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Qatar's Legal Framework of Migration

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Qatar's Legal Framework of Migration*

Maysa Zahra

Abstract: Over the last decade, Qatar has significantly revised its legal framework in a number of areas that are relevant to the issue of migration. The revision has led to the establishment of rules and regulations that better conform to international standards in areas such as labour rights and human trafficking. However, Qatar's controversial *kefala* (sponsorship) system is still a source of concern. This note offers researchers a succinct outline and summary of Qatar's legal framework on migration. The system of migration-related legislation in the State of Qatar includes the Constitution, international treaties concluded, national laws and by-laws.

Keywords: Qatar; Laws and Regulations; Irregularity; Migration; Citizenship; Trafficking; Sponsorship; Labour Rights.

The Permanent Constitution of Qatar was enacted in 2004 and replaced the constitution that had been in effect since the country's declaration of independence. In 2009, Qatar adopted a new law regulating the entry, exit, residence, and sponsorship of expatriates. Under this law, expatriates still require the sponsorship of a Qatari national (typically their employer). They must work for their employer for at least two years before they are allowed to find a new employer and transfer their sponsorship after obtaining a clearance letter from their sponsor. The sponsor also has control over whether or not his/ her expatriate employee obtains an exit visa and whether or not they are banned from the country for two years.

* This is a revised and updated version of the "Qatar's Legal Framework of Migration," Explanatory Note No. 2/2013, available here: <http://cadmus.eui.eu/handle/1814/32154>.

In 2015, Qatar repealed this law and enacted a new one, which it claimed would introduce significant changes to the sponsorship system. In reality, it did little more than change the terms used for “sponsor” and “sponsorship,” replacing them with “recruiter” and “responsibility,” respectively. Under this law, the employer can still exercise control over the exit of the foreign employee from the country. The foreign employee may submit a petition to the exit petitions committee to contest the decision of the employer or the competent authority prohibiting him from exiting the country. The transfer of employment is still subject to the approval of both the employer and the Ministry of Labour.^{1**}

As recently as 2011, a new law on combating trafficking in persons that prohibits all forms of trafficking and prescribes sufficiently stringent penalties, as well as improved identification of trafficking victims, was adopted. The crime of trafficking in human beings is broadly defined to include activities within the state territory and across its national borders and a wide range of forms of exploitation.

Law No. 14 of 2004 (Labour Law) sets minimum standards for employment in areas such as working hours, vacations and public holidays, health and safety, and termination of employment. Employees excluded from the application of the Labor Law include domestic workers, casual workers, and working members of the employer’s family.

An amendment was introduced to the Labour Law in 2015, requiring employers to transfer salaries directly from their local Qatari accounts into a Qatari account in the name of the employee. In the same vein, Qatar enacted a new regulation introducing a wage protection system applicable to employees who are subject to the Labour Law. Employers are required to transfer salaries to the bank accounts of employees within seven days of their due date or face penalties.²

The new law promulgated in 2005 on Qatari nationality allows expatriates to apply for Qatari citizenship if they have resided in the country for a minimum of 25 years, have a clean criminal record, good knowledge of the Arabic language, and make a good living. Under the new law, Qatari women may sponsor their foreign spouse and children if they meet certain conditions but they may not transmit Qatari nationality to them.



^{**} For more information on the sponsorship system in Qatar, please refer to GLMM publication “The Legal Framework on the Sponsorship Systems of the Gulf Cooperation Council Countries: A Comparative Examination,” which can be found here: http://gulfmigration.eu/media/pubs/exno/GLMM_EN_2015_10.pdf.

Legal Framework	Outward Migration	Inward Migration
General Legal References	<ul style="list-style-type: none"> • 2011 Law No. 15/2011 Combating Trafficking in Human Beings³ • 2005 Law No. 38/2005 on the Acquisition of Qatari Nationality⁴ • 2004 The Permanent Constitution of the State of Qatar⁵ • 2004 Law No. 11/2004 issuing the Penal Code⁶ 	<ul style="list-style-type: none"> • 2015 Law No. 21/2015 Regulating the Entry, Exit, and Residence of Expatriates⁷ • 2011 Law No. 15/2011 Combating Trafficking in Human Beings⁸ • 2009 Law No. 4/2009 Regulating Expatriates' Entry, Exit, Residence and Sponsorship⁹ • 2004 Law No. 11/2004 issuing the Penal Code¹⁰ • 2004 Law No. 17/2004 regarding the Organization of Ownership and Use of Real Estate and Residential Units by non-Qataris¹¹ • 2001 Ministerial Decision No. 45/2001 setting the conditions for bringing in family members of residents working in the State¹² • 1963 Law No. 9/1963 regulating the granting of visas, their types, and fees implementing law No. 3 of 1963 regulating the entry and residence of aliens in Qatar¹³
Entry and Exit	<p style="text-align: center;">Visas</p> <p>Qatari citizens do not need a visa to enter other Gulf Cooperation Council (GCC) countries.</p>	<p style="text-align: center;">Visas</p> <p>To enter Qatar, foreign nationals must have a valid passport or travel document and the proper visa.</p> <p>Nationals of thirty-three countries as well as some categories of holders of Gulf Cooperation Council (GCC) resident's permits can currently enter Qatar on tourist visa, which can be obtained upon arrival for a fee at the country's respective international airports.¹⁴</p>

Legal Framework	Outward Migration	Inward Migration
		<p>This visa is valid for one month only.</p> <p>GCC residents of approved professions may obtain a one-month visa upon arrival. The visa is renewable for an additional two months. Applicants should carry proper documentation proving their profession.</p> <p>Citizens of other GCC countries do not need a visa to enter Qatar.</p> <p>Law No. 21/2015 sets the conditions for entry to and departure from the State of Qatar of expatriates (Art. 2-7) and the residence of expatriates (Art. 8-16); regulates their recruitment (Art. 17-20); sets the conditions for changing employers (Art. 21-23) and for their deportation and repatriation (Art. 24-28).</p>
Irregular Migration	<p>Human Trafficking</p> <p>Penalizations: Anyone who commits the crime of human trafficking is penalized with imprisonment for a term extending up to seven years. The Qatari law uses the same definition of human trafficking as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Moreover, under this law, any person who forces another to work for him (paid or unpaid) is penalized with imprisonment for a term extending up to six months and a fine not exceeding three thousand Qatari Riyals, or one of these two penalties (Law No. 15/2011, Combating Trafficking in Human Beings).</p> <p>Protection: The law exempts victims of human trafficking from penalties prescribed by Law No. 4 of 2009 on the Regulation of the Entry, Departure, Residence and Sponsorship of Expatriates (Law No. 15/2011, Combating Trafficking in Human Beings).</p> <p>International Agreements regarding Irregular Migration</p> <ul style="list-style-type: none"> ● Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons (acceded to on May 29, 2009). 	

Legal Framework	Outward Migration	Inward Migration
Rights and Settlement	No citizen may be exiled from the country or denied re-entry (Article 38, Constitution).	<p>Protection of person and properties of anyone who is a legal resident of the State of Qatar is guaranteed by the Constitution (Article 52).</p> <p>Family reunification: An expatriate worker may obtain residence permits for his/ her spouse, male children who have not completed their university studies up to the age of 25 and for unmarried daughters (Law No. 21/2015 Regulating the Entry, Exit, and Residence of Expatriates). The minimum monthly salary of a resident requesting family reunification is 4,000 Qatari Riyals (Article 1 of Ministerial Decision 45/2001).</p> <p>Access to real estate ownership: GCC nationals may own property in investment areas and under the conditions determined by a decision of the Council of Ministers (Article 2 of Law No. 17/2004). Non-GCC citizens may own property in the following locations: the Gulf Pearl Island, the Western Gulf Lake Project, and Al-Khor Resort Project (Article 3). A non-Qatari may also have the right of usufruct over real estate for a term of ninety-nine years renewable for another term (Article 4).</p> <p>Limited social rights for foreign nationals (strike participation/organization and union participation prohibited).</p>

Legal Framework	Outward Migration	Inward Migration
Citizenship	Withdrawal of Qatari nationality may take place in a number of circumstances including among others, acquiring the nationality of another country (Law No. 38/2005 on the Acquisition of Qatari Nationality).	<p>Naturalization is possible after 25 years of continuous residence in Qatar if certain other conditions are met (renunciation of original nationality required). Priority in obtaining citizenship is given to those who have a Qatari mother (Law No. 38/2005 on the Acquisition of Qatari Nationality).</p> <p>Women married to Qatari nationals can acquire Qatari nationality after five years of marriage (Law No. 38/2005 on the Acquisition of Qatari Nationality).</p>
International Protection		<p>The extradition of political refugees is prohibited and conditions for granting political asylum are to be established by law (Article 58, The Permanent Constitution of Qatar). No law implementing this provision has been enacted thus far.</p> <p>International agreements related to international protection: Qatar has not acceded to the 1951 Convention relating to the status of refugees.</p>

Endnotes

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5. *Official Journal*, Issue No. 6 (June 8, 2005), p. 7. Retrieved from: Legal Information Network of the Gulf Cooperation Council, <http://www.gcc-legal.org/MojPortalPublic/LawAsPDF.aspx?opt&country=3&LawID=2631>, accessed May 9, 2013.
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11. *Official Journal*, Issue No. 8 (June 9, 2004), p. 326. Retrieved from: Al-Meezan – Qatar Legal Portal, <http://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=7891&lawId=2419&language=ar>, accessed February 8, 2013.
12. *Official Journal*, Issue No. 10 (September 17, 2001), p. 1330. Retrieved from: Al-Meezan Qatar Legal Portal, <http://www.almeezan.qa/LawView.aspx?opt&LawID=2087&TYPE=PRINT&language=ar>, accessed May 13, 2013.
13. *Official Journal*, Issue No. 8 (January 1, 1963), p. 525. Retrieved from: Al-Meezan Qatar Legal Portal, <http://www.almeezan.qa/LawView.aspx?opt&LawID=3938&TYPE=PRINT&language=ar>, accessed May 21, 2013.
14. The 33 approved countries are: The United States, Britain, France, Italy, Germany, Canada, Australia, New Zealand, Japan, the Netherlands, Belgium, Luxembourg, Switzerland, Austria, Sweden, Norway, Denmark, Portugal, Ireland, Greece, Finland, Spain, Monaco, the Vatican, Iceland, Andorra, San Marino, Lichtenstein, Brunei, Singapore, Malaysia, Hong Kong, and South Korea.
15. Years of conclusion of Agreement and its Additional Protocol, respectively.
16. Those conventions are: C111 concerning Discrimination in Respect of Employment and Occupation; C029 on Forced Labour; C081 on Labour Inspection; C105 on Forced Labour; C138 on Minimum Age; and C182 on Worst Forms of Child Labour.

About the Author



Maysa Zahra holds a Master's degree in the Theory & Practice of Human Rights from the University of Essex (Human Rights Centre) in the United Kingdom. She previously studied International Relations at the Hebrew University of Jerusalem.

She worked as a legal researcher with the MATTIN Group, a voluntary human rights-based partnership in Palestine, researching provisions of third state and European Union legislation that create obligations corresponding to those that result from the customary international law on third state responsibility. She also participated in several lobbying interventions with the European Union aimed at promoting greater consistency between its contractual relations with Israel on the one hand and its human rights obligations on the other.

Contacts: MaysaZahra@gmail.com, Tel. (+971) 056 6597 790

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Short Reference: M. Zahra, "Qatar's Legal Framework of Migration," Explanatory Note No. 2/2016, GLMM, [http:// gulfmigration.eu](http://gulfmigration.eu)

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