

## 8.2. UNHCR Addressing Medical Issues

Severe medical cases, needing a specialized and extensive treatment which can not be accessed in Kuwait might be considered for resettlement. Many asylum-seeker applicants are claiming that their sickness or disease has no accessible treatment in Kuwait. Yet, the UNHCR office has no medical expert in the protection team, therefore, all the staff members need to familiarize themselves with basic and most common medical issues faced by persons of concern and the availability of treatment in Kuwait in order to assess these cases and their urgency.

UNHCR is currently working on an agreement which would seal the cooperation with Patients Helping Fund Society, Kuwaiti non-governmental organization, providing assistance to the most vulnerable individuals seeking medical care. Despite the

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<sup>69</sup> Information obtained during UNHCR's internal meeting with Applied Behaviour Center and phone call to Ideal Education School.

<sup>70</sup> Information obtained during reviewing asylum-seekers applications and counseling at UNHCR Kuwait.

agreement being still under review, the organization is already offering their services for individuals referred by UNHCR. Patients Helping Fund Society covers the costs of X-rays, tests, treatments and the majority of medicine except certain types which alternatives or less expensive substitutes exist. On the other hand, it doesn't cover hospital entrance fees, fees of external clinics within public hospitals nor the fees on hospital dwelling based on recovery or emergency stays. When individuals are referred by UNHCR with a certified letter or a document, they are exempted and treated exceptionally in case of incomplete documents submission to Patients Helping Fund.<sup>71</sup>

## 9. Education

Education is one of the most important investments not only to the future of children but also for the whole family. Educated individuals are more likely to be hired for well paid jobs and obtain residency in a country like Kuwait. Unfortunately, public education in Kuwait free of charge is only available for Kuwaiti nationals and for children of public school's teachers, with some exceptions made for children of the diplomatic community. The only expatriate nationals who is allowed to enroll their children in public school until Grade 12 are Somalis. Other nationalities, such as Syrians and Iraqis need to enroll their children in private institutions. Private schools in Kuwait are following various curriculums, among them are Pakistani and Indian schools, British and American, which are all taught in English, the last group are Arabic schools, which are preferred by Syrian and Iraqi nationals. Despite the rich range of schooling options, school fees are still a significant expense for most families. Indian and Pakistani school are among the most affordable with prices ranging from 240-400 KD per year. Arabic schools are in the middle price range with tuition fees from 300-600 KD.<sup>72</sup> On the other hand, private american schools, for example the American Baccalaureate School, have their fees as

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<sup>71</sup> Interview with UNHCR Representative 1.

<sup>72</sup> Interview with OSMAN, Rana. Egyptian Teacher.



high as 2,500 KD<sup>73</sup> per year, not including books and uniforms. Moreover, the tuition fees increase with higher grades.<sup>74</sup>

### 9.1. Protection Concerns Regarding Education

Despite the fact that Kuwait signed the Convention on the Rights of the Child on June 7, 1990 and ratified it on October 21, 1991,<sup>75</sup> some concerns have been raised by NGOs and UN bodies on the States fulfillment of this convention. The convention portrays a series of recommendations for the well-being of children, and the respective responsibilities for the government in the case of the absence of parents or legal guardians, although, no unaccompanied youth cases have been registered by UNHCR. Moreover, Kuwait has some reservations regarding article 7 and 21, on all provisions of the Convention that are incompatible with Islamic Shari'a and the local statutes in effect.<sup>76</sup> Even though, a formal commitment has been made, only little attention and change took place in some matters including early marriage, trafficking of children, discriminatory laws on nationality, discrimination in the provision of education, discrimination against women and girls in personal status laws, violence against women and girls (domestic violence), corporal punishment, inappropriate juvenile justice system, and restrictive abortion laws. Education is one of the rights enshrined in the Convention, therefore Kuwait should take necessary measures to ensure that non-Kuwaiti children living in Kuwait have access to free compulsory education.<sup>77</sup>

Somali community in Kuwait is the only one that enjoys free public education. The highest rate of children out of school has been seen by the office among the Syrian refugee community. This is mostly caused by the illegal status of Syrian children and in some cases, especially for large families, due to the family's financial situation. The

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<sup>73</sup> *List of 25 Best Schools in Kuwait (2018 Fees)*. EdArabia.

<sup>74</sup> Interview with PATTERSON, Marque. American Teacher.

<sup>75</sup> *11. Convention on the Rights of the Child*. United Nations Treaty Collection: Chapter IV, Human Rights.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Kuwait: Persistent Violations of Children's Rights*. CRIN: Child Rights International Network.

exact number of Syrian children who have never attended school or have been in and out is hard to estimate. Thus it is very clear that this phenomenon is causing frustration for the families and creating an illiterate generation.

## 9.2. UNHCR Addressing Education Issues

Alghanim industries have recently followed up on the MOU signed with UNHCR in 2017 by committing to raise 10 million from private sector to educate Syrian children and youth in the MENA region. Despite this generous initiatives for education in the MENA, little has been done for the Syrian and other refugee children inside of Kuwait. Not only from the private sector but from UNHCR as well, as the office has not taken any serious steps to enhance the limited educational opportunities for refugee children.<sup>78</sup>

There are two major issues to be addressed regarding education: families who are not able to bare the financial burden of educating their children, and children with illegal status which can't be enrolled at any school. The first case is possible to solve by providing financial assistance or by building relationships with local schools and education charity foundations to support struggling families. However, providing access to education for illegal children proves to be a rather more complex issue, which will be discussed in detail in the last chapter devoted to the recommendations and future of refugees in Kuwait.

UNHCR has proposed a cooperation with two private schools in Kuwait, which would offer fully funded scholarships for five students a year. These schools run on the American curriculum, meaning all the courses are taught in English, which might create minor manageable obstacles for the Arab refugee children. Moreover, the office is currently liaising with the Students Helping Fund, to partially cover school fees for limited number of students and to also provide vocational trainings for youth to help

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<sup>78</sup> UNHCR and Alghanim Industries launches Regional Syrian Refugee Education Initiative. *Kuwait Times*.

them secure jobs. Moreover, the office has created a relationship with ArtSpace, a local organization, providing variety of art classes, to run twice a month art sessions for refugee children who are out of school. This program is aiming to offer socializing and engagement opportunities for the children to enhance their skills.<sup>79</sup>

The Syrian community made a great effort to assist illegal children to access education by opening an afternoon school called A'alamna Harfa. Children are being taught by volunteer teachers in the afternoon on various levels in a rented school building. This program is sponsored by the Al Najat Foundation, a charity organization focusing on education. Unfortunately, the students do not receive any diplomas as the school is not able to obtain accreditation.<sup>80</sup>

## 10. Living Cost and Financial Issues

Expensive living cost is one of the issues PoCs are facing in Kuwait. The real estate market is overpriced, depending on the neighborhood, rent is ranging from 170-250 KD for unfurnished one bedroom apartment. For a larger family, living in a two bedroom apartment will cost at least 300 KD. Depending on individuals' lifestyle, monthly spending will vary: most individuals will spend around 50 KD for groceries monthly. With other expenses as transportation, traffic tickets, medicine and clothing, some families are not able to save for cases of an emergency.<sup>81</sup>

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<sup>79</sup> Information obtained during UNHCR internal meetings.

<sup>80</sup> Interview with UNHCR Representative 3.

<sup>81</sup> Information obtained during reviewing asylum-seekers applications and counseling at UNHCR Kuwait.

## 10.1. Protection Concerns Regarding Living Cost

The living cost in Kuwait and insufficient income for many families is the most common issue mentioned in a significant number of asylum-seekers applications. For a large family, rent, food, school fees, medical treatment and in some cases purchasing a residency is difficult to afford with salaries around 350 KD.<sup>82</sup> Somali, Syrian and Iraqi communities in Kuwait are rather traditional, specially among older generation it is not common for women to work, which leaves the family with only one provider. Financial issues are more significant for asylum-seekers and refugees single headed female households, where the family is dependant on help from relatives or charity organizations. This can easily create a ground for exploitation among vulnerable individuals.

## 10.2. UNHCR Addressing High Living Cost and Financial Issues

The religious nature of Kuwaiti society has allowed a growth of well working network based on *zakat*, obligatory religious charity for every muslim. Zakat House is an organization under the umbrella of Minister of Awqaf and Islamic Affairs, which is collecting and distribution zakat to the residents according to individuals' needs.<sup>83</sup> Anyone with valid residency, can request financial assistance. Upon completing an application with all documents required, Zakat House will assess and allocate appropriate financial assistance. As each case is different, amount and period of which assistance will be received varies, most UNHCR's Persons of Concern receive 100 KD every three months. There is a mutual understanding and certain level of cooperation between UNHCR and Zakat House, for cases which were not assisted by Zakat House, official referral letters are sent on behalf of the Persons of Concern to advocate for them.<sup>84</sup>

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<sup>82</sup> Interview with CBP Volunteer 2.

<sup>83</sup> *About us*. Zakat House.

<sup>84</sup> Interview with UNHCR Representative 2.

Recently, the Somali Volunteers brought to the attention of UNHCR that some cases with purchased residencies are not being assisted due to the high salary written on their documents. As it is illegal to purchase residency and not work under the sponsor mentioned, it is expected that governmental organizations ignore the statements regarding purchased residencies and the fact that the individual is actually unemployed. To address the issues, the office is liaising with Zakat House to reach possible solutions.<sup>85</sup>

Food assistance is provided for limited number of asylum-seekers and refugees upon assessment by Kuwait Food Bank with partial funds from UNHCR in the form of food baskets and vouchers on monthly bases for vulnerable families. Depending on the family size, the food basket contains monthly supplies of flour, oil, rice, pasta and other items. Fresh products such as meat, fruits and vegetables can be purchased from a local supermarket Saveco with 20 KD voucher added to the basket.

Each year UNHCR Kuwait allocates an amount of the yearly budget to provide cash based assistance to asylum-seekers and refugees. The individuals are assisted and chosen based upon a vulnerability assessment, which includes a home visit. Depending on the year, some nationalities might be allocated a higher budget, therefore more vulnerable individuals of this nationality will be assisted in the given year, as it has been the case of Syrians in 2018.

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<sup>85</sup> Interview with CBP Volunteer 1.

# 11. Racism, Discrimination and Violence

## 11.1. Mothers Passing on Citizenship

Kuwaiti law discriminates against women married to expatriates as they are not able to pass on their Kuwaiti nationality onto their children, only in the case of divorce or spouse's death. On the other hand, children with Kuwaiti mothers are able to secure residency as long as their mother is alive, if the mother passes away they will lose the right to residency and have to secure another way of sponsorship.<sup>86</sup>

## 11.2. Bidoons

Bidoons (also spelled bidun, bedoon and bedoun) short for “bidun jinsiyya” in Arabic “without nationality”, are being discriminated against not only in Kuwait but in the whole GCC region. Kuwait has around 100,000 population of stateless individuals. Statelessness in Kuwait originated at independence, when many bidoons failed to obtain the Kuwait nationality. *“Some did not qualify under the law – in other words they were not able to show residential ties to Kuwait prior to 1920. Others, and this was a greater problem at the time, did not quite appreciate the importance of having a nationality and failed to register as citizens. Some bidoon descend from Bedouin tribes that used to move across large areas of land in what is today Kuwait, Saudi Arabia, Iraq and Syria. The concept of nationality was foreign to many of these people, and lack of nationality did not pose a major problem for many bidoon as they could continue to work.”*<sup>87</sup> In 1986 the rules for Bidoons rapidly deteriorated stripping them of many rights and re-classifying them to “illegal citizens” in Kuwait.<sup>88</sup> In 2011, despite the Article 12 of

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<sup>86</sup> Kuwait: Gender Discrimination Creates Statelessness and Endangers Families. *Refugee International*, p. 2.

<sup>87</sup> Without Citizenship; Statelessness, discrimination and repression in Kuwait. *Refugee International*, p. 4.

<sup>88</sup> *Ibid*, p. 5.

the 1979 Public Gatherings Law which bars non-Kuwaitis from participating in public gatherings and the multiple warnings issued by the government urging Bidoons to not participate in any gatherings<sup>89</sup>, protests took place. After the protests government feared not being able to control the crowd as the protests were spreading, thus promised some reforms, which were never fulfilled.

To address statelessness the government established The Central Agency for Remediating Illegal Residents' Status, referred to in Kuwait as the Central Apparatus (CA), which was established by Ministerial Decree No. 467/2010 in November 2010, is still the sole administrative body responsible for reviewing Bidoon's claims to nationality. Since its establishment, the CA has reviewed, identified and recommended thousands of stateless individuals to be eligible for citizenship. The CA is also responsible for issuing ID cards for part of the Bidoon community, which allows them to access public and social services.<sup>90</sup> In recent years, the government has been trying to resolve the issue of statelessness using a strategy by assigning these individuals into different states. In March 2011, a Member of Parliament insisted "*that at least 90 per cent of bidoon have a foreign nationality*"<sup>91</sup>, which has been a common believe adhered by many "*that bidoon are deliberately destroying documents to receive benefits*".<sup>92</sup> This belief has been carried into effect by the Central Apparatus refusing to renew and issue identity documentation without solid evidence of other nationality and as a result stripping bidoon of their right to access basic services.<sup>93</sup> Since 2017, Kuwait has witnessed few cases of stateless individuals who committed or were trying to commit suicide by setting themselves on fire in front of the police station and other government buildings to draw attention to their situation of frustration, desperation and vulnerability.

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<sup>89</sup> World Report 2018-Kuwait. *Human Rights Watch*.

<sup>90</sup> Interview with UNHCR Representative 2.

<sup>91</sup> Without Citizenship; Statelessness, discrimination and repression in Kuwait. *Refugee International*, p. 7.

<sup>92</sup> World Report 2018-Kuwait. *Human Rights Watch*.

<sup>93</sup> Information obtained from Bidoons PoCs while counselling at UNHCR Kuwait.

<sup>94</sup> World Report 2018-Kuwait. *Human Rights Watch*.; Bedoun attempts self-immolation near Jahra court. *Kuwait Times*.

As mentioned throughout this thesis, among the expatriates, Iraqis are the most discriminated against due to the blame and burden of the invasion which they carry until today. This topic will be further developed in the following chapter devoted to the Iraqi refugee community in Kuwait.

### 11.3. LGBT

Kuwaiti law also discriminates against lesbian, gay, bisexual and transgender (LGBT) individuals, under the article 193 and 192 of the Penal Code, Law No. 16 of 2 June 1960, as amended in 1976 the law prohibits same sex activity between consenting adults.<sup>95</sup> The law violators over the age of 21 are facing up to seven years imprisonment, or up to 10 years if under the age of 21.<sup>96</sup> *“The law only applies to men, there is no law criminalizing sexual behaviour between women. In 2007 Kuwait passed an amendment to article 198 of the Penal Code, which criminalized imitating the appearance of the opposite sex, the law imposes a fine of 1,059 dinars (approximately \$3,700) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public.”*<sup>97</sup> Moreover, after Kuwait started a campaign in 2008 to protect its youth by getting rid of gays and transgenders in Kuwait, many human rights groups reported on the arbitrary arrest and ill treatment taking place. Transgendered women were arrested in malls, coffee shops or during police checks facing ill-treatment in detention, torture, sexual harassment, and assault such as having their heads shaved. Some individuals mentioned that they have been arrested after citizens and even doctors which conducted medical checkups reported them to the police.<sup>98</sup>

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<sup>95</sup> Country of Origin Information Report - Kuwait. *United Kingdom: Home Office*, p. 76.

<sup>96</sup> *Ibid*, p. 77.

<sup>97</sup> *Ibid*, p. 77.

<sup>98</sup> *Ibid*. p. 80.



## 11.4. SGBV

Cases reported on sexual and gender based violence (SGBV) are not well documented in Kuwait as the country is lacking basic data and comprehensive database. Additionally, due to the social stigma on women who were victims of sexual harassment or rape, many cases remain unreported. Rape is criminalized in Kuwait and upon conviction, individual can face imprisonment or a death penalty depending on the case. The law is not always enforced to protect non citizen women, especially domestic workers. Therefore, cases happening in public, which got more attention from media were more likely to be prosecuted with harsher sentence. In addition, Kuwait has no laws prohibiting domestic violence, sexual harassment, or marital rape. In 2015, Kuwait founded the first women center to assist victims of domestic violence. The center's role is mediating between the spouses rather than being a safe haven for females. Furthermore, the center only accepts Kuwaiti nationality.<sup>99</sup> Upon further enquiries about the center it was found that the center is currently not operating.

A widely recognized international law states that no-one shall be arbitrarily stripped down of citizenship. Unfortunately, this law does not apply in the Kuwaiti context, where certain behaviour in such a manner that clearly indicates individuals' intention to abandon Islam, can stand in the way of one being naturalize as citizens, and it provides for ipso facto deprivation of nationality.<sup>100</sup> Nevertheless, Christians, Hindus and many others are free to practice their religion as long as it doesn't not conflict with Islam and its believes.<sup>101</sup>

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<sup>99</sup> Country of Origin Information Report - Kuwait. *United Kingdom: Home Office*, p. 93-94.

<sup>100</sup> Without Citizenship; Statelessness, discrimination and repression in Kuwait. *Refugee International*, p. 10.

<sup>101</sup> 2007 Report on International Religious Freedom - Kuwait. *Bureau of Democracy, Human Rights and Labor: United States Department of State*.

## 11.5. Protection Concerns Regarding Racism, Discrimination and Violence

All briefly mentioned racism, discrimination and violence issues which can be face by asylum-seekers and refugees raise protection concerns. The fact that Kuwaiti women are not allowed to pass on the nationality to their children nor confer nationality to their non-Kuwait husbands is causing the stateless population to grow. Given that the stateless population in Kuwait is quite large and the occurrence of mixed marriages between Kuwait citizen women and bidoon men is estimated to range from 5,000 to 7,000. Thus, when a Kuwaiti woman has children with a stateless man—or a foreign national who is unable to confer nationality to his children—their children become stateless.<sup>102</sup> Regarding Central Apparatus and confiscation of ID or refusal to renew IDs and travel documents, leds to further frustration of Bidoons, as they are often without solid evidence told they have been found to have another nationality, in most cases Iraqi or Syrian. The Iraqi Embassy mentioned that cases of Bidoons requesting to obtain Iraqi nationality has been growing. Thus, when a bidoons who were found to have Iraqi roots, and can prove it by any official documents such as immediate relatives passport, birth certificate and others, are able to claim the Iraqi nationality. Their application is reviewed by the Iraqi Ministry of Interior and when approved, they are granted the Iraqi nationality.<sup>103</sup>

## 11.6. UNHCR Addressing Racism, Discrimination and Violence

Kuwait is not signatory to either of the two stateless Conventions: 1951 Convention relating to the status of statelessness or to 1961 Convention on the reduction of statelessness.<sup>104</sup> Due to the sensitivity of the matter, UNHCR is not able to fulfill its

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<sup>102</sup> Without Citizenship; Statelessness, discrimination and repression in Kuwait. *Refugee International*, p. 9.

<sup>103</sup> Interview with Representative of the Iraqi Embassy.

<sup>104</sup> Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: State of Kuwait. *UNHCR*.

mandate and properly assist stateless individuals and work in reducing statelessness. It deals with the issue on basis of local laws and existing regulations. Government of Kuwait always aims to exclude any third party involvement in the issue on the basis of sovereignty. UNHCR offered technical and legal assistance to the government of Kuwait to help it resolve the issue. In parallel, UNHCR works closely with regional focal points on statelessness, given its regional dimensions to pave the way to be engaged with the relevant government bodies in dialogues, aiming at identifying appropriate solutions for statelessness.<sup>105</sup>

In contrast with asylum seekers and refugees, Kuwait Office does not register stateless individuals in Kuwait and therefore, can not provide them with the appropriate assistance needed, except occasional informal referral to charitable associations and rare advocacy interventions for extreme humanitarian cases. These cases included advocacy for obtaining police report and other documents, which were required by the immigration office of third countries to carry out family reunification.<sup>106</sup>

The State's attitude and lawful discrimination against LGBT, with a special attention to transgender women, poses a significant threat on asylum-seekers and refugees. It is only aggravated by the nature of the traditional societies such as Kuwaiti, and other Arab nations, which are usually the countries of origin of the population of concern. Therefore, the LGBT individuals can face legal issues and the risk of deportation, as well as prosecution from their families and community members. In order to provide protection, UNHCR has been prioritizing these cases for resettlement, as no other solution is feasible inside of Kuwait.<sup>107</sup>

The office continues to work with UN partners to raise awareness, improve community involvement in prevention and protection of SGBV victims. In the end of 2017, UNHCR

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<sup>105</sup> Interview with UNHCR Representative 2.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

Kuwait conducted the first in the region FGM workshop for the Somali community. Religious and senior protection experts have been invited to deliver lectures and foster discussion among the community males and females about the harm of this dangerous practice. The workshop also included segments to address child protection, sexual and gender based violence and raise awareness on the danger of early marriages. To follow up on the activities and to support spreading awareness on the International FGM Zero Tolerance Day on February 6, 2018 UNHCR Protection Team hosted another event for the Somali Community with participation of the Somali youth.<sup>108</sup>

## 12. Kuwait's Largest Refugee Population by Nationality

To build up on the previous chapter mentioning major protection concerns faced by asylum-seekers and refugees in Kuwait, the following chapter will discuss the major communities which fall under the UNHCR mandate, therefore they could be considered the “refugee communities” in Kuwait. The UNHCR Protection unit receives asylum-seeker applications on daily bases, among the most common nationalities seeking asylum are Somalis, Iraqis and Syrians. Other nationalities include Palestinians, Yemenis, Ethiopians, Afghans and Iranians.

Since 2015, the office has been shifting its focus to build and foster better relationship and larger engagement with the refugee communities in Kuwait by launching Community Based Protection approach. This approach has been integrated into humanitarian response programmes across sectors and in all humanitarian contexts in many countries. Yet, Kuwait is the first country in the GCC region to implement it. CBP is assisting humanitarian actors to identify a community's most serious protection risks, explore their causes and effects, and jointly decide how to prevent and respond to them.

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<sup>108</sup> Information obtained from personal involvement during an internship with UNHCR Kuwait.

It is a continuous process that engages communities in analyzing, evaluating and implementing their own protection.<sup>109</sup>

In Kuwait, Community Based Protection has still not been fully developed and implemented among all the major communities. UNHCR started with the Somali community, followed by Iraqi. As the Syrian community is a sensitive topic and poses security concerns for the Kuwaiti authorities, its implementation is currently being analyzed and planned. Each community is unique with its own nature and structure. Its capabilities and possibilities can be variously restricted by government regulations imposed on different nationalities, therefore each one needs to be assisted in a different manner.

The reason this thesis is analyzing refugee communities and categorizing them by nationality comes from the nature of UNHCR work. Despite that, the UNHCR always considers age, gender and diversity policy within every protection assessment and approach. In the case of Kuwait, the largest groups referred to are divided by nationalities given the fact that Kuwaiti law poses and applies different requirements, restrictions and benefits to each nationality.

Throughout the CBP approach, UNHCR is gaining a deeper knowledge about the local refugee communities and their needs, which creates ground for building trust and mutual understanding, and providing more effective and appropriate assistance. This approach is implemented through major milestones, such as whole community meeting, focus group discussions, volunteers training and various project implementation, all which require sufficient time.

The following chapter highlights each “refugee community” with its specification of history, structure, relationship to the government and various protection concerns.

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<sup>109</sup> Emergency Handbook Community Based Protection. *UNHCR*.

Personal work in participating in the major milestones for implementing this approach and supervising the CBP volunteers have been a great source of information, other information were obtained by revising asylum-seekers applications, interviewing UNHCR colleagues and relevant official bodies such as embassies. Moreover, it must be mentioned that not all holders of the following nationalities are persons of concern to the UNHCR. When referring to refugee community in this chapter, it includes only individuals who have approached UNHCR office in Kuwait. On the other hand, during the interview at the Iraqi Embassy, the questions have been directed to all the Iraqi nationals residing in Kuwait.<sup>110</sup>

## 12.1. Somali Community

Somali community has been in Kuwait, building the nation since 1960. As mentioned in one of the Washington Post Articles from 1991, Somalis were one of the communities who stucked out the occupation alongside Kuwaitis and have been seen in Kuwait city celebrating the liberation,<sup>111</sup> which has secured them respect and special treatment in the following years.<sup>112</sup>

As of 2018, there are approximately 420 Somali individuals recognized as refugees in UNHCR Kuwait, additionally other couple of hundreds have submitted applications for asylum. In 2015/2016, the office has submitted a large number of Somali refugees for resettlement predominantly to the United State.<sup>113</sup>

Somali community in Kuwait is known for its well established structure and strong relationships and connections among the members, which were the main reasons for UNHCR Kuwait to launch the pioneer Community Based Protection approach within the

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<sup>110</sup> Information obtained from personal involvement during an internship with UNHCR Kuwait.

<sup>111</sup> SIMMONS, A. *No Exit from Somali*, p. 82.

<sup>112</sup> Somali Workforce amongst the valued in Kuwait. *Wardheer News*.

<sup>113</sup> Interview with UNHCR Representative 1.

Somali community. The project started by a large community meeting, which took place on January 14, 2016 and around 300 members from various backgrounds and age groups attended the meeting. Among the main topic which needed to be address was the wrong perception of the work and capabilities of UNHCR. Due to high number of Somali cases resettled in recent years, the office started to be viewed as a traveling agency. The Head of the Office was present and gave a speech to the community members, explaining UNHCR's mandate, vision, goals and possibilities. The limited quota for resettlement were stressed and the new approach was introduced.

Following the meeting, four focus group discussions took place in order to map the specific needs of each group. During the meeting with 10 male adults, which included one of the community leaders, it has came to the attention of the office that the Somalis had a community center located in Hawalli,<sup>114</sup> where mostly man were meeting 3 times a week and every Friday to discuss current issues, events and news.

Somali society is divided between tribes, clans and many other groups, the differences among the groups increased and rivalry rose during the civil war in Somalia. In Kuwait the majority of Somali refugees come from the Darod tribe, second largest representatives are from the Isaaq tribe. Despite the tribal differences in Somalia, according to the participants, the community here doesn't feel or face any rivalry and problems which would be based on tribal differences. As mentioned by one of the focus group participants they "*are all Somalis, therefore one community*".<sup>115</sup>

The focus group discussion uncovered major issues faced by different age and sex groups, as for adult and older age men the main concern in Kuwait is securing a stable job, in order to be able to support their families and keep a valid residency in Kuwait. Significant percentage of older man do not hold an advanced university degree, thus they are forced to work in low paid and timely demanding jobs such as drivers and

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<sup>114</sup> Large suburb of Kuwait City.

<sup>115</sup> Interview with UNHCR Representative 1; Interview with CBP Volunteer 1.

messenger. Females from the Somali community usually find jobs as cleaners in order to bring financial contribution to the family, thus many of them are taking care of the household. All males above 60 years old are struggling to keep their employment as they are being let go to retire, this puts them into an uncertain position and imposes financial difficulties on the family. In addition, renewing residency, is or at least should be an easy process, unfortunately this does not apply for the Somali nationals residing in Kuwait. They have to undergo blood tests and fingerprint procedures, everytime they need to renew their documents. This process is very time consuming and exhausting and in some cases obtaining new residence permit can take up to 3 to 4 months.

With rising medical fees, health is a major concern for most refugees. Many Somalis suffer from diabetes, high blood pressure and other chronic diseases, some of the more common chronic diseases can be treated by free of charge basic medicine during medical check up. On the other hand, when members of the Somali community suffer from specific and more complex illnesses, they are facing troubles purchasing medications which can be of a lower quality than products which would be provided for Kuwaiti nationals patients.<sup>116</sup>

The community proves its strong connection and relationship by assisting each other. It has been mentioned during the focus group discussions that members of the community support each other by gathering money for rent or emergencies during moments of distress.

The stress of finding a job is not only on the older members of the community, as mentioned by the refugees the most significant issues faced by the Somali youth is the stress and pressure of securing jobs and residencies in Kuwait and being able to support their aging parents. Most young Somalis have been born in Kuwait, some of them never visited Somalia due to the continuing security unrest. Moreover, most

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<sup>116</sup> Participatory Assessment on Somali Community, Focus Group Discussions, Somali Refugees in Kuwait. Kuwait: UNHCR.



families tend to speak Arabic at home and do not teach their children Somalis, therefore the fear of deportation is enhanced by the fact that they would not even be able to speak the language upon refoulement. Somalis do not face issues with elementary education as they are allowed to attend public schools in Kuwait. On the other hand, higher education is very limited, there are only five scholarship spots offered at Kuwait University and at the Public Authority for Applied Education and Training (PAAET) for Somali nationals, thus the PAAET did not offer any scholarships in the past three years for unknown reasons.

Due to the sponsorship laws in Kuwait and traditional social structure, families prefer when a male child receives higher education as it gives him a better chance to secure a well paid job and to be able to sponsor other family members residency, this puts the girls in an unequal position.<sup>117</sup> Most young Somalis secure jobs in call centers and IT departments or as customer service managers and nurses. As job search or university acceptance can take a long time, many males lose their residency for this period and fear deportation.

There is not much record of abuse or widespread domestic violence among females from the Somali community. Whereas, during the young adult female focus group, five out of the ten participants mention that have undergone a female genital mutilation (FGM). These five females were born in Somalia and came to Kuwait during their late childhood. The Gulf region is not known for practicing FGM, however a study in Kuwait has been conducted and found 38% FGM-cases among 4,800 pregnant women,<sup>118</sup> though the study did not specify the women's nationality. Moreover, there are no laws prohibiting or criminalizing this practice in Kuwait.<sup>119</sup> Nevertheless, FGM is very common and according to UNICEF 98% girls and women in Somalia undergo this practice<sup>120</sup> and

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<sup>117</sup> Interview with CBP Volunteer 1.

<sup>118</sup> *FGM in the Middle East and Asia*. Stop FGM Middle East.

<sup>119</sup> 2007 Report on International Religious Freedom - Kuwait. *Bureau of Democracy, Human Rights and Labor: United States Department of State*, p. 25.

<sup>120</sup> ELGOT, J. FGM: number of victims found to be 70 million higher than thought.

would be stigmatized and excluded from the sociality if they would not be circumcised. Despite this fact, during the focus group discussion many females agree that FGM is not being done inside Kuwait and is not widespread among the young generation, which grew up in Kuwait. Thus, some parents still believe that FGM is right for their daughters, therefore they could be in danger when visiting Somalia.<sup>121</sup>

## 12.2. Iraqi Community

As briefly mentioned in the above chapter discussing major Kuwait's history events the occupation of Kuwait by the Iraqi forces changed and forever defined the way Iraqi nationals are perceived in Kuwait. The blood shed was never forgiven and many Iraqis either fled Kuwait during the invasion or departed during the aftermath when revenge was taken up on them. The particular relationship between Kuwait and Iraq combined with the already strict migration policies fully impacted Iraqis in the beginning of 2003 when the war broke out and many were trying to escape the violence and find safety. At that time, Kuwait didn't open its borders to allow fleeing families to enter through its high security border. On the other hand, some efforts were made and humanitarian assistance was provided in the 15 km wide demilitarized strip on the border side of Iraq.

The sources estimate the number of Iraqi residents in Kuwait before the invasion to be around 15,000 and the number of Iraqi nationals residing today in Kuwait is said to be around 10,000 to 13,000.<sup>122</sup> However, the Iraqi embassy in Kuwait representatives claimed that there are currently 16,000 Iraqi nationals in Kuwait and added that after the invasion many Iraqis were exiled from Kuwait, only the Iraqi wives of Kuwaiti citizens were allowed to stay. During the reconsaliation time, only around 40% were allowed to reenter Kuwait and obtain residency which was significant in particular for Kuwaiti women married to Iraqi males. As there are many large family clans residing in both

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<sup>121</sup> Participatory Assessment on Somali Community, Focus Group Discussions, Somali Refugees in Kuwait. Kuwait: UNHCR.

<sup>122</sup> FRELICK, B. *Jordan, the silent treatment: Feeling Iraq, Surviving in Jordan*, p. 93.

Kuwait and Iraq, such as the Al-Nazihin and Al-Shimeri, mixed marriages were and still are very common practice.<sup>123</sup>

Kuwait's migration policies are among the strictest in the GCC region concerning Iraqi nationals. It was mentioned that obtaining residencies and visas to enter Kuwait is very challenging and most Iraqis residing in Kuwait are not able to arrange a family visit visa even for immediate family members.<sup>124</sup>

There are currently 18 Iraqi nationals detained in Kuwait, three others who served their sentence have been deported to Iraq in the past year. The Iraqi embassy in Kuwait has an access to the detention center, hence visits the detainees regularly and facilitates their departure from the country.<sup>125</sup>

There is a lack of information concerning the Iraqi community structures in Kuwait. This might be caused by various reasons; actually missing community structure, urban setting of the community or no interest from the authorities and organizations to research these topics. In order for UNHCR to provide better and more effective assistance, there was a need to gather more in depth information and map the protection gaps and needs in the Iraqi community. As the office was not aware of any clear hierarchy in the community structure and have not identified any community leaders, establishing the initial communication with the Iraqi refugee community was done through a large meeting when one representative from each case registered by the UNHCR office was invited to attend. A total of 94 individuals attended the meeting, most of them seeked asylum in 2013-2014.

The community displayed its frustration with the office and their stagnating situation during the meeting. They see the only durable solution suitable for their situation in

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<sup>123</sup> Interview with Representative of the Iraqi Embassy.

<sup>124</sup> Ibid.

<sup>125</sup> Interview with Representative of the Iraqi Embassy.

Kuwait is to be resettlement as they are constantly facing discrimination and other issues inside of Kuwait. This has been enhanced by the hope to be resettled since Kuwait office previously had a large quota for resettlement to the United States and a significant number of Iraqi refugees already left. Many individuals seemed frustrated claiming that since they have applied, there were no positive changes in their situation and they are in a state of limbo. The office addressed their concerns and ensured them that this project will facilitate two way engagement and discussion which is aiming to enhance the situation of Iraqis in Kuwait as resettlement is very limited.<sup>126</sup>

Focus group discussions were difficult to hold due to the previous lack of contact. The Iraqi community lost its interest and trust in the office, therefore not many individuals were willing to attend.<sup>127</sup> This resulted in only two sessions, one for males and one for females. As the sample of individuals participating in the focus group discussion wasn't large and lacked necessary age, ethical and religious diversity, it is hard to determine how the following statements apply to the whole refugee community and can be considered general issues. Nevertheless, the outcome of this discussion was viewed positively, as the participants spoke openly about their problems and came up with suggestions and recommendations of mutual cooperation which should lead to an improvement of the Iraqis situation in Kuwait and foster a better relationship with UNHCR.

Some of the problems faced by the Iraqi community were similar to the Somali community, such as obtaining residency and lack of employment. Additionally, the struggle of being discriminated against or looked down at because of their nationality was highlighted. One participant described that when he was purchasing his residency (which he had to pay for around 1,000 KD), he was told that he was at fault of the Iraq's invasion to Kuwait. According to the participants, this comes from the system and the

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<sup>126</sup> Participatory Assessment on Iraqi Community: Focus Group Discussions, Iraqi Refugees in Kuwait. UNHCR. Kuwait: UNHCR.

<sup>127</sup> Information obtained from personal involvement during an internship with UNHCR Kuwait.

way children are educated. One of the mothers stated her child came home crying because during a history class, when learning about the invasion, other kids started to point at her for being Iraqi.

Uncertain future and lack of opportunities are affecting the mental health of Iraqi nationals. The men agreed they feel pressured from their family to provide a secure and safe place to live for their children. As this can sometime be out of their control, they are struggling with depression and other mental health issues.<sup>128</sup>

Unlike Somalis, Iraqis are not allowed to enroll their children in public schools. Therefore, all kids have to be educated in private institutions. As Iraqi families tend to be quite large having more than two children, this creates a financial burden. For others, their illegal status can be an obstacle to pursue their children's education.<sup>129</sup> Since 2015, Kuwait University offers 10 scholarship seats for successful high school graduates to study science and humanities, which is the only fully funded opportunity to obtain higher education for Iraqis in Kuwait.<sup>130</sup>

The office wanted to gather more information about the status of females within the community. The participants agreed that they are overworked, stressed and do not have much time for their children. Women act as providers for the household, in addition to their work, they carry out traditional female roles such as taking care of the house and children. Some participants mentioned domestic violence occurs in Iraqi homes and is not being addressed as there is no safe haven for victims of domestic violence. In addition, extended family tends not to interfere in these issues and ignore them due to the fear of divorce, which is not accepted by the wider society and would bring “shame”

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<sup>128</sup> Participatory Assessment on Iraqi Community: Focus Group Discussions, Iraqi Refugees in Kuwait. UNHCR. Kuwait: UNHCR.

<sup>129</sup> Participatory Assessment on Iraqi Community: Focus Group Discussions, Iraqi Refugees in Kuwait. UNHCR. Kuwait: UNHCR.

<sup>130</sup> Interview with Representative of the Iraqi Embassy.

on the girl and her family. Moreover, some families are not able to financial support all their children, therefore early marriages occur among the community.

Tribal differences and religion can be a trigger for conflict, political and security unrest. The participants agreed that no community ties have been created due to the lack of trust and suspicion among the different religious and tribal streams.

The community suggested that UNHCR office should issue asylum-seeker or refugee certificates which would enhance their protection. As Kuwait is not a signatory to the conventions issuing these documents has no value to the local authorities which has been explained to the community. Despite that, the PoCs feel otherwise.<sup>131</sup>

Implementing the Community Based Protection approach among the Iraqi community is a very challenging process as new ties and trust has to be built not only towards the office but among the community members themselves. In March, 2018 UNHCR started to train the Iraqi volunteers and prepare activities for the community members. The process will show what are the next possible steps for the office's work regarding the Iraqi community.<sup>132</sup>

### 12.3. Syrian Community

The Syrian community is the second largest Arab community in Kuwait, with around 147,000 members. According to the statistics of the Ministry of Education 57,067 Syrian children were enrolled in schools in the academic year 2016-2017.

As the conflict broke down in Syria in 2011, Kuwait has seen an understandable increase in family visits applications from Syrian residents. The Kuwaiti authorities

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<sup>131</sup> Participatory Assessment on Iraqi Community: Focus Group Discussions, Iraqi Refugees in Kuwait. UNHCR. Kuwait: UNHCR.

<sup>132</sup> Information obtained from personal involvement during an internship with UNHCR Kuwait.

expressed its concern that the increase of Syrians arriving in Kuwait could impact the country's security. Therefore, the immigration policies were restricted and Syrians are no longer able to obtain visit visa for their relatives.<sup>133</sup> According to the Kuwaiti daily news Al Qabas, there are currently 8,000 Syrians illegally residing in Kuwait and most of them arrived on a family visa and didn't renew it.<sup>134</sup>

Kuwait is embracing its title of humanitarian leader and has been making some exceptions for Syrian nationals in granting them special visas and allowing them to transfer their family visit visas to residency and regularize their status.<sup>135</sup> On the other hand, the actual laws and regulations and the period of their validity is hard to find and verify, as the regulations are constantly changing. The Public Authority issuing visas and residencies refused to comment nor provide any information on the previous developments and current situation considering visas and residencies for Syrians.<sup>136</sup> Moreover, the rules and possibilities may vary depending on the connections and contacts of each individual, as this is a widely spread practice in Kuwait.

As of today, according to the information from Syrian nationals approaching the office, Syrians who arrived on a family visit visa are not able to obtain or transfer the visa to work nor family dependent residency. Despite this, under special circumstances which are not further known, they are able to renew their visit visa each month or every 3 months, depending on their sponsor. Although, this doesn't allow them to work legally in Kuwait.

All individuals without valid documents are fearing deportation. Security checks and regular searches can pose a danger as some have been deported for minor traffic violations. UNHCR office has access to the Detention Center and has the ability to advocate for its persons of concern in order to stop the deportation. Early release won't

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<sup>133</sup> Interview with UNHCR Representative 3.

<sup>134</sup> TOUMI, H. UNHCR denies it is renewing residency of Syrians living in Kuwait.

<sup>135</sup> AL-SAADOUN, H. Interior Ministry allows Syrians to regularize dependents' visa status.

<sup>136</sup> Visit to the Public Authority issuing visas and residencies in Mishrif. February 14, 2018.

be considered by the authorities but depending on the circumstances and available durable solutions, such as when a case has been submitted for resettlement, the authorities might grant an exception and stop the deportation especially for Syrian case. There are currently 23 Syrians detained for various crimes in Kuwait.<sup>137</sup> In the Gulf News two articles mentioned that “*Several Kuwaiti activists have urged the authorities in Kuwait to exercise the highest levels of flexibility with the Syrians, arguing the dramatic situation in their country required granting them a special status*”.<sup>138</sup> Unfortunately, more detailed information about the activists and whether the efforts they undertook had any positive results was not possible to obtain. Despite that, in 2017 Hussein Al-Shami under the umbrella of United Nations Commission for Human Rights, reported that four Syrians who have been deported from Kuwait that year for traffic violations and driving without a licence, have been executed by the Syrian authorities in 2017. Thus, the Kuwaiti authorities were urged by multiple channels to take into consideration the situation in Syria when exercising punishments.<sup>139</sup>

The most common issues faced by the Syrian community in Kuwait is illegal status and debts accumulated from overstaying family visit visas which in some cases are reaching couple hundreds of Kuwaiti Dinars. Children without valid residencies can not be enrolled in schools, therefore are lacking basic education. As mentioned in the chapter discussing protection concerns and UNHCR's approach regarding education; the Syrian community is quite resourceful and with the collaboration on Najat foundation started an afternoon school for illegal children.

The office receives many enquiries for family reunification cases, as the conflict separated many families and scattered them all around the world. Unfortunately,

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<sup>137</sup> Interview with UNHCR Representative 3.

<sup>138</sup> TOUMI H. Kuwait extends residency permit for Syrians.; TOUMI, H. UNHCR denies it is renewing residency of Syrians living in Kuwait.

<sup>139</sup> Kuwait Needs to Consider a Manner When Dealing With Syrians. *Arab Times*.



UNHCR is not able to carry out family reunification and bring family members to Kuwait. On the other hand, it has been assisting with some cases being reunified in Germany.<sup>140</sup>

## 13. Kuwait Accepting Refugees

Kuwait has embraced its humanitarian leader reputation on the national level; its 2016 national day slogan was “Benevolent Kuwait”. Yet the benevolence of Kuwait has been regularly challenged by the West. Not only have the western media outlets mostly ignored Kuwait's large donations and material support for refugees, instead they have been constantly criticizing the lack of refugee acceptance. Donating money for building camps and helping refugees to survive is seen as outdated, unsustainable and limited reaction to the problem, accepting refugees, giving them the opportunity to build lives would be a clear gesture.

During conducting interviews with UN representatives, foreign authorities and other stakeholders, a final question has always been asked: “*Should Kuwait open its borders and accept refugees or not. And why?*”. The answers were mostly revolved around Syrian refugees, never mentioning Iraqis or other nationalities, which might be due to the fact the Syrian crisis is the biggest and most recent in the region. As most of the answers were overlapping, no specific interviews are cited. Moreover, similar opinions can be found in various media outlets.

Some have argued that Kuwait is morally obligated to open its borders, especially for Syrians to pay back the courtesy Syria showed to Kuwaiti refugees during the 90's.<sup>141</sup> Others say that considering the fact that far poorer countries than the Gulf are hosting a large number of refugees such as Lebanon and Jordan, Gulf as wealthy oil nations

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<sup>140</sup> Information obtained from personal involvement during an internship with UNHCR Kuwait.

<sup>141</sup> Al-FUZAI, M. Syrian Refugees and Gulf Silence.

should share the burden. The GCC have been worried about the security instability and deeper populational imbalance which would be created by allowing refugees to enter or allowing residents to bring their families from Syria.<sup>142</sup> Nevertheless, accepting refugees would mean changing Kuwait's policies and regulations, establishing a stronger relationship and reaching an agreement with UNHCR, in order to carry out the responsibilities and ensuring refugee's protection. The opinion that this is not likely to happen in the near future has been reflected in the answers of individuals with deeper understanding of the policies towards refugees in Kuwait. Despite this, many agreed that Kuwait should support and assist asylum-seekers and refugees already residing in Kuwait considering their legal status, providing health care and education, which would allow them to utilize their full potential and become contributing members of the society. This approach would correspond to a certain degree with the New York Declaration, which was adopted by the General Assembly in 2016.

## 14. CRRF and Suggestions for Better Future of Refugees in Kuwait

The New York Declaration lays groundwork for further assistance and protection of refugees and immigrants creating more comprehensive response to the crises. As the world today is facing the largest displacement crisis since the Second World War, there is an urgent need to *“set of commitments, agreed by Member States, reflect an understanding that protecting those who are forced to flee, and supporting the countries that shelter them, are shared international responsibilities that must be borne more equitably and predictably. In the Declaration, all 193 Member States of the United Nations reaffirmed the enduring importance of the international refugee protection regime, committed fully to respect the rights of refugees and migrants, pledged to provide more predictable and sustainable support to refugees and the communities that*

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<sup>142</sup> STEPHENS, M. Migrant crisis: Why the Gulf states are not letting Syrians in.

*host them, and agreed to expand opportunities to achieve durable solutions for refugees.*<sup>143</sup> The Comprehensive Refugee Response Framework (CRRF) is aiming to fulfill its envisioned goals by engaging multi-stakeholders and whole society approach, which should include “*national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves.*”

The Comprehensive Refugee Response Framework is focused among others on four core objectives: to ease pressure on host countries, to expand third-country solutions, to support conditions in countries of origin for return in safety and dignity and to enhance refugees self-reliance.<sup>144</sup>

In line with the New York declaration and the CFFR and as a result of the detailed analysis of the protection environment for the Persons of Concern in Kuwait the actions recommended for the Kuwaiti authorities are the following: in order to support the conditions in countries of origin for a safe and dignifying return of refugees, Kuwait shall continue its efforts in raising financial contributions by holding pledging conferences to rebuild the countries infrastructures and restore services. Furthermore, it is essential the Kuwaiti government continues to focus on participating and supporting discussions which build ground for stabilizing the political environment in countries in the region such as Iraq and Syria. Simultaneously, Kuwait should make a greater effort to prove its humanitarian character by easing up regulations and making exceptions based on humanitarian grounds.

Regarding deportation, the government should work closely with other authorities and the UN relative bodies to carefully study each deportation case and exempt individuals

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<sup>143</sup> The New York Declaration for Refugees and Migrants Answers to Frequently Asked Questions. *UNHCR*, p. 2.

<sup>144</sup> GENERAL ASSEMBLY. New York Declaration for Refugees and Migrants.

from deportation, when assessed that they would be prosecuted, face compulsory military service and harm in their countries of origin upon refoulement. Foreign elderly residences who have lived and worked in Kuwait for most of their lives should be allowed to retire in a safe environment and die in dignity. Meaning, Kuwait should be encouraged proceed by putting actions behind the discussion of granting these individuals permanent residencies.<sup>145</sup> Another option would be to ease the requirements for self-sponsored residencies or allowing female family members to sponsor their aging relatives.

Regarding Syrian nationals, who entered Kuwait in recent years on family visit visa, the ban on transferring their visas to residency should be revised as many Syrian male residents fulfill the requirements for sponsoring their wives and children. In addition, it could be beneficial to the Kuwaiti job market as some of the individuals could fill in the demanded jobs upon obtaining residencies. Moreover, the recent amnesty decree, which took place from January 29 to February 22, 2018 and allowed illegal residents to either leave the country without paying any of the penalties or to legalize their status and continue residing in Kuwait after paying all the fines and obtaining new residencies,<sup>146</sup> should include a support system for the illegal residents, who are not able to return to their country of origin by allowing partial monthly payments or providing low interest loans.

As for UNHCR, the Protection Unit would greatly benefit from utilizing the UNHCR's external relations well established relationships with the private sector and the government to enhance protection of refugees inside of Kuwait and provide better services for the Persons of Concern. Support can be delivered through additional capacity building trainings, meetings with relevant stakeholders and establishing memorandums of understanding.

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<sup>145</sup> Permanent residence eyed for expats spending 30 years in Kuwait. *Arab Times*.

<sup>146</sup> MoI announces amnesty for residency violators. *Kuwait Times*.

To enhance refugees self-reliance, exceptional attention should be paid to education. UNHCR should advocate for legislation amendments to make primary education compulsory and more accessible to all resident's children. In addition to altering legislations, advocacy should be utilized to tighten UNHCR's relationships with the private sector to support education for refugee children inside of Kuwait combined with substantial financial support from the government, NGOs and civil societies should be provided for needy families to educate their children. Regarding education for children without residencies, if not able to regulate their status, UNHCR should explore alternative options and channels, such as online accredited education, based on a homeschooling model. The fees could be covered by sponsors, donors or by establishing memorandum of understanding with the service provider. Group of volunteer teachers from the refugees or hosting community could assist the children and their families by providing support through extra classes and tutoring.

The trend among Arab non-Kuwaiti residents (especially Egyptians and Jordanians) is to send their children to their countries of origin for higher education as the tuition fees are much lower than in Kuwait. Not being able to obtain university degrees puts Syrians, Somalis and Iraqis into disadvantage when competing on the Kuwait job market. Through advocacy and liaising with the government and private institutions, UNHCR should work towards agreements which would grant scholarships at Kuwait University and in private colleges for refugees to enhance their future self-reliability.

Due to the limited options of resettlement, UNHCR is advised to continue its efforts to build the Community Based Protection approach and implementing it among all refugee communities. It is crucial to closely work with the volunteers, community leaders and other members when planning and expanding the partnership service providers networks to support the communities already existing coping mechanisms and self-reliance. Finally, the refugee community should not be left isolated, as part of the

Community Based Protection it is necessary to pave the way forward towards local integration and promote greater understanding of the refugee protection issues inside of Kuwait by actively working and engaging with the hosting community. This could spark significant changes, lead to further acceptance and enhance the protection environment in Kuwait through local integration.

## Conclusion

The world is facing the largest displacement crisis since World War II and everyday more and more people are fleeing their homes searching for safety. It is necessary that we join efforts and work together towards providing a safe environment and mutual respect for human rights of refugees. It is time to examine and revise the laws, policies and procedures which are currently in place in order to inspire change and enhance the protection of vulnerable individuals. Great crises call for great actions, and each country should reflect on their domestic policies, embracing their potentials in the name of humanity. Despite the fact that Kuwait is a non signatory party to the 1951 Convention and its 1967 Protocol, thus it is not obligated by the international law to provide any special treatment for asylum-seekers and refugees, it should embrace its humanitarian leader title on the domestic scene by as little as providing a safe environment and making exceptions to its strict immigration laws on humanitarian grounds for the asylum-seekers and refugees, who are already residing in Kuwait. Therefore, in line with UNHCR's mandate, this thesis aims is to critically examine and describe Kuwait's domestic policies towards expatriates, their effect on the Persons of Concern's everyday lives and the steps UNHCR is taking to address these protection concerns.

The political environment in Kuwait and lack of legal mutual agreements which would allow UNHCR to exercise its mandate to its full capabilities, leads to rather limited area in which the office can assist its Persons of Concern. Nevertheless, UNHCR is liaising with the government, providing its expertise and trying to find a common ground in order to enhance protection environment and lower the threats which asylum-seekers and refugees are facing in Kuwait. Fostering a good relationship and holding regular discussions with the authorities led to some positive outcomes such as access to the Deportation Center which allows UNHCR to advocate on behalf of PoCs facing immediate threat of refoulement.

Since the beginning of the Syrian refugee crisis, Kuwait has been oscillating between banning Syrians to enter the State and on occasions applying friendly policies towards Syrian nationals residing in Kuwait, which allowed them to bring their immediate family to the country. Despite that, family members who entered Kuwait on a visit visa were not and are not allowed to transfer it to permanent residency. As the chapter discussing obstacles, rules and the importance of residency mentions; this deprives the Persons of Concern of being able to work, imposes higher medical charges and most importantly limits their stay. With no place to return, they are forced to stay illegally in Kuwait. This doesn't apply only to Syrian nationals, as the chapter "Kuwait's Largest Refugee Population by Nationality" discusses the different needs of each refugee group residing in Kuwait with special focus on each nationality uniqueness, paying attention to the different issues they are facing due to their historical, cultural or social background. Despite the different needs determined by nationality, maintaining a legal status in Kuwait is the most important aspect of life for all. Some might face issues obtaining jobs due to their nationality, education, background or lack of opportunities, meaning if an individual fails to secure employment or different form of sponsorship they will lose their residency. Maintaining legal status in Kuwait is crucial in order to access basic services and prevent risk of deportation. The issue of residency is posing the biggest threat and stands in the possibility of full integration of Persons of Concern.

Among other concerns, with recent rising prices many Persons of Concerns are struggling to access medical care, forcing them to turn to unofficial medical facilities or pursuing a treatment with over the counter medicine without seeing a specialist. This imposes additional financial burden on the family and can lead to many serious diseases not being treated on time. UNHCR is cooperating with Patients Helping Fund Society to assist the most vulnerable individuals by covering partial medical fees. Financial burden will also occur, when providing education for children as Somali nationals are they only foreigners who are able to access free public education. Others



are struggling to enroll their children into private schools. With very few scholarship opportunities for higher education inside of Kuwait, PoCs are put into disadvantaged when competing on the Kuwaiti job market. Low paid jobs and unemployment combined with high prices of housing and other necessary expenses are creating financial issues for many families. UNHCR is assisting vulnerable individuals, through financial assistance, food baskets and referrals to charity organizations. Through UNHCR Community Based Protection approach, the office has been focusing on fostering a better relationship with the refugee communities and expanding its partnership network in order to provide efficient and needed assistance.

With very few written documents which would further examine the protection environment regarding asylum-seekers and refugees inside of Kuwait and the role of UNHCR, it is difficult to assess the protection concerns and provide recommendations. Therefore, enriched with multiple interviews with UN representatives, relative authorities and other stakeholders and on the ground experience, this thesis contributes to providing a full analysis of the protection environment. To build on the research, in line with the recent Comprehensive Refugee Response Framework, future road maps and suggestions have been made for UNHCR and governmental bodies to enhance the protection environment of asylum-seekers and refugees in Kuwait.

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